

As Passed by the Senate

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 110

Representative Oelslager

Cosponsors: Representatives Cross, Edwards, Roemer, Abrams, Baldrige, Bird, Callender, Carfagna, Carruthers, Click, Cutrona, Ghanbari, Ginter, Hall, Holmes, John, Johnson, Jones, Lanese, Lipps, Loychik, Patton, Pavliga, Plummer, Richardson, Schmidt, Stein, Stephens, Stewart, Troy, White, Wiggam, Young, B., Young, T., Speaker Cupp Senators Brenner, Hottinger, Dolan, Blessing, Cirino, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Lang, Manning, O'Brien, Reineke, Roegner, Rulli, Schaffer

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5751.02, 5751.03, 5751.40, 5902.09, 5919.34, 6101.48, 6101.53, 329
6109.121, 6111.027, 6111.13, and 6301.06 be amended; sections 330
9.318 (122.925), 123.151 (122.921), 123.152 (122.922), 123.153 331
(122.923), 123.154 (122.924), 155.011 (155.29), 1509.70 (155.30), 332
1509.71 (155.31), 1509.72 (155.32), 1509.73 (155.33), 1509.74 333
(155.34), 1509.75 (155.35), 1509.77 (155.36), 1509.78 (155.37), 334
3701.881 (3740.11), 3746.071 (3746.07), 4303.233 (4303.236), and 335
4303.234 (4303.235) be amended, for the purpose of adopting new 336
section numbers as indicated in parentheses; and new sections 337
4303.233 and 4303.234 and sections 5.246, 5.2527, 9.58, 101.55, 338
107.121, 113.70, 113.71, 113.72, 113.73, 113.74, 113.75, 113.76, 339
113.77, 117.55, 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, 340
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5116.30, 5119.191, 5120.212, 5123.025, 5123.026, 5123.034, 360
5123.603, 5162.82, 5163.52, 5165.261, 5166.33, 5167.15, 5167.29, 361
5168.90, 5301.05, 5713.083, 5747.72, 5747.73, and 5747.75 of the 362
Revised Code be enacted to read as follows: 363

Sec. 5.246. The month of May is designated as "Maternal 364
Mortality Awareness Month" to increase public awareness regarding 365
the causes of pregnancy-associated deaths and encourage 366
implementation of interventions intended to reduce the incidence 367
of such deaths. 368

Sec. 5.2527. The fourth week of June is designated as 369
"Postpartum Cardiomyopathy Awareness Week" to increase public 370
awareness of postpartum cardiomyopathy, which is a form of heart 371

failure that can happen during the last month of pregnancy or up 372
to five months after giving birth. 373

Sec. 9.08. (A) As used in this section: 374

(1) "Computer," "computer network," "computer system," 375
"computer services," "telecommunications service," and 376
"information service" have the same meanings as in section 2913.01 377
of the Revised Code. 378

(2) "Contractor" means either of the following: 379

(a) A person who enters into a contract under section 9.06 of 380
the Revised Code. 381

(b) A person who enters into a contract under section 9.07 of 382
the Revised Code to operate and manage a correctional facility in 383
this state for out-of-state prisoners. 384

(3) "Private correctional facility" means a correctional 385
facility that is operated by a contractor under a contract 386
pursuant to section 9.06 or 9.07 of the Revised Code. 387

(B) No officer or employee of a contractor who is operating 388
and managing a private correctional facility shall provide a 389
prisoner in the private correctional facility access to or permit 390
a prisoner in the private correctional facility to have access to 391
the internet through the use of a computer, computer network, 392
computer system, computer services, telecommunications service, or 393
information service unless both of the following apply: 394

(1) The prisoner is ~~participating in an approved educational~~ 395
~~program with direct supervision that requires the use of the~~ 396
~~internet for training or research purposes~~ accessing the internet 397
solely for a use or purpose approved by the managing officer of 398
that prisoner's institution or by the managing officer's designee. 399

(2) The provision of and access to the internet is in 400

accordance with rules promulgated by the department of 401
rehabilitation and correction pursuant to section 5120.62 of the 402
Revised Code. 403

(C) (1) No prisoner in a private correctional facility shall 404
access the internet through the use of a computer, computer 405
network, computer system, computer services, telecommunications 406
service, or information service unless both of the following 407
apply: 408

(a) The prisoner is ~~participating in an approved educational~~ 409
~~program with direct supervision that requires the use of the~~ 410
~~internet for training or research purposes~~ accessing the internet 411
solely for a use or purpose approved by the managing officer of 412
that prisoner's institution or by the managing officer's designee. 413

(b) The provision of and access to the internet is in 414
accordance with rules promulgated by the department of 415
rehabilitation and correction pursuant to section 5120.62 of the 416
Revised Code. 417

(2) Whoever violates division (C) (1) of this section is 418
guilty of improper internet access, a misdemeanor of the first 419
degree. 420

Sec. 9.47. (A) Any person desiring to bid on a contract 421
awarded pursuant to Chapter 153. of the Revised Code by an owner 422
referred to in section 153.01 of the Revised Code or awarded by 423
the director of transportation pursuant to Chapter 5525. of the 424
Revised Code may make application for a certificate of compliance 425
with affirmative action programs. Application shall be made to the 426
~~equal employment opportunity coordinator of the department of~~ 427
~~administrative services or the employee who succeeds to that~~ 428
~~officer's duties~~ development. The ~~coordinator~~ director of 429
development's designee shall promptly determine whether the person 430
has complied with all federal affirmative action programs to which 431

the person was subject and any state affirmative action program to 432
which the person was subject pursuant to section 153.59 of the 433
Revised Code which state or federal affirmative action program 434
arose out of a contract the person had with the federal 435
government, the state, or a political subdivision of the state. 436
Where the ~~coordinator~~ director's designee determines the person 437
has not committed any violation of such prior affirmative action 438
programs during the five years immediately preceding the date of 439
determination, the ~~coordinator~~ director's designee shall issue a 440
dated certificate of compliance with affirmative action programs. 441
The ~~coordinator~~ director's designee may issue an updated 442
certificate to a person upon request but not more frequently than 443
once every one hundred eighty days. A person who violates an 444
affirmative action program during the five years preceding the 445
date of determination is ineligible to bid on a contract awarded 446
pursuant to Chapter 153. of the Revised Code by an owner referred 447
to in section 153.01 of the Revised Code or awarded by the 448
director of transportation pursuant to Chapter 5525. of the 449
Revised Code for a period of three years after the date of 450
determination. 451

(B) ~~Notwithstanding division (A) of this section, this~~ 452
~~section is prospective in operation only and applicable to a~~ 453
~~violation of an affirmative action program that occurs after~~ 454
~~December 13, 1979. For the purpose of determining whether or not~~ 455
~~to issue a certificate of compliance with affirmative action~~ 456
~~programs during the five years subsequent to December 13, 1979,~~ 457
~~the coordinator shall make any specific determination based upon~~ 458
~~the period from December 13, 1979 to the date on which the~~ 459
~~determination is made, even though the period involved is less~~ 460
~~than five years. Five years after December 13, 1979, the~~ 461
~~coordinator shall make any determination solely pursuant to~~ 462
~~division (A) of this section.~~ 463

~~(C)~~ Any person denied a certificate or an updated certificate 464
may appeal to the director of ~~administrative services~~ development 465
for a review of ~~the coordinator's~~ that determination. The appeal 466
must be filed within ten days of the date of the determination. 467
The director shall, within five days after receipt of the appeal, 468
either affirm or reverse the ~~coordinator's~~ determination. 469

~~(D)~~ (C) Any person dissatisfied with the decision of the 470
director on review may, within thirty days, appeal the decision of 471
the director to the court of common pleas of Franklin county. The 472
court may affirm or reverse the decision of the director. At the 473
hearing before the court, evidence may be introduced for and 474
against the decision of the director. The decision of the court 475
may be appealed as in other cases. 476

~~(E)~~ (D) The director of ~~administrative services~~ development, 477
in accordance with Chapter 119. of the Revised Code, shall adopt, 478
and may amend or rescind, rules to implement this section. 479

Sec. 9.821. (A) The department of administrative services 480
shall direct and manage for state agencies all risk management and 481
insurance programs authorized under section 9.822 of the Revised 482
Code. 483

(B) The office of risk management is hereby established 484
within the department of administrative services. The director of 485
administrative services, or a deputy director appointed by the 486
director, shall control and supervise the office. 487

(C) The office may take any of the following actions that it 488
determines to be in the best interests of the state: 489

(1) Provide all insurance coverages for the state, including, 490
but not limited to, ~~automobile~~ vehicle liability, casualty, 491
property, public liability, and fidelity bonding. The cost of 492
insurance coverage shall be paid from appropriations made to the 493

state agencies that the office has designated to receive the	494
coverage.	495
(2) Provide coverage of legal expenses that are necessary and	496
related to the legal defense of claims against the state;	497
(3) Purchase insurance policies consistent with sections	498
125.01 to 125.111 of the Revised Code, develop and administer	499
self-insurance programs, or do both;	500
(4) Consolidate and combine state insurance coverages;	501
(5) Provide technical services in risk management and	502
insurance to state agencies;	503
(6) Adopt and publish, in accordance with section 111.15 of	504
the Revised Code, necessary rules and procedures governing the	505
administration of the state's insurance and risk management	506
activities.	507
(D) No state agency, except a state agency exempted under	508
section 125.02 or 125.04 of the Revised Code from the department's	509
purchasing authority, shall purchase any insurance described in	510
this section except as authorized by the department, when the	511
office of risk management determines that the purchase is in the	512
best interest of the state pursuant to division (C) (1) of this	513
section, and in accordance with terms, conditions, and procurement	514
methods established by the department.	515
(E) With respect to any civil action, demand, or claim	516
against the state that could be filed in the court of claims,	517
nothing in sections 9.82 to 9.823 of the Revised Code shall be	518
interpreted to permit the settlement or compromise of those civil	519
actions, demands, or claims, except in the manner provided in	520
Chapter 2743. of the Revised Code.	521
<u>(F) The department of administrative services and the office</u>	522
<u>of risk management, while acting pursuant to the responsibilities</u>	523

prescribed in sections 9.82 to 9.83 of the Revised Code, are 524
performing a public duty, as defined in section 2743.01 of the 525
Revised Code. 526

Sec. 9.822. (A) The department of administrative services 527
through the office of risk management shall establish an insurance 528
plan or plans that may provide for self-insurance ~~or,~~ the purchase 529
of insurance, or ~~both~~ the purchase of surety bonds, public 530
official bonds, or fidelity bonds, for ~~either~~ any of the following 531
purposes: 532

(1) Insuring state real and personal property against losses 533
occasioned by fire, windstorm, or other accidents and perils; 534

(2) Insuring the state and its officers ~~and,~~ employees, and 535
agents against liability resulting from any civil action, demand, 536
or claim against the state or its officers ~~and,~~ employees, and 537
agents arising out of any act or omission of an officer ~~or,~~ 538
employee, or agent in the performance of official duties, except 539
acts and omissions for which indemnification is prohibited under 540
section 9.87 of the Revised Code; 541

(3) Insuring and maintaining a judicial liability program. 542

(B) The department of administrative services through the 543
office of risk management shall establish ~~one or more insurance~~ 544
~~plans that provide for the purchase of insurance and administer a~~ 545
crime insurance program for the purpose of insuring protecting the 546
state ~~through the fidelity bonding of state officers, employees,~~ 547
~~and agents who are required by law to provide a fidelity bond.~~ 548
~~Nothing in this section shall be construed to allow the department~~ 549
~~of administrative services through the office of risk management~~ 550
~~to administer the state's fidelity bonding program through a~~ 551
program of self insurance. against loss, including loss to third 552
parties, due to the dishonest acts of state officers, employees, 553
and agents. In addition, public official bonds shall be purchased 554

for all officials and employees who are required by law to provide 555
a bond. Such bonds may be in the form of a blanket bond, or 556
scheduled position bond, provided the penal sums meet the 557
statutory requirement. 558

(C) The department of administrative services through the 559
office of risk management shall purchase surety bonds, fidelity 560
bonds, and public official bonds by licensed sureties for their 561
respective purposes. Nothing in this section shall be construed to 562
allow the department of administrative services through the office 563
of risk management to do either of the following: 564

(1) Directly issue or underwrite surety bonds, fidelity 565
bonds, performance bonds, or public official bonds; 566

(2) Provide performance bonds to any party. 567

Sec. 9.83. (A) The state and any political subdivision may 568
procure a policy or policies of insurance insuring its officers 569
and employees against liability for injury, death, or loss to 570
person or property that ~~arises out of the operation of an~~ 571
~~automobile, truck, motor vehicle with auxiliary equipment,~~ 572
~~self propelling equipment or trailer, aircraft, or watercraft by~~ 573
~~the officers or employees while engaged~~ occurs in the course of 574
their employment or official responsibilities for the state or the 575
political subdivision. The state is authorized to expend funds to 576
pay judgments that are rendered in any court against its officers 577
or employees ~~and that result from such operation,~~ and is 578
authorized to expend funds to compromise claims for liability 579
against its officers or employees ~~that result from such operation.~~ 580
No insurer shall deny coverage under such a policy, and the state 581
shall not refuse to pay judgments or compromise claims, on the 582
ground that an automobile, truck, motor vehicle with auxiliary 583
equipment, self-propelling equipment or trailer, aircraft, or 584
watercraft was not being used in the course of an officer's or 585

employee's employment or official responsibilities for the state 586
or a political subdivision unless the officer or employee who was 587
operating an automobile, truck, motor vehicle with auxiliary 588
equipment, or self-propelling equipment or trailer is convicted of 589
a violation of section 124.71 of the Revised Code as a result of 590
the same events. 591

(B) Funds shall be reserved as necessary, in the exercise of 592
sound and prudent actuarial judgment, to cover potential expense, 593
fees, damage, loss, or other liability. The office of risk 594
management may recommend or, if the state requests of the office 595
of risk management, shall recommend a specific amount for any 596
period of time that, in the opinion of the office of risk 597
management, represents such a judgment. 598

(C) Nothing in this section shall be construed to require the 599
department of administrative services to purchase liability 600
insurance for all ~~state vehicles~~ liabilities in a single policy of 601
insurance or to cover all ~~state vehicles~~ liabilities under a 602
single plan of self-insurance. 603

(D) Insurance procured by the state pursuant to this section 604
shall be procured as provided in division (G) of section 125.02 of 605
the Revised Code. 606

(E) For purposes of liability insurance procured under this 607
section to cover the operation of a motor vehicle by a prisoner 608
for whom the insurance is procured, "employee" includes a prisoner 609
in the custody of the department of rehabilitation and correction 610
who is enrolled in a work program that is established by the 611
department pursuant to section 5145.16 of the Revised Code and in 612
which the prisoner is required to operate a motor vehicle, as 613
defined in section 4509.01 of the Revised Code, and who is engaged 614
in the operation of a motor vehicle in the course of the work 615
program. 616

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

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

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

Sec. 9.58. (A) As used in this section, "public official" 648
means any elected or appointed officer, employee, or agent of the 649
state or any political subdivision, board, commission, bureau, or 650
other public body established by law. 651

(B) In any civil action in a state or federal court, no 652
public official, including any attorney representing or acting on 653
behalf of a public official, has any authority to compromise or 654
settle the action, consent to any condition, or agree to any order 655
in connection therewith if the compromise, settlement, condition, 656
or order nullifies, suspends, enjoins, alters, or conflicts with 657
any provision of the Revised Code. 658

(C) Any compromise, settlement, condition, or order to which 659
a public official agrees that conflicts with division (B) of this 660
section is void and has no legal effect. 661

(D) Nothing in this section shall be construed to limit or 662
otherwise restrict any powers granted by Article IV, Ohio 663
Constitution. 664

Sec. 101.55. (A) When a party to an action in state or 665
federal court challenges the constitutionality of a statute, 666
facially or as applied, challenges a statute as violating or 667
preempted by federal law, or otherwise challenges the construction 668
or validity of a statute, as part of a claim or affirmative 669
defense, the house of representatives, the senate, and the general 670
assembly may intervene to defend against the action as set forth 671
under division (A) of this section at any time in the action as a 672
matter of right by serving motion upon the parties as provided in 673
the Rules of Civil Procedure. 674

(1) The speaker of the house of representatives may intervene 675
at any time in the action on behalf of the house of 676
representatives. The speaker may obtain legal counsel other than 677

from the attorney general, with the cost of representation paid 678
from funds appropriated for that purpose, to represent the house 679
of representatives in any action in which the speaker intervenes. 680

(2) The president of the senate may intervene at any time in 681
the action on behalf of the senate. The president may obtain legal 682
counsel other than from the attorney general, with the cost of 683
representation paid from funds appropriated for that purpose, to 684
represent the senate in any action in which the president 685
intervenes. 686

(3) The president of the senate and the speaker of the house 687
of representatives, acting jointly, may intervene at any time in 688
the action on behalf of the general assembly. The president and 689
the speaker, acting jointly, may obtain legal counsel other than 690
from the attorney general, with the cost of representation paid 691
from funds appropriated for that purpose, to represent the general 692
assembly in any action in which the president and speaker jointly 693
intervene. 694

(B) When a party to an action in state or federal court 695
challenges a general assembly district plan, or any of its 696
districts, adopted under Article XI, Ohio Constitution, or 697
challenges a congressional district plan, or any of its districts, 698
adopted by the Ohio redistricting commission under Article XIX, 699
Ohio Constitution, the speaker of the house of representatives, 700
the president of the senate, and the Ohio redistricting commission 701
may intervene to defend against any such action as set forth under 702
division (B) of this section at any time in the action as a matter 703
of right by serving motion upon the parties as provided in the 704
Rules of Civil Procedure. 705

(1) The speaker of the house of representatives may intervene 706
at any time in the action on behalf of the house of 707
representatives. The speaker may obtain legal counsel other than 708
from the attorney general, with the cost of representation paid 709

from funds appropriated for that purpose, to represent the house 710
of representatives in any action in which the speaker intervenes. 711

(2) The president of the senate may intervene at any time in 712
the action on behalf of the senate. The president may obtain legal 713
counsel other than from the attorney general, with the cost of 714
representation paid from funds appropriated for that purpose, to 715
represent the senate in any action in which the president 716
intervenes. 717

(3) The president of the senate and the speaker of the house 718
of representatives, acting jointly, may intervene at any time in 719
the action on behalf of the Ohio redistricting commission. The 720
president and the speaker, acting jointly, may obtain legal 721
counsel other than from the attorney general, with the cost of 722
representation paid from funds appropriated for that purpose, to 723
represent the Ohio redistricting commission in any action in which 724
the president and speaker jointly intervene. 725

(C) No individual member, or group of members, of the senate, 726
the house of representatives, or the Ohio redistricting 727
commission, except the president and the speaker as provided under 728
this section, shall intervene in an action described in this 729
section or obtain legal counsel at public expense under this 730
section, in the member's or group's capacity as a member or 731
members of the senate, the house of representatives, or the Ohio 732
redistricting commission. 733

(D) Notwithstanding any contrary provision of law, the 734
participation of the speaker of the house of representatives or 735
the president of the senate in any state or federal action, as a 736
party or otherwise, does not constitute a waiver of the 737
legislative immunity or legislative privilege of any member, 738
officer, or staff of the general assembly. 739

Sec. 102.02. (A) (1) Except as otherwise provided in division 740

(H) of this section, all of the following shall file with the 741
appropriate ethics commission the disclosure statement described 742
in this division on a form prescribed by the appropriate 743
commission: every person who is elected to or is a candidate for a 744
state, county, or city office and every person who is appointed to 745
fill a vacancy for an unexpired term in such an elective office; 746
all members of the state board of education; the director, 747
assistant directors, deputy directors, division chiefs, or persons 748
of equivalent rank of any administrative department of the state; 749
the president or other chief administrative officer of every state 750
institution of higher education as defined in section 3345.011 of 751
the Revised Code; the executive director and the members of the 752
capitol square review and advisory board appointed or employed 753
pursuant to section 105.41 of the Revised Code; all members of the 754
Ohio casino control commission, the executive director of the 755
commission, all professional employees of the commission, and all 756
technical employees of the commission who perform an internal 757
audit function; the individuals set forth in division (B)(2) of 758
section 187.03 of the Revised Code; the chief executive officer 759
and the members of the board of each state retirement system; each 760
employee of a state retirement board who is a state retirement 761
system investment officer licensed pursuant to section 1707.163 of 762
the Revised Code; the members of the Ohio retirement study council 763
appointed pursuant to division (C) of section 171.01 of the 764
Revised Code; employees of the Ohio retirement study council, 765
other than employees who perform purely administrative or clerical 766
functions; the administrator of workers' compensation and each 767
member of the bureau of workers' compensation board of directors; 768
the bureau of workers' compensation director of investments; the 769
chief investment officer of the bureau of workers' compensation; 770
all members of the board of commissioners on grievances and 771
discipline of the supreme court and the ethics commission created 772
under section 102.05 of the Revised Code; every business manager, 773

treasurer, or superintendent of a city, local, exempted village, 774
joint vocational, or cooperative education school district or an 775
educational service center; every person who is elected to or is a 776
candidate for the office of member of a board of education of a 777
city, local, exempted village, joint vocational, or cooperative 778
education school district or of a governing board of an 779
educational service center that has a total student count of 780
twelve thousand or more as most recently determined by the 781
department of education pursuant to section 3317.03 of the Revised 782
Code; every person who is appointed to the board of education of a 783
municipal school district pursuant to division (B) or (F) of 784
section 3311.71 of the Revised Code; all members of the board of 785
directors of a sanitary district that is established under Chapter 786
6115. of the Revised Code and organized wholly for the purpose of 787
providing a water supply for domestic, municipal, and public use, 788
and that includes two municipal corporations in two counties; 789
every public official or employee who is paid a salary or wage in 790
accordance with schedule C of section 124.15 or schedule E-2 of 791
section 124.152 of the Revised Code; ~~members of the board of~~ 792
~~trustees and the executive director of the southern Ohio~~ 793
~~agricultural and community development foundation;~~ all members 794
appointed to the Ohio livestock care standards board under section 795
904.02 of the Revised Code; all entrepreneurs in residence 796
assigned by the LeanOhio office in the department of 797
administrative services under section 125.65 of the Revised Code 798
and every other public official or employee who is designated by 799
the appropriate ethics commission pursuant to division (B) of this 800
section. 801

(2) The disclosure statement shall include all of the 802
following: 803

(a) The name of the person filing the statement and each 804
member of the person's immediate family and all names under which 805

the person or members of the person's immediate family do 806
business; 807

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of this 808
section and except as otherwise provided in section 102.022 of the 809
Revised Code, identification of every source of income, other than 810
income from a legislative agent identified in division 811
(A) (2) (b) (ii) of this section, received during the preceding 812
calendar year, in the person's own name or by any other person for 813
the person's use or benefit, by the person filing the statement, 814
and a brief description of the nature of the services for which 815
the income was received. If the person filing the statement is a 816
member of the general assembly, the statement shall identify the 817
amount of every source of income received in accordance with the 818
following ranges of amounts: zero or more, but less than one 819
thousand dollars; one thousand dollars or more, but less than ten 820
thousand dollars; ten thousand dollars or more, but less than 821
twenty-five thousand dollars; twenty-five thousand dollars or 822
more, but less than fifty thousand dollars; fifty thousand dollars 823
or more, but less than one hundred thousand dollars; and one 824
hundred thousand dollars or more. Division (A) (2) (b) (i) of this 825
section shall not be construed to require a person filing the 826
statement who derives income from a business or profession to 827
disclose the individual items of income that constitute the gross 828
income of that business or profession, except for those individual 829
items of income that are attributable to the person's or, if the 830
income is shared with the person, the partner's, solicitation of 831
services or goods or performance, arrangement, or facilitation of 832
services or provision of goods on behalf of the business or 833
profession of clients, including corporate clients, who are 834
legislative agents. A person who files the statement under this 835
section shall disclose the identity of and the amount of income 836
received from a person who the public official or employee knows 837
or has reason to know is doing or seeking to do business of any 838

kind with the public official's or employee's agency. 839

(ii) If the person filing the statement is a member of the 840
general assembly, the statement shall identify every source of 841
income and the amount of that income that was received from a 842
legislative agent during the preceding calendar year, in the 843
person's own name or by any other person for the person's use or 844
benefit, by the person filing the statement, and a brief 845
description of the nature of the services for which the income was 846
received. Division (A)(2)(b)(ii) of this section requires the 847
disclosure of clients of attorneys or persons licensed under 848
section 4732.12 of the Revised Code, or patients of persons 849
licensed under section 4731.14 of the Revised Code, if those 850
clients or patients are legislative agents. Division (A)(2)(b)(ii) 851
of this section requires a person filing the statement who derives 852
income from a business or profession to disclose those individual 853
items of income that constitute the gross income of that business 854
or profession that are received from legislative agents. 855

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

recipient of professional services if the disclosure would 871
threaten the client, patient, or other recipient of professional 872
services, would reveal details of the subject matter for which 873
legal, medical, or professional advice or other services were 874
sought, or would reveal an otherwise privileged communication 875
involving the client, patient, or other recipient of professional 876
services. Division (A) (2) (b) (i) of this section does not require 877
an attorney, physician, or other professional subject to a 878
confidentiality requirement as described in division 879
(A) (2) (b) (iii) of this section to disclose in the brief 880
description of the nature of services required by division 881
(A) (2) (b) (i) of this section any information pertaining to 882
specific professional services rendered for a client, patient, or 883
other recipient of professional services that would reveal details 884
of the subject matter for which legal, medical, or professional 885
advice was sought or would reveal an otherwise privileged 886
communication involving the client, patient, or other recipient of 887
professional services. 888

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

deposit or a withdrawable share account. 904

(d) All fee simple and leasehold interests to which the 905
person filing the statement holds legal title to or a beneficial 906
interest in real property located within the state, excluding the 907
person's residence and property used primarily for personal 908
recreation; 909

(e) The names of all persons residing or transacting business 910
in the state to whom the person filing the statement owes, in the 911
person's own name or in the name of any other person, more than 912
one thousand dollars. Division (A)(2)(e) of this section shall not 913
be construed to require the disclosure of debts owed by the person 914
resulting from the ordinary conduct of a business or profession or 915
debts on the person's residence or real property used primarily 916
for personal recreation, except that the superintendent of 917
financial institutions and any deputy superintendent of banks 918
shall disclose the names of all state-chartered banks and all bank 919
subsidiary corporations subject to regulation under section 920
1109.44 of the Revised Code to whom the superintendent or deputy 921
superintendent owes any money. 922

(f) The names of all persons residing or transacting business 923
in the state, other than a depository excluded under division 924
(A)(2)(c) of this section, who owe more than one thousand dollars 925
to the person filing the statement, either in the person's own 926
name or to any person for the person's use or benefit. Division 927
(A)(2)(f) of this section shall not be construed to require the 928
disclosure of clients of attorneys or persons licensed under 929
section 4732.12 of the Revised Code, or patients of persons 930
licensed under section 4731.14 of the Revised Code, nor the 931
disclosure of debts owed to the person resulting from the ordinary 932
conduct of a business or profession. 933

(g) Except as otherwise provided in section 102.022 of the 934
Revised Code, the source of each gift of over seventy-five 935

dollars, or of each gift of over twenty-five dollars received by a 936
member of the general assembly from a legislative agent, received 937
by the person in the person's own name or by any other person for 938
the person's use or benefit during the preceding calendar year, 939
except gifts received by will or by virtue of section 2105.06 of 940
the Revised Code, or received from spouses, parents, grandparents, 941
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 942
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 943
fathers-in-law, mothers-in-law, or any person to whom the person 944
filing the statement stands in loco parentis, or received by way 945
of distribution from any inter vivos or testamentary trust 946
established by a spouse or by an ancestor; 947

(h) Except as otherwise provided in section 102.022 of the 948
Revised Code, identification of the source and amount of every 949
payment of expenses incurred for travel to destinations inside or 950
outside this state that is received by the person in the person's 951
own name or by any other person for the person's use or benefit 952
and that is incurred in connection with the person's official 953
duties, except for expenses for travel to meetings or conventions 954
of a national or state organization to which any state agency, 955
including, but not limited to, any legislative agency or state 956
institution of higher education as defined in section 3345.011 of 957
the Revised Code, pays membership dues, or any political 958
subdivision or any office or agency of a political subdivision 959
pays membership dues; 960

(i) Except as otherwise provided in section 102.022 of the 961
Revised Code, identification of the source of payment of expenses 962
for meals and other food and beverages, other than for meals and 963
other food and beverages provided at a meeting at which the person 964
participated in a panel, seminar, or speaking engagement or at a 965
meeting or convention of a national or state organization to which 966
any state agency, including, but not limited to, any legislative 967

agency or state institution of higher education as defined in 968
section 3345.011 of the Revised Code, pays membership dues, or any 969
political subdivision or any office or agency of a political 970
subdivision pays membership dues, that are incurred in connection 971
with the person's official duties and that exceed one hundred 972
dollars aggregated per calendar year; 973

(j) If the disclosure statement is filed by a public official 974
or employee described in division (B)(2) of section 101.73 of the 975
Revised Code or division (B)(2) of section 121.63 of the Revised 976
Code who receives a statement from a legislative agent, executive 977
agency lobbyist, or employer that contains the information 978
described in division (F)(2) of section 101.73 of the Revised Code 979
or division (G)(2) of section 121.63 of the Revised Code, all of 980
the nondisputed information contained in the statement delivered 981
to that public official or employee by the legislative agent, 982
executive agency lobbyist, or employer under division (F)(2) of 983
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 984

(3) A person may file a statement required by this section in 985
person, by mail, or by electronic means. 986

(4) A person who is required to file a statement under this 987
section shall file that statement according to the following 988
deadlines, as applicable: 989

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 990
and (d) of this section, the person shall file the statement not 991
later than the fifteenth day of May of each year. 992

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

the person's candidacy is to be voted on. 999

(c) A person who is appointed to fill a vacancy for an 1000
unexpired term in an elective office shall file the statement 1001
within fifteen days after the person qualifies for office. 1002

(d) A person who is appointed or employed after the fifteenth 1003
day of May, other than a person described in division (A)(4)(c) of 1004
this section, shall file an annual statement within ninety days 1005
after appointment or employment. 1006

(5) No person shall be required to file with the appropriate 1007
ethics commission more than one statement or pay more than one 1008
filing fee for any one calendar year. 1009

(6) The appropriate ethics commission, for good cause, may 1010
extend for a reasonable time the deadline for filing a statement 1011
under this section. 1012

(7) A statement filed under this section is subject to public 1013
inspection at locations designated by the appropriate ethics 1014
commission except as otherwise provided in this section. 1015

(B) The Ohio ethics commission, the joint legislative ethics 1016
committee, and the board of commissioners on grievances and 1017
discipline of the supreme court, using the rule-making procedures 1018
of Chapter 119. of the Revised Code, may require any class of 1019
public officials or employees under its jurisdiction and not 1020
specifically excluded by this section whose positions involve a 1021
substantial and material exercise of administrative discretion in 1022
the formulation of public policy, expenditure of public funds, 1023
enforcement of laws and rules of the state or a county or city, or 1024
the execution of other public trusts, to file an annual statement 1025
under division (A) of this section. The appropriate ethics 1026
commission shall send the public officials or employees written 1027
notice of the requirement not less than thirty days before the 1028
applicable filing deadline unless the public official or employee 1029

is appointed after that date, in which case the notice shall be 1030
sent within thirty days after appointment, and the filing shall be 1031
made not later than ninety days after appointment. 1032

Disclosure statements filed under this division with the Ohio 1033
ethics commission by members of boards, commissions, or bureaus of 1034
the state for which no compensation is received other than 1035
reasonable and necessary expenses shall be kept confidential. 1036
Disclosure statements filed with the Ohio ethics commission under 1037
division (A) of this section by business managers, treasurers, and 1038
superintendents of city, local, exempted village, joint 1039
vocational, or cooperative education school districts or 1040
educational service centers shall be kept confidential, except 1041
that any person conducting an audit of any such school district or 1042
educational service center pursuant to Chapter 117. of the Revised 1043
Code may examine the disclosure statement of any business manager, 1044
treasurer, or superintendent of that school district or 1045
educational service center. Disclosure statements filed with the 1046
Ohio ethics commission under division (A) of this section by the 1047
individuals set forth in division (B)(2) of section 187.03 of the 1048
Revised Code shall be kept confidential. The Ohio ethics 1049
commission shall examine each disclosure statement required to be 1050
kept confidential to determine whether a potential conflict of 1051
interest exists for the person who filed the disclosure statement. 1052
A potential conflict of interest exists if the private interests 1053
of the person, as indicated by the person's disclosure statement, 1054
might interfere with the public interests the person is required 1055
to serve in the exercise of the person's authority and duties in 1056
the person's office or position of employment. If the commission 1057
determines that a potential conflict of interest exists, it shall 1058
notify the person who filed the disclosure statement and shall 1059
make the portions of the disclosure statement that indicate a 1060
potential conflict of interest subject to public inspection in the 1061
same manner as is provided for other disclosure statements. Any 1062

portion of the disclosure statement that the commission determines 1063
does not indicate a potential conflict of interest shall be kept 1064
confidential by the commission and shall not be made subject to 1065
public inspection, except as is necessary for the enforcement of 1066
Chapters 102. and 2921. of the Revised Code and except as 1067
otherwise provided in this division. 1068

(C) No person shall knowingly fail to file, on or before the 1069
applicable filing deadline established under this section, a 1070
statement that is required by this section. 1071

(D) No person shall knowingly file a false statement that is 1072
required to be filed under this section. 1073

(E) (1) Except as provided in divisions (E) (2) and (3) of this 1074
section, the statement required by division (A) or (B) of this 1075
section shall be accompanied by a filing fee of sixty dollars. 1076

(2) The statement required by division (A) of this section 1077
shall be accompanied by the following filing fee to be paid by the 1078
person who is elected or appointed to, or is a candidate for, any 1079
of the following offices: 1080

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

treasurer, or superintendent of a 1094
city, local, exempted village, joint 1095
vocational, or cooperative education 1096
school district or 1097
educational service center \$30 1098

(3) No judge of a court of record or candidate for judge of a 1099
court of record, and no referee or magistrate serving a court of 1100
record, shall be required to pay the fee required under division 1101
(E) (1) or (2) or (F) of this section. 1102

(4) For any public official who is appointed to a nonelective 1103
office of the state and for any employee who holds a nonelective 1104
position in a public agency of the state, the state agency that is 1105
the primary employer of the state official or employee shall pay 1106
the fee required under division (E) (1) or (F) of this section. 1107

(F) If a statement required to be filed under this section is 1108
not filed by the date on which it is required to be filed, the 1109
appropriate ethics commission shall assess the person required to 1110
file the statement a late filing fee of ten dollars for each day 1111
the statement is not filed, except that the total amount of the 1112
late filing fee shall not exceed two hundred fifty dollars. 1113

(G) (1) The appropriate ethics commission other than the Ohio 1114
ethics commission and the joint legislative ethics committee shall 1115
deposit all fees it receives under divisions (E) and (F) of this 1116
section into the general revenue fund of the state. 1117

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

operation and statutory functions of the commission. 1126

(3) The joint legislative ethics committee shall deposit all 1127
receipts it receives from the payment of financial disclosure 1128
statement filing fees under divisions (E) and (F) of this section 1129
into the joint legislative ethics committee investigative and 1130
financial disclosure fund. 1131

(H) Division (A) of this section does not apply to a person 1132
elected or appointed to the office of precinct, ward, or district 1133
committee member under Chapter 3517. of the Revised Code; a 1134
presidential elector; a delegate to a national convention; village 1135
or township officials and employees; any physician or psychiatrist 1136
who is paid a salary or wage in accordance with schedule C of 1137
section 124.15 or schedule E-2 of section 124.152 of the Revised 1138
Code and whose primary duties do not require the exercise of 1139
administrative discretion; or any member of a board, commission, 1140
or bureau of any county or city who receives less than one 1141
thousand dollars per year for serving in that position. 1142

Sec. 103.11. There is hereby created, in the legislative 1143
branch of government, the Ohio legislative service commission 1144
consisting of fourteen members as follows: six members shall be 1145
members of the senate appointed by the president of the senate, 1146
not more than four of whom shall be members of the same political 1147
party; six members shall be members of the house of 1148
representatives appointed by the speaker of the house of 1149
representatives, not more than four of whom shall be members of 1150
the same political party; the president of the senate; and the 1151
speaker of the house of representatives. 1152

The members of the commission shall serve only so long as 1153
they are members of the general assembly. A vacancy in the office 1154
of any member of the commission shall be filled for the unexpired 1155
term in the same manner as the original appointment. 1156

~~The commission shall organize by selecting from its membership~~ 1157
~~a~~In each even-numbered general assembly, the president 1158
of the senate shall serve as chairperson of the commission and 1159
~~at~~the speaker of the house of representatives shall serve as 1160
vice-chairperson. In each odd-numbered general assembly, the 1161
speaker of the house of representatives shall serve as chairperson 1162
of the commission and the president of the senate shall serve as 1163
vice-chairperson. 1164

The members of the commission and members of committees 1165
thereof shall serve without compensation but shall be reimbursed 1166
for their actual and necessary expenses incurred in the 1167
performance of their official duties. 1168

Sec. 103.22. The Ohio legislative service commission shall 1169
meet as often as is necessary to perform its duties, ~~provided that~~ 1170
~~in any event it shall meet at least once each quarter.~~ Eight 1171
members shall constitute a quorum, and the majority thereof shall 1172
have authority to act on new matters within the jurisdiction of 1173
the commission. They shall formulate rules of procedure and 1174
prescribe the policies for the performance of its duties and 1175
functions. 1176

Sec. 103.41. (A) As used in sections 103.41 to 103.415 of the 1177
Revised Code: 1178

(1) "JMOC" means the joint medicaid oversight committee 1179
created under this section. 1180

(2) "State and local government medicaid agency" means all of 1181
the following: 1182

(a) The department of medicaid; 1183

(b) Each state agency and political subdivision with which 1184
the department of medicaid contracts under section 5162.35 of the 1185
Revised Code to have the state agency or political subdivision 1186

administer one or more components of the medicaid program, or one 1187
or more aspects of a component, under the department's 1188
supervision; 1189

(c) Each agency of a political subdivision that is 1190
responsible for administering one or more components of the 1191
medicaid program, or one or more aspects of a component, under the 1192
supervision of the department or a state agency or political 1193
subdivision described in division (A) (2) (b) of this section. 1194

(B) There is hereby created the joint medicaid oversight 1195
committee. JMOC shall consist of the following members: 1196

(1) Five members of the senate appointed by the president of 1197
the senate, three of whom are members of the majority party and 1198
two of whom are members of the minority party; 1199

(2) Five members of the house of representatives appointed by 1200
the speaker of the house of representatives, three of whom are 1201
members of the majority party and two of whom are members of the 1202
minority party. 1203

(C) The term of each JMOC member shall begin on the day of 1204
appointment to JMOC and end on the last day that the member serves 1205
in the house (in the case of a member appointed by the speaker) or 1206
senate (in the case of a member appointed by the president) during 1207
the general assembly for which the member is appointed to JMOC. 1208
The president and speaker shall make the initial appointments not 1209
later than fifteen days after March 20, 2014. However, if this 1210
section takes effect before January 1, 2014, the president and 1211
speaker shall make the initial appointments during the period 1212
beginning January 1, 2014, and ending January 15, 2014. The 1213
president and speaker shall make subsequent appointments not later 1214
than fifteen days after the commencement of the first regular 1215
session of each general assembly. JMOC members may be reappointed. 1216
A vacancy on JMOC shall be filled in the same manner as the 1217

original appointment. 1218

(D) In odd-numbered years, the speaker shall designate one of 1219
the majority members from the house as the JMOC chairperson, the 1220
president shall designate one of the majority members from the 1221
senate as the JMOC vice-chairperson, and the president shall 1222
designate one of the minority members from the senate as the JMOC 1223
ranking minority member. In even-numbered years, the president 1224
shall designate one of the majority members from the senate as the 1225
JMOC chairperson, the speaker shall designate one of the majority 1226
members from the house as the JMOC vice-chairperson, and the 1227
speaker shall designate one of the minority members from the house 1228
as the JMOC ranking minority member. 1229

(E) In appointing members from the minority, and in 1230
designating ranking minority members, the president and speaker 1231
shall consult with the minority leader of their respective houses. 1232

(F) JMOC shall meet at the call of the JMOC chairperson. The 1233
chairperson shall call JMOC to meet not less often than once each 1234
calendar month, unless the chairperson and ranking minority member 1235
agree that the chairperson should not call JMOC to meet for a 1236
particular month. 1237

(G) Notwithstanding section 101.26 of the Revised Code, the 1238
members, when engaged in their duties as members of JMOC on days 1239
when there is not a voting session of the member's house of the 1240
general assembly, shall be paid at the per diem rate of one 1241
hundred fifty dollars, and their necessary traveling expenses, 1242
which shall be paid from the funds appropriated for the payment of 1243
expenses of legislative committees. 1244

(H) The JMOC chairperson may, subject to approval by the 1245
speaker of the house of representatives or the speaker's designee 1246
and the president of the senate or the president's designee, 1247
employ professional, technical, and clerical employees as are 1248

necessary for JMOC to be able successfully and efficiently to 1249
perform its duties. All such employees are in the unclassified 1250
service and may be terminated by the chairperson, subject to 1251
approval of the speaker or the speaker's designee and president or 1252
the president's designee. JMOC may contract for the services of 1253
persons who are qualified by education and experience to advise, 1254
consult with, or otherwise assist JMOC in the performance of its 1255
duties. 1256

(I) The JMOC chairperson, when authorized by JMOC and the 1257
president and speaker, may issue subpoenas and subpoenas duces 1258
tecum in aid of JMOC's performance of its duties. A subpoena may 1259
require a witness in any part of the state to appear before JMOC 1260
at a time and place designated in the subpoena to testify. A 1261
subpoena duces tecum may require witnesses or other persons in any 1262
part of the state to produce books, papers, records, and other 1263
tangible evidence before JMOC at a time and place designated in 1264
the subpoena duces tecum. A subpoena or subpoena duces tecum shall 1265
be issued, served, and returned, and has consequences, as 1266
specified in sections 101.41 to 101.45 of the Revised Code. 1267

(J) The JMOC chairperson may administer oaths to witnesses 1268
appearing before JMOC. 1269

Sec. 103.60. (A) As used in this section, "rare disease" 1270
means a disease or condition that affects fewer than 200,000 1271
people living in the United States. 1272

(B) There is hereby created the rare disease advisory 1273
council. The purpose of the council is to advise the general 1274
assembly regarding research, diagnosis, and treatment efforts 1275
related to rare diseases across the state. 1276

(C) The council shall consist of the following ~~twenty-five~~ 1277
thirty-one members: 1278

(1) The following members appointed by the governor:	1279
(a) One individual who is a medical researcher with experience researching rare diseases;	1280 1281
(b) One individual who represents an academic research institution in this state that receives funding for rare disease research;	1282 1283 1284
(c) One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who has experience researching, diagnosing, and treating rare diseases;	1285 1286 1287 1288
(d) One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse who has experience providing nursing care to patients with rare diseases;	1289 1290 1291
(e) One individual authorized under Chapter 4778. of the Revised Code to practice as a genetic counselor who is currently practicing at a children's hospital;	1292 1293 1294
(f) Three members of the public who are living with a rare disease or represent an individual living with a rare disease;	1295 1296
(g) One representative of a national organization representing patients with a rare disease;	1297 1298
(h) One representative of a rare disease foundation operating in this state;	1299 1300
(i) Two representatives of the department of health, one of whom is a representative of the children with medical handicaps program;	1301 1302 1303
(j) One representative of the department of medicaid;	1304
(k) One representative of the department of insurance;	1305
(l) One representative of the commission on minority health;	1306
(m) One representative of the Ohio hospital association;	1307

(n) One representative of Ohio health insurers;	1308
(o) One representative of bioOhio;	1309
(p) One representative of the association of Ohio health commissioners;	1310 1311
(q) One representative of the pharmaceutical research and manufacturers of America.	1312 1313
(2) Two <u>The following</u> members of the senate, one from the majority party and one from the minority party, both appointed by the president of the senate;	1314 1315 1316
<u>(a) Two members of the senate, one from the majority party and one from the minority party;</u>	1317 1318
<u>(b) Two members of the public.</u>	1319
(3) Two <u>The following</u> members of the house of representatives, one from the majority party and one from the minority party, both appointed by the speaker of the house of representatives;	1320 1321 1322 1323
<u>(a) Two members of the house of representatives, one from the majority party and one from the minority party;</u>	1324 1325
<u>(b) Two members of the public.</u>	1326
(4) <u>One member of the public appointed by the minority leader of the senate.</u>	1327 1328
<u>(5) One member of the public appointed by the minority leader of the house of representatives.</u>	1329 1330
<u>(6) The governor or the governor's designee.</u>	1331
(D) (1) Not later than thirty days after the effective date of this section <u>April 23, 2021</u> , initial appointments shall be made to the council. Thereafter, appointments shall be made every two years, not later than thirty days after the commencement of the first regular session of each general assembly.	1332 1333 1334 1335 1336

(2) Each member shall serve on the council until appointments 1337
are made following the commencement of the next general assembly. 1338
Members may be reappointed; however, no member shall serve more 1339
than four consecutive terms on the council. 1340

(E) Prior to the expiration of each term, the council shall 1341
prepare and submit a report to the general assembly detailing the 1342
following: 1343

(1) The coordination of statewide efforts for studying the 1344
incidence of rare diseases in this state; 1345

(2) The council's findings and recommendations regarding rare 1346
disease research and care in this state; 1347

(3) Efforts to promote collaboration among rare disease 1348
organizations, clinicians, academic research institutions, and the 1349
general assembly to better understand the incidence of rare 1350
diseases in this state. 1351

(F) The council shall annually select from among its members 1352
a chairperson or co-chairpersons. 1353

(G) The council shall meet at the call of the chairperson, 1354
but not less than quarterly. A majority of the members of the 1355
council shall constitute a quorum. The chairperson shall provide 1356
members with at least five days written notice of all meetings. 1357

(H) Members shall serve without compensation except to the 1358
extent that serving on the council is considered part of the 1359
member's regular duties of employment. The council shall reimburse 1360
each member for actual and necessary expenses incurred in the 1361
performance of the member's official duties. 1362

Sec. 105.41. (A) There is hereby created in the legislative 1363
branch of government the capitol square review and advisory board, 1364
consisting of twelve members as follows: 1365

(1) Two members of the senate, appointed by the president of 1366

the senate, both of whom shall not be members of the same 1367
political party; 1368

(2) Two members of the house of representatives, appointed by 1369
the speaker of the house of representatives, both of whom shall 1370
not be members of the same political party; 1371

(3) Four members appointed by the governor, with the advice 1372
and consent of the senate, not more than three of whom shall be 1373
members of the same political party, one of whom shall be the 1374
chief of staff of the governor's office, one of whom shall 1375
represent the Ohio arts council, one of whom shall represent the 1376
Ohio history connection, and one of whom shall represent the 1377
public at large; 1378

(4) One member, who shall be a former president of the 1379
senate, appointed by the current president of the senate. If the 1380
current president of the senate, in the current president's 1381
discretion, decides for any reason not to make the appointment or 1382
if no person is eligible or available to serve, the seat shall 1383
remain vacant. 1384

(5) One member, who shall be a former speaker of the house of 1385
representatives, appointed by the current speaker of the house of 1386
representatives. If the current speaker of the house of 1387
representatives, in the current speaker's discretion, decides for 1388
any reason not to make the appointment or if no person is eligible 1389
or available to serve, the seat shall remain vacant. 1390

(6) The clerk of the senate and the clerk of the house of 1391
representatives. 1392

(B) Terms of office of each appointed member of the board 1393
shall be for three years, except that members of the general 1394
assembly appointed to the board shall be members of the board only 1395
so long as they are members of the general assembly and the chief 1396
of staff of the governor's office shall be a member of the board 1397

only so long as the appointing governor remains in office. Each 1398
member shall hold office from the date of the member's appointment 1399
until the end of the term for which the member was appointed. In 1400
case of a vacancy occurring on the board, the president of the 1401
senate, the speaker of the house of representatives, or the 1402
governor, as the case may be, shall in the same manner prescribed 1403
for the regular appointment to the commission, fill the vacancy by 1404
appointing a member. Any member appointed to fill a vacancy 1405
occurring prior to the expiration of the term for which the 1406
member's predecessor was appointed shall hold office for the 1407
remainder of the term. Any appointed member shall continue in 1408
office subsequent to the expiration date of the member's term 1409
until the member's successor takes office, or until a period of 1410
sixty days has elapsed, whichever occurs first. 1411

(C) The board shall hold meetings in a manner and at times 1412
prescribed by the rules adopted by the board. A majority of the 1413
board constitutes a quorum, and no action shall be taken by the 1414
board unless approved by at least six members or by at least seven 1415
members if a person is appointed under division (A) (4) or (5) of 1416
this section. At its first meeting, the board shall adopt rules 1417
for the conduct of its business and the election of its officers, 1418
and shall organize by selecting officers other than a chairperson 1419
as it considers necessary. In odd-numbered years, the majority 1420
member from the senate shall serve as chairperson; in 1421
even-numbered years, the majority member from the house of 1422
representatives shall serve as chairperson. Board members shall 1423
serve without compensation but shall be reimbursed for actual and 1424
necessary expenses incurred in the performance of their duties. 1425

(D) The board may do any of the following: 1426

(1) Employ or hire on a consulting basis professional, 1427
technical, and clerical employees as are necessary for the 1428
performance of its duties. All employees of the board are in the 1429

unclassified service and serve at the pleasure of the board. For 1430
purposes of section 4117.01 of the Revised Code, employees of the 1431
board shall be considered employees of the general assembly, 1432
except that employees who are covered by a collective bargaining 1433
agreement on September 29, 2011, shall remain subject to the 1434
agreement until the agreement expires on its terms, and the 1435
agreement shall not be extended or renewed. Upon expiration of the 1436
agreement, the employees are considered employees of the general 1437
assembly for purposes of section 4117.01 of the Revised Code and 1438
are in the unclassified service and serve at the pleasure of the 1439
board. 1440

(2) Hold public hearings at times and places as determined by 1441
the board; 1442

(3) Enter into an indefinite delivery indefinite quantity 1443
contract, under section 153.013 of the Revised Code, for an 1444
architect or engineer; 1445

(4) Adopt, amend, or rescind rules necessary to accomplish 1446
the duties of the board as set forth in this section; 1447

~~(4)~~(5) Sponsor, conduct, and support such social events as 1448
the board may authorize and consider appropriate for the employees 1449
of the board, employees and members of the general assembly, 1450
employees of persons under contract with the board or otherwise 1451
engaged to perform services on the premises of capitol square, or 1452
other persons as the board may consider appropriate. Subject to 1453
the requirements of Chapter 4303. of the Revised Code, the board 1454
may provide beer, wine, and intoxicating liquor, with or without 1455
charge, for those events and may use funds only from the sale of 1456
goods and services fund to purchase the beer, wine, and 1457
intoxicating liquor the board provides; 1458

~~(5)~~(6) Purchase a warehouse in which to store items of the 1459
capitol collection trust and, whenever necessary, equipment or 1460

other property of the board. 1461

(E) The board shall do all of the following: 1462

(1) Have sole authority to coordinate and approve any 1463
improvements, additions, and renovations that are made to the 1464
capitol square. The improvements shall include, but not be limited 1465
to, the placement of monuments and sculpture on the capitol 1466
grounds. 1467

(2) Operate the capitol square, and have sole authority to 1468
regulate all uses of the capitol square. The uses shall include, 1469
but not be limited to, the casual and recreational use of the 1470
capitol square. 1471

(3) Employ, fix the compensation of, and prescribe the duties 1472
of the executive director of the board and other employees the 1473
board considers necessary for the performance of its powers and 1474
duties; 1475

(4) Establish and maintain the capitol collection trust. The 1476
capitol collection trust shall consist of furniture, antiques, and 1477
other items of personal property that the board shall store in 1478
suitable facilities until they are ready to be displayed in the 1479
capitol square. 1480

(5) Perform repair, construction, contracting, purchasing, 1481
maintenance, supervisory, and operating activities the board 1482
determines are necessary for the operation and maintenance of the 1483
capitol square; 1484

(6) Maintain and preserve the capitol square, in accordance 1485
with guidelines issued by the United States secretary of the 1486
interior for application of the secretary's standards for 1487
rehabilitation adopted in 36 C.F.R. part 67; 1488

(7) Plan and develop a center at the capitol building for the 1489
purpose of educating visitors about the history of Ohio, including 1490

its political, economic, and social development and the design and 1491
erection of the capitol building and its grounds. 1492

(F) (1) The board shall lease capital facilities improved by 1493
the department of administrative services or financed by the 1494
treasurer of state pursuant to Chapter 154. of the Revised Code 1495
for the use of the board, and may enter into any other agreements 1496
with the department, the Ohio public facilities commission, or any 1497
other authorized governmental agency ancillary to improvement, 1498
financing, or leasing of those capital facilities, including, but 1499
not limited to, any agreement required by the applicable bond 1500
proceedings authorized by Chapter 154. of the Revised Code. Any 1501
lease of capital facilities authorized by this section shall be 1502
governed by Chapter 154. of the Revised Code. 1503

(2) Fees, receipts, and revenues received by the board from 1504
the state underground parking garage constitute available receipts 1505
as defined in section 154.24 of the Revised Code, and may be 1506
pledged to the payment of bond service charges on obligations 1507
issued by the treasurer of state pursuant to Chapter 154. of the 1508
Revised Code to improve, finance, or purchase capital facilities 1509
useful to the board. The treasurer of state may, with the consent 1510
of the board, provide in the bond proceedings for a pledge of all 1511
or a portion of those fees, receipts, and revenues as the 1512
treasurer of state determines. The treasurer of state may provide 1513
in the bond proceedings or by separate agreement with the board 1514
for the transfer of those fees, receipts, and revenues to the 1515
appropriate bond service fund or bond service reserve fund as 1516
required to pay the bond service charges when due, and any such 1517
provision for the transfer of those fees, receipts, and revenues 1518
shall be controlling notwithstanding any other provision of law 1519
pertaining to those fees, receipts, and revenues. 1520

(3) All moneys received by the treasurer of state on account 1521
of the board and required by the applicable bond proceedings or by 1522

separate agreement with the board to be deposited, transferred, or 1523
credited to the bond service fund or bond service reserve fund 1524
established by the bond proceedings shall be transferred by the 1525
treasurer of state to such fund, whether or not it is in the 1526
custody of the treasurer of state, without necessity for further 1527
appropriation. 1528

(G) (1) Except as otherwise provided in division (G) (2) of 1529
this section, all fees, receipts, and revenues received by the 1530
board from the state underground parking garage shall be deposited 1531
into the state treasury to the credit of the underground parking 1532
garage operating fund, which is hereby created, to be used for the 1533
purposes specified in division (F) of this section and for the 1534
operation and maintenance of the garage. All investment earnings 1535
of the fund shall be credited to the fund. 1536

(2) There is hereby created the parking garage automated 1537
equipment fund, which shall be in the custody of the treasurer of 1538
state but shall not be part of the state treasury. Money in the 1539
fund shall be used to purchase the automated teller machine 1540
quality dollar bills needed for operation of the parking garage 1541
automated equipment. The fund shall consist of fees, receipts, or 1542
revenues received by the board from the state underground parking 1543
garage; provided, however, that the total amount deposited into 1544
the fund at any one time shall not exceed ten thousand dollars. 1545
All investment earnings of the fund shall be credited to the fund. 1546

(H) All donations received by the board shall be deposited 1547
into the state treasury to the credit of the capitol square 1548
renovation gift fund, which is hereby created. The fund shall be 1549
used by the board as follows: 1550

(1) To provide part or all of the funding related to 1551
construction, goods, or services for the renovation of the capitol 1552
square; 1553

(2) To purchase art, antiques, and artifacts for display at 1554
the capitol square; 1555

(3) To award contracts or make grants to organizations for 1556
educating the public regarding the historical background and 1557
governmental functions of the capitol square. Chapters 125., 127., 1558
and 153. and section 3517.13 of the Revised Code do not apply to 1559
purchases made exclusively from the fund, notwithstanding anything 1560
to the contrary in those chapters or that section. All investment 1561
earnings of the fund shall be credited to the fund. 1562

(I) Except as provided in divisions (G), (H), and (J) of this 1563
section, all fees, receipts, and revenues received by the board 1564
shall be deposited into the state treasury to the credit of the 1565
sale of goods and services fund, which is hereby created. Money 1566
credited to the fund shall be used solely to pay costs of the 1567
board other than those specified in divisions (F) and (G) of this 1568
section. All investment earnings of the fund shall be credited to 1569
the fund. 1570

(J) There is hereby created in the state treasury the capitol 1571
square improvement fund, to be used by the board to pay 1572
construction, renovation, and other costs related to the capitol 1573
square for which money is not otherwise available to the board. 1574
Whenever the board determines that there is a need to incur those 1575
costs and that the unencumbered, unobligated balance to the credit 1576
of the underground parking garage operating fund exceeds the 1577
amount needed for the purposes specified in division (F) of this 1578
section and for the operation and maintenance of the garage, the 1579
board may request the director of budget and management to 1580
transfer from the underground parking garage operating fund to the 1581
capitol square improvement fund the amount needed to pay such 1582
construction, renovation, or other costs. The director then shall 1583
transfer the amount needed from the excess balance of the 1584
underground parking garage operating fund. 1585

(K) As the operation and maintenance of the capitol square 1586
constitute essential government functions of a public purpose, the 1587
board shall not be required to pay taxes or assessments upon the 1588
square, upon any property acquired or used by the board under this 1589
section, or upon any income generated by the operation of the 1590
square. 1591

(L) As used in this section, "capitol square" means the 1592
capitol building, senate building, capitol atrium, capitol 1593
grounds, the state underground parking garage, and the warehouse 1594
owned by the board. 1595

(M) The capitol annex shall be known as the senate building. 1596

(N) Any person may possess a firearm in a motor vehicle in 1597
the state underground parking garage at the state capitol 1598
building, if the person's possession of the firearm in the motor 1599
vehicle is not in violation of section 2923.16 of the Revised Code 1600
or any other provision of the Revised Code. Any person may store 1601
or leave a firearm in a locked motor vehicle that is parked in the 1602
state underground parking garage at the state capitol building, if 1603
the person's transportation and possession of the firearm in the 1604
motor vehicle while traveling to the garage was not in violation 1605
of section 2923.16 of the Revised Code or any other provision of 1606
the Revised Code. 1607

Sec. 107.03. (A) As used in this section, "transportation 1608
budget" means the biennial budget that primarily includes the 1609
following: 1610

(1) Motor fuel excise tax-related appropriations for the 1611
department of transportation, public works commission, and 1612
department of development ~~services agency~~; 1613

(2) Other appropriations that pertain to transportation and 1614
infrastructure related to transportation. 1615

(B) The governor shall submit a transportation budget to the 1616
general assembly not later than four weeks after the general 1617
assembly's organization. 1618

(C) The governor shall submit to the general assembly, not 1619
later than four weeks after its organization, a state budget 1620
containing a complete financial plan for the ensuing fiscal 1621
biennium, excluding items of revenue and expenditure described in 1622
section 126.022 of the Revised Code. However, in years of a new 1623
governor's inauguration, this budget shall be submitted not later 1624
than the fifteenth day of March. 1625

(D) In years of a new governor's inauguration, only the new 1626
governor shall submit a budget to the general assembly. In 1627
addition to other things required by law, each of the governor's 1628
budgets shall contain: 1629

(1) A general budget summary by function and agency setting 1630
forth the proposed total expenses from each and all funds and the 1631
anticipated resources for meeting such expenses; such resources to 1632
include any available balances in the several funds at the 1633
beginning of the biennium and a classification by totals of all 1634
revenue receipts estimated to accrue during the biennium under 1635
existing law and proposed legislation. 1636

(2) A detailed statement showing the amounts recommended to 1637
be appropriated from each fund for each fiscal year of the 1638
biennium for current expenses, including, but not limited to, 1639
personal services, supplies and materials, equipment, subsidies 1640
and revenue distribution, merchandise for resale, transfers, and 1641
nonexpense disbursements, obligations, interest on debt, and 1642
retirement of debt, and for the biennium for capital outlay, to 1643
the respective departments, offices, institutions, as defined in 1644
section 121.01 of the Revised Code, and all other public purposes; 1645
and, in comparative form, the actual expenses by source of funds 1646
during each fiscal year of the previous two bienniums for each 1647

such purpose. No alterations shall be made in the requests for the 1648
legislative and judicial branches of the state filed with the 1649
director of budget and management under section 126.02 of the 1650
Revised Code. If any amount of federal money is recommended to be 1651
appropriated or has been expended for a purpose for which state 1652
money also is recommended to be appropriated or has been expended, 1653
the amounts of federal money and state money involved shall be 1654
separately identified. 1655

(3) A detailed estimate of the revenue receipts in each fund 1656
from each source under existing laws during each year of the 1657
biennium; and, in comparative form, actual revenue receipts in 1658
each fund from each source for each year of the two previous 1659
bienniums; 1660

(4) The estimated cash balance in each fund at the beginning 1661
of the biennium covered by the budget; the estimated liabilities 1662
outstanding against each such balance; and the estimated net 1663
balance remaining and available for new appropriations; 1664

(5) A detailed estimate of the additional revenue receipts in 1665
each fund from each source under proposed legislation, if enacted, 1666
during each year of the biennium; 1667

(6) A description of each tax expenditure; a detailed 1668
estimate of the amount of revenues not available to the general 1669
revenue fund under existing laws during each fiscal year of the 1670
biennium covered by the budget due to the operation of each tax 1671
expenditure; and, in comparative form, the amount of revenue not 1672
available to the general revenue fund during each fiscal year of 1673
the immediately preceding biennium due to the operation of each 1674
tax expenditure. The report prepared by the department of taxation 1675
pursuant to section 5703.48 of the Revised Code shall be submitted 1676
to the general assembly as an appendix to the governor's budget. 1677
As used in this division, "tax expenditure" has the same meaning 1678
as in section 5703.48 of the Revised Code. 1679

(7) ~~The most recent report prepared by the tax expenditure review committee under division (F) of section 5703.95 of the Revised Code, which shall be submitted to the general assembly as an appendix to the governor's budget.~~ The most recent TANF spending plan prepared by the department of job and family services under section 5101.806 of the Revised Code, which shall be submitted to the general assembly as an appendix to the governor's budget.

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

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

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

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

(1) The services the entity provided;

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

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

Sec. 109.02. The attorney general is the chief law officer for the state and all its departments and shall be provided with adequate office space in Columbus. Except as provided in division (E) of section 120.06 and in sections 101.55 and 3517.152 to 3517.157 of the Revised Code, no state officer or board, or head

of a department or institution of the state shall employ, or be 1709
represented by, other counsel or attorneys at law. The attorney 1710
general shall appear for the state in the trial and argument of 1711
all civil and criminal causes in the supreme court in which the 1712
state is directly or indirectly interested. When required by the 1713
governor or the general assembly, the attorney general shall 1714
appear for the state in any court or tribunal in a cause in which 1715
the state is a party, or in which the state is directly 1716
interested. Upon the written request of the governor, the attorney 1717
general shall prosecute any person indicted for a crime. 1718

Sec. 109.08. The attorney general may appoint and authorize 1719
special counsel to represent the state and any political 1720
subdivision in connection with all claims of whatsoever nature 1721
which are certified to the attorney general for collection under 1722
any law or which the attorney general is authorized to collect. 1723

Such special counsel shall be paid for their services from 1724
funds collected by them in an amount approved by the attorney 1725
general. In addition to the amount certified, the amounts paid to 1726
special counsel may be assessed as collection costs consistent 1727
with section 131.02 of the Revised Code and shall be fully 1728
recoverable from the party indebted. The amounts assessed as 1729
collection costs under this section are in addition to any amounts 1730
authorized under section 109.081 of the Revised Code. 1731

The attorney general is authorized to provide to the special 1732
counsel the official letterhead stationery of the attorney 1733
general. The attorney general may authorize the special counsel to 1734
use the letterhead stationery, but only in connection with the 1735
collection of such claims arising out of amounts certified by the 1736
state and political subdivisions. 1737

The attorney general may adopt rules under Chapter 119. of 1738
the Revised Code as necessary for the implementation of this 1739

section and section 109.081 of the Revised Code. 1740

Sec. 109.111. There is hereby created the attorney general 1741
court order fund, which shall be in the custody of the treasurer 1742
of state but shall not be part of the state treasury. The fund 1743
shall consist of all money ~~collected or received by the attorney~~ 1744
general as a result of ~~an any judgment, settlement, compromise of~~ 1745
claims, or other final order or judgment of any court ~~to be~~ 1746
~~received or secured by, or delivered to, the attorney general for~~ 1747
~~transfer, distribution, disbursement, or allocation pursuant to~~ 1748
~~court order.~~ All money in the fund, including investment earnings 1749
thereon, shall be ~~used~~ distributed solely ~~to make payment as~~ 1750
~~directed pursuant to court order~~ in accordance with section 1751
109.112 of the Revised Code. 1752

Sec. 109.112. (A) (1) Except as otherwise provided in division 1753
(A) (2) of this section, in any action in a state or federal court, 1754
the attorney general, including any special counsel appointed 1755
under section 109.07 of the Revised Code, shall not include or 1756
agree to terms or conditions in any settlement that authorizes the 1757
expenditure, transfer, or award of money to this state without 1758
first obtaining the approval of the governor, the president of the 1759
senate, and the speaker of the house of representatives. 1760

(2) Division (A) (1) of this section does not apply to a 1761
settlement that authorizes the expenditure, transfer, or award of 1762
funds to this state if either of the following are true: 1763

(a) The total amount of the money does not exceed ten 1764
thousand dollars. 1765

(b) The money is an amount due to the state or a political 1766
subdivision and is being collected under section 131.02 of the 1767
Revised Code. 1768

(B) If the state of Ohio or any agency or officer of the 1769

state is named in a court order to be the recipient of any money 1770
collected or received by the attorney general under section 1771
109.111 of the Revised Code, the attorney general shall proceed as 1772
follows: 1773

(1) Except for money described in division (A)(2)(a) or (b) 1774
of this section, the attorney general shall notify the chairperson 1775
of the finance committee of the house of representatives, the 1776
chairperson of the finance committee of the senate, and the 1777
director of budget and management of the amount. Subject to the 1778
approval of the controlling board, the director, in consultation 1779
with the attorney general, shall transfer the money from the 1780
attorney general court order fund to the appropriate fund or funds 1781
within the state treasury. 1782

(2) In the case of any other money, the attorney general 1783
shall notify the director of budget and management of the amount 1784
of the money ~~to be collected or received under,~~ and the terms of, 1785
the court order. The director, in consultation with the attorney 1786
general, shall determine the appropriate distribution of the money 1787
to the appropriate ~~custodial~~ fund or funds within the state 1788
treasury, consistent with the terms of the order. Upon its 1789
collection or receipt, the attorney general shall transfer the 1790
money from the attorney general court order fund to the 1791
appropriate fund or funds as determined by the director. 1792

Sec. 109.57. (A) (1) The superintendent of the bureau of 1793
criminal identification and investigation shall procure from 1794
wherever procurable and file for record photographs, pictures, 1795
descriptions, fingerprints, measurements, and other information 1796
that may be pertinent of all persons who have been convicted of 1797
committing within this state a felony, any crime constituting a 1798
misdemeanor on the first offense and a felony on subsequent 1799
offenses, or any misdemeanor described in division (A)(1)(a), 1800

(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, of 1801
all children under eighteen years of age who have been adjudicated 1802
delinquent children for committing within this state an act that 1803
would be a felony or an offense of violence if committed by an 1804
adult or who have been convicted of or pleaded guilty to 1805
committing within this state a felony or an offense of violence, 1806
and of all well-known and habitual criminals. The person in charge 1807
of any county, multicounty, municipal, municipal-county, or 1808
multicounty-municipal jail or workhouse, community-based 1809
correctional facility, halfway house, alternative residential 1810
facility, or state correctional institution and the person in 1811
charge of any state institution having custody of a person 1812
suspected of having committed a felony, any crime constituting a 1813
misdemeanor on the first offense and a felony on subsequent 1814
offenses, or any misdemeanor described in division (A) (1) (a), 1815
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code or 1816
having custody of a child under eighteen years of age with respect 1817
to whom there is probable cause to believe that the child may have 1818
committed an act that would be a felony or an offense of violence 1819
if committed by an adult shall furnish such material to the 1820
superintendent of the bureau. Fingerprints, photographs, or other 1821
descriptive information of a child who is under eighteen years of 1822
age, has not been arrested or otherwise taken into custody for 1823
committing an act that would be a felony or an offense of violence 1824
who is not in any other category of child specified in this 1825
division, if committed by an adult, has not been adjudicated a 1826
delinquent child for committing an act that would be a felony or 1827
an offense of violence if committed by an adult, has not been 1828
convicted of or pleaded guilty to committing a felony or an 1829
offense of violence, and is not a child with respect to whom there 1830
is probable cause to believe that the child may have committed an 1831
act that would be a felony or an offense of violence if committed 1832

by an adult shall not be procured by the superintendent or 1833
furnished by any person in charge of any county, multicounty, 1834
municipal, municipal-county, or multicounty-municipal jail or 1835
workhouse, community-based correctional facility, halfway house, 1836
alternative residential facility, or state correctional 1837
institution, except as authorized in section 2151.313 of the 1838
Revised Code. 1839

(2) Every clerk of a court of record in this state, other 1840
than the supreme court or a court of appeals, shall send to the 1841
superintendent of the bureau a weekly report containing a summary 1842
of each case involving a felony, involving any crime constituting 1843
a misdemeanor on the first offense and a felony on subsequent 1844
offenses, involving a misdemeanor described in division (A)(1)(a), 1845
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 1846
involving an adjudication in a case in which a child under 1847
eighteen years of age was alleged to be a delinquent child for 1848
committing an act that would be a felony or an offense of violence 1849
if committed by an adult. The clerk of the court of common pleas 1850
shall include in the report and summary the clerk sends under this 1851
division all information described in divisions (A)(2)(a) to (f) 1852
of this section regarding a case before the court of appeals that 1853
is served by that clerk. The summary shall be written on the 1854
standard forms furnished by the superintendent pursuant to 1855
division (B) of this section and shall include the following 1856
information: 1857

(a) The incident tracking number contained on the standard 1858
forms furnished by the superintendent pursuant to division (B) of 1859
this section; 1860

(b) The style and number of the case; 1861

(c) The date of arrest, offense, summons, or arraignment; 1862

(d) The date that the person was convicted of or pleaded 1863

guilty to the offense, adjudicated a delinquent child for 1864
committing the act that would be a felony or an offense of 1865
violence if committed by an adult, found not guilty of the 1866
offense, or found not to be a delinquent child for committing an 1867
act that would be a felony or an offense of violence if committed 1868
by an adult, the date of an entry dismissing the charge, an entry 1869
declaring a mistrial of the offense in which the person is 1870
discharged, an entry finding that the person or child is not 1871
competent to stand trial, or an entry of a nolle prosequi, or the 1872
date of any other determination that constitutes final resolution 1873
of the case; 1874

(e) A statement of the original charge with the section of 1875
the Revised Code that was alleged to be violated; 1876

(f) If the person or child was convicted, pleaded guilty, or 1877
was adjudicated a delinquent child, the sentence or terms of 1878
probation imposed or any other disposition of the offender or the 1879
delinquent child. 1880

If the offense involved the disarming of a law enforcement 1881
officer or an attempt to disarm a law enforcement officer, the 1882
clerk shall clearly state that fact in the summary, and the 1883
superintendent shall ensure that a clear statement of that fact is 1884
placed in the bureau's records. 1885

(3) The superintendent shall cooperate with and assist 1886
sheriffs, chiefs of police, and other law enforcement officers in 1887
the establishment of a complete system of criminal identification 1888
and in obtaining fingerprints and other means of identification of 1889
all persons arrested on a charge of a felony, any crime 1890
constituting a misdemeanor on the first offense and a felony on 1891
subsequent offenses, or a misdemeanor described in division 1892
(A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 of the 1893
Revised Code and of all children under eighteen years of age 1894
arrested or otherwise taken into custody for committing an act 1895

that would be a felony or an offense of violence if committed by 1896
an adult. The superintendent also shall file for record the 1897
fingerprint impressions of all persons confined in a county, 1898
multicounty, municipal, municipal-county, or multicounty-municipal 1899
jail or workhouse, community-based correctional facility, halfway 1900
house, alternative residential facility, or state correctional 1901
institution for the violation of state laws and of all children 1902
under eighteen years of age who are confined in a county, 1903
multicounty, municipal, municipal-county, or multicounty-municipal 1904
jail or workhouse, community-based correctional facility, halfway 1905
house, alternative residential facility, or state correctional 1906
institution or in any facility for delinquent children for 1907
committing an act that would be a felony or an offense of violence 1908
if committed by an adult, and any other information that the 1909
superintendent may receive from law enforcement officials of the 1910
state and its political subdivisions. 1911

(4) The superintendent shall carry out Chapter 2950. of the 1912
Revised Code with respect to the registration of persons who are 1913
convicted of or plead guilty to a sexually oriented offense or a 1914
child-victim oriented offense and with respect to all other duties 1915
imposed on the bureau under that chapter. 1916

(5) The bureau shall perform centralized recordkeeping 1917
functions for criminal history records and services in this state 1918
for purposes of the national crime prevention and privacy compact 1919
set forth in section 109.571 of the Revised Code and is the 1920
criminal history record repository as defined in that section for 1921
purposes of that compact. The superintendent or the 1922
superintendent's designee is the compact officer for purposes of 1923
that compact and shall carry out the responsibilities of the 1924
compact officer specified in that compact. 1925

(6) The superintendent shall, upon request, assist a county 1926
coroner in the identification of a deceased person through the use 1927

of fingerprint impressions obtained pursuant to division (A) (1) of 1928
this section or collected pursuant to section 109.572 or 311.41 of 1929
the Revised Code. 1930

(B) The superintendent shall prepare and furnish to every 1931
county, multicounty, municipal, municipal-county, or 1932
multicounty-municipal jail or workhouse, community-based 1933
correctional facility, halfway house, alternative residential 1934
facility, or state correctional institution and to every clerk of 1935
a court in this state specified in division (A) (2) of this section 1936
standard forms for reporting the information required under 1937
division (A) of this section. The standard forms that the 1938
superintendent prepares pursuant to this division may be in a 1939
tangible format, in an electronic format, or in both tangible 1940
formats and electronic formats. 1941

(C) (1) The superintendent may operate a center for 1942
electronic, automated, or other data processing for the storage 1943
and retrieval of information, data, and statistics pertaining to 1944
criminals and to children under eighteen years of age who are 1945
adjudicated delinquent children for committing an act that would 1946
be a felony or an offense of violence if committed by an adult, 1947
criminal activity, crime prevention, law enforcement, and criminal 1948
justice, and may establish and operate a statewide communications 1949
network to be known as the Ohio law enforcement gateway to gather 1950
and disseminate information, data, and statistics for the use of 1951
law enforcement agencies and for other uses specified in this 1952
division. The superintendent may gather, store, retrieve, and 1953
disseminate information, data, and statistics that pertain to 1954
children who are under eighteen years of age and that are gathered 1955
pursuant to sections 109.57 to 109.61 of the Revised Code together 1956
with information, data, and statistics that pertain to adults and 1957
that are gathered pursuant to those sections. 1958

(2) The superintendent or the superintendent's designee shall 1959

gather information of the nature described in division (C)(1) of 1960
this section that pertains to the offense and delinquency history 1961
of a person who has been convicted of, pleaded guilty to, or been 1962
adjudicated a delinquent child for committing a sexually oriented 1963
offense or a child-victim oriented offense for inclusion in the 1964
state registry of sex offenders and child-victim offenders 1965
maintained pursuant to division (A)(1) of section 2950.13 of the 1966
Revised Code and in the internet database operated pursuant to 1967
division (A)(13) of that section and for possible inclusion in the 1968
internet database operated pursuant to division (A)(11) of that 1969
section. 1970

(3) In addition to any other authorized use of information, 1971
data, and statistics of the nature described in division (C)(1) of 1972
this section, the superintendent or the superintendent's designee 1973
may provide and exchange the information, data, and statistics 1974
pursuant to the national crime prevention and privacy compact as 1975
described in division (A)(5) of this section. 1976

(4) The Ohio law enforcement gateway shall contain the name, 1977
confidential address, and telephone number of program participants 1978
in the address confidentiality program established under sections 1979
111.41 to 111.47 of the Revised Code. 1980

(5) The attorney general may adopt rules under Chapter 119. 1981
of the Revised Code establishing guidelines for the operation of 1982
and participation in the Ohio law enforcement gateway. The rules 1983
may include criteria for granting and restricting access to 1984
information gathered and disseminated through the Ohio law 1985
enforcement gateway. The attorney general shall adopt rules under 1986
Chapter 119. of the Revised Code that grant access to information 1987
in the gateway regarding an address confidentiality program 1988
participant under sections 111.41 to 111.47 of the Revised Code to 1989
only chiefs of police, village marshals, county sheriffs, county 1990
prosecuting attorneys, and a designee of each of these 1991

individuals. The attorney general shall permit the state medical 1992
board and board of nursing to access and view, but not alter, 1993
information gathered and disseminated through the Ohio law 1994
enforcement gateway. 1995

The attorney general may appoint a steering committee to 1996
advise the attorney general in the operation of the Ohio law 1997
enforcement gateway that is comprised of persons who are 1998
representatives of the criminal justice agencies in this state 1999
that use the Ohio law enforcement gateway and is chaired by the 2000
superintendent or the superintendent's designee. 2001

(D) (1) The following are not public records under section 2002
149.43 of the Revised Code: 2003

(a) Information and materials furnished to the superintendent 2004
pursuant to division (A) of this section; 2005

(b) Information, data, and statistics gathered or 2006
disseminated through the Ohio law enforcement gateway pursuant to 2007
division (C) (1) of this section; 2008

(c) Information and materials furnished to any board or 2009
person under division (F) or (G) of this section. 2010

(2) The superintendent or the superintendent's designee shall 2011
gather and retain information so furnished under division (A) of 2012
this section that pertains to the offense and delinquency history 2013
of a person who has been convicted of, pleaded guilty to, or been 2014
adjudicated a delinquent child for committing a sexually oriented 2015
offense or a child-victim oriented offense for the purposes 2016
described in division (C) (2) of this section. 2017

(E) (1) The attorney general shall adopt rules, in accordance 2018
with Chapter 119. of the Revised Code and subject to division 2019
(E) (2) of this section, setting forth the procedure by which a 2020
person may receive or release information gathered by the 2021
superintendent pursuant to division (A) of this section. A 2022

reasonable fee may be charged for this service. If a temporary 2023
employment service submits a request for a determination of 2024
whether a person the service plans to refer to an employment 2025
position has been convicted of or pleaded guilty to an offense 2026
listed or described in division (A) (1), (2), or (3) of section 2027
109.572 of the Revised Code, the request shall be treated as a 2028
single request and only one fee shall be charged. 2029

(2) Except as otherwise provided in this division or division 2030
(E) (3) or (4) of this section, a rule adopted under division 2031
(E) (1) of this section may provide only for the release of 2032
information gathered pursuant to division (A) of this section that 2033
relates to the conviction of a person, or a person's plea of 2034
guilty to, a criminal offense or to the arrest of a person as 2035
provided in division (E) (3) of this section. The superintendent 2036
shall not release, and the attorney general shall not adopt any 2037
rule under division (E) (1) of this section that permits the 2038
release of, any information gathered pursuant to division (A) of 2039
this section that relates to an adjudication of a child as a 2040
delinquent child, or that relates to a criminal conviction of a 2041
person under eighteen years of age if the person's case was 2042
transferred back to a juvenile court under division (B) (2) or (3) 2043
of section 2152.121 of the Revised Code and the juvenile court 2044
imposed a disposition or serious youthful offender disposition 2045
upon the person under either division, unless either of the 2046
following applies with respect to the adjudication or conviction: 2047

(a) The adjudication or conviction was for a violation of 2048
section 2903.01 or 2903.02 of the Revised Code. 2049

(b) The adjudication or conviction was for a sexually 2050
oriented offense, the juvenile court was required to classify the 2051
child a juvenile offender registrant for that offense under 2052
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 2053
classification has not been removed, and the records of the 2054

adjudication or conviction have not been sealed or expunged 2055
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 2056
section 2952.32 of the Revised Code. 2057

(3) A rule adopted under division (E)(1) of this section may 2058
provide for the release of information gathered pursuant to 2059
division (A) of this section that relates to the arrest of a 2060
person who is eighteen years of age or older when the person has 2061
not been convicted as a result of that arrest if any of the 2062
following applies: 2063

(a) The arrest was made outside of this state. 2064

(b) A criminal action resulting from the arrest is pending, 2065
and the superintendent confirms that the criminal action has not 2066
been resolved at the time the criminal records check is performed. 2067

(c) The bureau cannot reasonably determine whether a criminal 2068
action resulting from the arrest is pending, and not more than one 2069
year has elapsed since the date of the arrest. 2070

(4) A rule adopted under division (E)(1) of this section may 2071
provide for the release of information gathered pursuant to 2072
division (A) of this section that relates to an adjudication of a 2073
child as a delinquent child if not more than five years have 2074
elapsed since the date of the adjudication, the adjudication was 2075
for an act that would have been a felony if committed by an adult, 2076
the records of the adjudication have not been sealed or expunged 2077
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 2078
the request for information is made under division (F) of this 2079
section or under section 109.572 of the Revised Code. In the case 2080
of an adjudication for a violation of the terms of community 2081
control or supervised release, the five-year period shall be 2082
calculated from the date of the adjudication to which the 2083
community control or supervised release pertains. 2084

(F)(1) As used in division (F)(2) of this section, "head 2085

start agency" means an entity in this state that has been approved 2086
to be an agency for purposes of subchapter II of the "Community 2087
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 2088
as amended. 2089

(2) (a) In addition to or in conjunction with any request that 2090
is required to be made under section 109.572, 2151.86, 3301.32, 2091
3301.541, division (C) of section 3310.58, or section 3319.39, 2092
3319.391, 3327.10, ~~3701.881~~ 3740.11, 5104.013, 5123.081, or 2093
5153.111 of the Revised Code or that is made under section 2094
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 2095
board of education of any school district; the director of 2096
developmental disabilities; any county board of developmental 2097
disabilities; any provider or subcontractor as defined in section 2098
5123.081 of the Revised Code; the chief administrator of any 2099
chartered nonpublic school; the chief administrator of a 2100
registered private provider that is not also a chartered nonpublic 2101
school; the chief administrator of any home health agency; the 2102
chief administrator of or person operating any child day-care 2103
center, type A family day-care home, or type B family day-care 2104
home licensed under Chapter 5104. of the Revised Code; the chief 2105
administrator of any head start agency; the executive director of 2106
a public children services agency; a private company described in 2107
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 2108
Code; or an employer described in division (J) (2) of section 2109
3327.10 of the Revised Code may request that the superintendent of 2110
the bureau investigate and determine, with respect to any 2111
individual who has applied for employment in any position after 2112
October 2, 1989, or any individual wishing to apply for employment 2113
with a board of education may request, with regard to the 2114
individual, whether the bureau has any information gathered under 2115
division (A) of this section that pertains to that individual. On 2116
receipt of the request, subject to division (E) (2) of this 2117
section, the superintendent shall determine whether that 2118

information exists and, upon request of the person, board, or 2119
entity requesting information, also shall request from the federal 2120
bureau of investigation any criminal records it has pertaining to 2121
that individual. The superintendent or the superintendent's 2122
designee also may request criminal history records from other 2123
states or the federal government pursuant to the national crime 2124
prevention and privacy compact set forth in section 109.571 of the 2125
Revised Code. Within thirty days of the date that the 2126
superintendent receives a request, subject to division (E)(2) of 2127
this section, the superintendent shall send to the board, entity, 2128
or person a report of any information that the superintendent 2129
determines exists, including information contained in records that 2130
have been sealed under section 2953.32 of the Revised Code, and, 2131
within thirty days of its receipt, subject to division (E)(2) of 2132
this section, shall send the board, entity, or person a report of 2133
any information received from the federal bureau of investigation, 2134
other than information the dissemination of which is prohibited by 2135
federal law. 2136

(b) When a board of education or a registered private 2137
provider is required to receive information under this section as 2138
a prerequisite to employment of an individual pursuant to division 2139
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 2140
may accept a certified copy of records that were issued by the 2141
bureau of criminal identification and investigation and that are 2142
presented by an individual applying for employment with the 2143
district in lieu of requesting that information itself. In such a 2144
case, the board shall accept the certified copy issued by the 2145
bureau in order to make a photocopy of it for that individual's 2146
employment application documents and shall return the certified 2147
copy to the individual. In a case of that nature, a district or 2148
provider only shall accept a certified copy of records of that 2149
nature within one year after the date of their issuance by the 2150
bureau. 2151

(c) Notwithstanding division (F) (2) (a) of this section, in 2152
the case of a request under section 3319.39, 3319.391, or 3327.10 2153
of the Revised Code only for criminal records maintained by the 2154
federal bureau of investigation, the superintendent shall not 2155
determine whether any information gathered under division (A) of 2156
this section exists on the person for whom the request is made. 2157

(3) The state board of education may request, with respect to 2158
any individual who has applied for employment after October 2, 2159
1989, in any position with the state board or the department of 2160
education, any information that a school district board of 2161
education is authorized to request under division (F) (2) of this 2162
section, and the superintendent of the bureau shall proceed as if 2163
the request has been received from a school district board of 2164
education under division (F) (2) of this section. 2165

(4) When the superintendent of the bureau receives a request 2166
for information under section 3319.291 of the Revised Code, the 2167
superintendent shall proceed as if the request has been received 2168
from a school district board of education and shall comply with 2169
divisions (F) (2) (a) and (c) of this section. 2170

(G) In addition to or in conjunction with any request that is 2171
required to be made under section ~~3701.881~~, 3712.09, ~~or~~ 3721.121, 2172
or 3740.11 of the Revised Code with respect to an individual who 2173
has applied for employment in a position that involves providing 2174
direct care to an older adult or adult resident, the chief 2175
administrator of a home health agency, hospice care program, home 2176
licensed under Chapter 3721. of the Revised Code, or adult 2177
day-care program operated pursuant to rules adopted under section 2178
3721.04 of the Revised Code may request that the superintendent of 2179
the bureau investigate and determine, with respect to any 2180
individual who has applied after January 27, 1997, for employment 2181
in a position that does not involve providing direct care to an 2182
older adult or adult resident, whether the bureau has any 2183

information gathered under division (A) of this section that 2184
pertains to that individual. 2185

In addition to or in conjunction with any request that is 2186
required to be made under section 173.27 of the Revised Code with 2187
respect to an individual who has applied for employment in a 2188
position that involves providing ombudsman services to residents 2189
of long-term care facilities or recipients of community-based 2190
long-term care services, the state long-term care ombudsman, the 2191
director of aging, a regional long-term care ombudsman program, or 2192
the designee of the ombudsman, director, or program may request 2193
that the superintendent investigate and determine, with respect to 2194
any individual who has applied for employment in a position that 2195
does not involve providing such ombudsman services, whether the 2196
bureau has any information gathered under division (A) of this 2197
section that pertains to that applicant. 2198

In addition to or in conjunction with any request that is 2199
required to be made under section 173.38 of the Revised Code with 2200
respect to an individual who has applied for employment in a 2201
direct-care position, the chief administrator of a provider, as 2202
defined in section 173.39 of the Revised Code, may request that 2203
the superintendent investigate and determine, with respect to any 2204
individual who has applied for employment in a position that is 2205
not a direct-care position, whether the bureau has any information 2206
gathered under division (A) of this section that pertains to that 2207
applicant. 2208

In addition to or in conjunction with any request that is 2209
required to be made under section 3712.09 of the Revised Code with 2210
respect to an individual who has applied for employment in a 2211
position that involves providing direct care to a pediatric 2212
respite care patient, the chief administrator of a pediatric 2213
respite care program may request that the superintendent of the 2214
bureau investigate and determine, with respect to any individual 2215

who has applied for employment in a position that does not involve 2216
providing direct care to a pediatric respite care patient, whether 2217
the bureau has any information gathered under division (A) of this 2218
section that pertains to that individual. 2219

On receipt of a request under this division, the 2220
superintendent shall determine whether that information exists 2221
and, on request of the individual requesting information, shall 2222
also request from the federal bureau of investigation any criminal 2223
records it has pertaining to the applicant. The superintendent or 2224
the superintendent's designee also may request criminal history 2225
records from other states or the federal government pursuant to 2226
the national crime prevention and privacy compact set forth in 2227
section 109.571 of the Revised Code. Within thirty days of the 2228
date a request is received, subject to division (E)(2) of this 2229
section, the superintendent shall send to the requester a report 2230
of any information determined to exist, including information 2231
contained in records that have been sealed under section 2953.32 2232
of the Revised Code, and, within thirty days of its receipt, shall 2233
send the requester a report of any information received from the 2234
federal bureau of investigation, other than information the 2235
dissemination of which is prohibited by federal law. 2236

(H) Information obtained by a government entity or person 2237
under this section is confidential and shall not be released or 2238
disseminated. 2239

(I) The superintendent may charge a reasonable fee for 2240
providing information or criminal records under division (F)(2) or 2241
(G) of this section. 2242

(J) As used in this section: 2243

(1) "Pediatric respite care program" and "pediatric care 2244
patient" have the same meanings as in section 3712.01 of the 2245
Revised Code. 2246

(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 2247
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(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program. 2250
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Sec. 109.572. (A) (1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 2256
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former 2267
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section 2907.12 of the Revised Code, a violation of section 2278
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2279
violation of section 2919.23 of the Revised Code that would have 2280
been a violation of section 2905.04 of the Revised Code as it 2281
existed prior to July 1, 1996, had the violation been committed 2282
prior to that date, or a violation of section 2925.11 of the 2283
Revised Code that is not a minor drug possession offense; 2284

(b) A violation of an existing or former law of this state, 2285
any other state, or the United States that is substantially 2286
equivalent to any of the offenses listed in division (A)(1)(a) of 2287
this section; 2288

(c) If the request is made pursuant to section 3319.39 of the 2289
Revised Code for an applicant who is a teacher, any offense 2290
specified under section 9.79 of the Revised Code or in section 2291
3319.31 of the Revised Code. 2292

(2) On receipt of a request pursuant to section 3712.09 or 2293
3721.121 of the Revised Code, a completed form prescribed pursuant 2294
to division (C)(1) of this section, and a set of fingerprint 2295
impressions obtained in the manner described in division (C)(2) of 2296
this section, the superintendent of the bureau of criminal 2297
identification and investigation shall conduct a criminal records 2298
check with respect to any person who has applied for employment in 2299
a position for which a criminal records check is required by those 2300
sections. The superintendent shall conduct the criminal records 2301
check in the manner described in division (B) of this section to 2302
determine whether any information exists that indicates that the 2303
person who is the subject of the request previously has been 2304
convicted of or pleaded guilty to any of the following: 2305

(a) A violation of section 2903.01, 2903.02, 2903.03, 2306
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2307
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2308
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2309

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2310
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2311
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2312
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2313
2925.22, 2925.23, or 3716.11 of the Revised Code; 2314

(b) An existing or former law of this state, any other state, 2315
or the United States that is substantially equivalent to any of 2316
the offenses listed in division (A)(2)(a) of this section. 2317

(3) On receipt of a request pursuant to section 173.27, 2318
173.38, 173.381, ~~3701.881~~ 3740.11, 5119.34, 5164.34, 5164.341, 2319
5164.342, or 5123.081 of the Revised Code, a completed form 2320
prescribed pursuant to division (C)(1) of this section, and a set 2321
of fingerprint impressions obtained in the manner described in 2322
division (C)(2) of this section, the superintendent of the bureau 2323
of criminal identification and investigation shall conduct a 2324
criminal records check of the person for whom the request is made. 2325
The superintendent shall conduct the criminal records check in the 2326
manner described in division (B) of this section to determine 2327
whether any information exists that indicates that the person who 2328
is the subject of the request previously has been convicted of, 2329
has pleaded guilty to, or (except in the case of a request 2330
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 2331
Code) has been found eligible for intervention in lieu of 2332
conviction for any of the following, regardless of the date of the 2333
conviction, the date of entry of the guilty plea, or (except in 2334
the case of a request pursuant to section 5164.34, 5164.341, or 2335
5164.342 of the Revised Code) the date the person was found 2336
eligible for intervention in lieu of conviction: 2337

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2338
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2339
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2340
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2341

2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,	2342
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32,	2343
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04,	2344
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12,	2345
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21,	2346
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,	2347
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,	2348
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,	2349
2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11,	2350
2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34,	2351
2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13,	2352
2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03,	2353
2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13,	2354
2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55,	2355
2925.56, 2927.12, or 3716.11 of the Revised Code;	2356
(b) Felonious sexual penetration in violation of former	2357
section 2907.12 of the Revised Code;	2358
(c) A violation of section 2905.04 of the Revised Code as it	2359
existed prior to July 1, 1996;	2360
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	2361
the Revised Code when the underlying offense that is the object of	2362
the conspiracy, attempt, or complicity is one of the offenses	2363
listed in divisions (A) (3) (a) to (c) of this section;	2364
(e) A violation of an existing or former municipal ordinance	2365
or law of this state, any other state, or the United States that	2366
is substantially equivalent to any of the offenses listed in	2367
divisions (A) (3) (a) to (d) of this section.	2368
(4) On receipt of a request pursuant to section 2151.86 or	2369
2151.904 of the Revised Code, a completed form prescribed pursuant	2370
to division (C) (1) of this section, and a set of fingerprint	2371
impressions obtained in the manner described in division (C) (2) of	2372

this section, the superintendent of the bureau of criminal 2373
identification and investigation shall conduct a criminal records 2374
check in the manner described in division (B) of this section to 2375
determine whether any information exists that indicates that the 2376
person who is the subject of the request previously has been 2377
convicted of or pleaded guilty to any of the following: 2378

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2379
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2380
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2381
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2382
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2383
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2384
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2385
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2386
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 2387
of the Revised Code, a violation of section 2905.04 of the Revised 2388
Code as it existed prior to July 1, 1996, a violation of section 2389
2919.23 of the Revised Code that would have been a violation of 2390
section 2905.04 of the Revised Code as it existed prior to July 1, 2391
1996, had the violation been committed prior to that date, a 2392
violation of section 2925.11 of the Revised Code that is not a 2393
minor drug possession offense, two or more OVI or OVUAC violations 2394
committed within the three years immediately preceding the 2395
submission of the application or petition that is the basis of the 2396
request, or felonious sexual penetration in violation of former 2397
section 2907.12 of the Revised Code; 2398

(b) A violation of an existing or former law of this state, 2399
any other state, or the United States that is substantially 2400
equivalent to any of the offenses listed in division (A) (4) (a) of 2401
this section. 2402

(5) Upon receipt of a request pursuant to section 5104.013 of 2403
the Revised Code, a completed form prescribed pursuant to division 2404

(C) (1) of this section, and a set of fingerprint impressions 2405
obtained in the manner described in division (C) (2) of this 2406
section, the superintendent of the bureau of criminal 2407
identification and investigation shall conduct a criminal records 2408
check in the manner described in division (B) of this section to 2409
determine whether any information exists that indicates that the 2410
person who is the subject of the request has been convicted of or 2411
pleaded guilty to any of the following: 2412

(a) A violation of section 2151.421, 2903.01, 2903.02, 2413
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2414
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2415
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2416
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2417
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2418
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2419
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2420
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2421
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2422
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2423
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2424
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2425
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 2426
Revised Code, felonious sexual penetration in violation of former 2427
section 2907.12 of the Revised Code, a violation of section 2428
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2429
violation of section 2919.23 of the Revised Code that would have 2430
been a violation of section 2905.04 of the Revised Code as it 2431
existed prior to July 1, 1996, had the violation been committed 2432
prior to that date, a violation of section 2925.11 of the Revised 2433
Code that is not a minor drug possession offense, a violation of 2434
section 2923.02 or 2923.03 of the Revised Code that relates to a 2435
crime specified in this division, or a second violation of section 2436
4511.19 of the Revised Code within five years of the date of 2437

application for licensure or certification. 2438

(b) A violation of an existing or former law of this state, 2439
any other state, or the United States that is substantially 2440
equivalent to any of the offenses or violations described in 2441
division (A) (5) (a) of this section. 2442

(6) Upon receipt of a request pursuant to section 5153.111 of 2443
the Revised Code, a completed form prescribed pursuant to division 2444
(C) (1) of this section, and a set of fingerprint impressions 2445
obtained in the manner described in division (C) (2) of this 2446
section, the superintendent of the bureau of criminal 2447
identification and investigation shall conduct a criminal records 2448
check in the manner described in division (B) of this section to 2449
determine whether any information exists that indicates that the 2450
person who is the subject of the request previously has been 2451
convicted of or pleaded guilty to any of the following: 2452

(a) A violation of section 2903.01, 2903.02, 2903.03, 2453
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2454
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2455
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2456
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2457
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2458
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2459
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2460
felonious sexual penetration in violation of former section 2461
2907.12 of the Revised Code, a violation of section 2905.04 of the 2462
Revised Code as it existed prior to July 1, 1996, a violation of 2463
section 2919.23 of the Revised Code that would have been a 2464
violation of section 2905.04 of the Revised Code as it existed 2465
prior to July 1, 1996, had the violation been committed prior to 2466
that date, or a violation of section 2925.11 of the Revised Code 2467
that is not a minor drug possession offense; 2468

(b) A violation of an existing or former law of this state, 2469

any other state, or the United States that is substantially 2470
equivalent to any of the offenses listed in division (A) (6) (a) of 2471
this section. 2472

(7) On receipt of a request for a criminal records check from 2473
an individual pursuant to section 4749.03 or 4749.06 of the 2474
Revised Code, accompanied by a completed copy of the form 2475
prescribed in division (C) (1) of this section and a set of 2476
fingerprint impressions obtained in a manner described in division 2477
(C) (2) of this section, the superintendent of the bureau of 2478
criminal identification and investigation shall conduct a criminal 2479
records check in the manner described in division (B) of this 2480
section to determine whether any information exists indicating 2481
that the person who is the subject of the request has been 2482
convicted of or pleaded guilty to any criminal offense in this 2483
state or in any other state. If the individual indicates that a 2484
firearm will be carried in the course of business, the 2485
superintendent shall require information from the federal bureau 2486
of investigation as described in division (B) (2) of this section. 2487
Subject to division (F) of this section, the superintendent shall 2488
report the findings of the criminal records check and any 2489
information the federal bureau of investigation provides to the 2490
director of public safety. 2491

(8) On receipt of a request pursuant to section 1321.37, 2492
1321.53, or 4763.05 of the Revised Code, a completed form 2493
prescribed pursuant to division (C) (1) of this section, and a set 2494
of fingerprint impressions obtained in the manner described in 2495
division (C) (2) of this section, the superintendent of the bureau 2496
of criminal identification and investigation shall conduct a 2497
criminal records check with respect to any person who has applied 2498
for a license, permit, or certification from the department of 2499
commerce or a division in the department. The superintendent shall 2500
conduct the criminal records check in the manner described in 2501

division (B) of this section to determine whether any information 2502
exists that indicates that the person who is the subject of the 2503
request previously has been convicted of or pleaded guilty to any 2504
criminal offense in this state, any other state, or the United 2505
States. 2506

(9) On receipt of a request for a criminal records check from 2507
the treasurer of state under section 113.041 of the Revised Code 2508
or from an individual under section 928.03, 4701.08, 4715.101, 2509
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 2510
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 2511
4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2512
4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 2513
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 2514
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 2515
or 4783.04 of the Revised Code, accompanied by a completed form 2516
prescribed under division (C)(1) of this section and a set of 2517
fingerprint impressions obtained in the manner described in 2518
division (C)(2) of this section, the superintendent of the bureau 2519
of criminal identification and investigation shall conduct a 2520
criminal records check in the manner described in division (B) of 2521
this section to determine whether any information exists that 2522
indicates that the person who is the subject of the request has 2523
been convicted of or pleaded guilty to any criminal offense in 2524
this state or any other state. Subject to division (F) of this 2525
section, the superintendent shall send the results of a check 2526
requested under section 113.041 of the Revised Code to the 2527
treasurer of state and shall send the results of a check requested 2528
under any of the other listed sections to the licensing board 2529
specified by the individual in the request. 2530

(10) On receipt of a request pursuant to section 124.74, 2531
718.131, 1121.23, 1315.141, 1733.47, 1761.26, or 5123.169 of the 2532
Revised Code, a completed form prescribed pursuant to division 2533

(C) (1) of this section, and a set of fingerprint impressions 2534
obtained in the manner described in division (C) (2) of this 2535
section, the superintendent of the bureau of criminal 2536
identification and investigation shall conduct a criminal records 2537
check in the manner described in division (B) of this section to 2538
determine whether any information exists that indicates that the 2539
person who is the subject of the request previously has been 2540
convicted of or pleaded guilty to any criminal offense under any 2541
existing or former law of this state, any other state, or the 2542
United States. 2543

(11) On receipt of a request for a criminal records check 2544
from an appointing or licensing authority under section 3772.07 of 2545
the Revised Code, a completed form prescribed under division 2546
(C) (1) of this section, and a set of fingerprint impressions 2547
obtained in the manner prescribed in division (C) (2) of this 2548
section, the superintendent of the bureau of criminal 2549
identification and investigation shall conduct a criminal records 2550
check in the manner described in division (B) of this section to 2551
determine whether any information exists that indicates that the 2552
person who is the subject of the request previously has been 2553
convicted of or pleaded guilty or no contest to any offense under 2554
any existing or former law of this state, any other state, or the 2555
United States that is a disqualifying offense as defined in 2556
section 3772.07 of the Revised Code or substantially equivalent to 2557
such an offense. 2558

(12) On receipt of a request pursuant to section 2151.33 or 2559
2151.412 of the Revised Code, a completed form prescribed pursuant 2560
to division (C) (1) of this section, and a set of fingerprint 2561
impressions obtained in the manner described in division (C) (2) of 2562
this section, the superintendent of the bureau of criminal 2563
identification and investigation shall conduct a criminal records 2564
check with respect to any person for whom a criminal records check 2565

is required under that section. The superintendent shall conduct 2566
the criminal records check in the manner described in division (B) 2567
of this section to determine whether any information exists that 2568
indicates that the person who is the subject of the request 2569
previously has been convicted of or pleaded guilty to any of the 2570
following: 2571

(a) A violation of section 2903.01, 2903.02, 2903.03, 2572
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2573
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2574
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2575
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2576
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2577
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2578
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2579
2925.22, 2925.23, or 3716.11 of the Revised Code; 2580

(b) An existing or former law of this state, any other state, 2581
or the United States that is substantially equivalent to any of 2582
the offenses listed in division (A)(12)(a) of this section. 2583

(13) On receipt of a request pursuant to section 3796.12 of 2584
the Revised Code, a completed form prescribed pursuant to division 2585
(C)(1) of this section, and a set of fingerprint impressions 2586
obtained in a manner described in division (C)(2) of this section, 2587
the superintendent of the bureau of criminal identification and 2588
investigation shall conduct a criminal records check in the manner 2589
described in division (B) of this section to determine whether any 2590
information exists that indicates that the person who is the 2591
subject of the request previously has been convicted of or pleaded 2592
guilty to the following: 2593

(a) A disqualifying offense as specified in rules adopted 2594
under section 9.79 and division (B)(2)(b) of section 3796.03 of 2595
the Revised Code if the person who is the subject of the request 2596
is an administrator or other person responsible for the daily 2597

operation of, or an owner or prospective owner, officer or 2598
prospective officer, or board member or prospective board member 2599
of, an entity seeking a license from the department of commerce 2600
under Chapter 3796. of the Revised Code; 2601

(b) A disqualifying offense as specified in rules adopted 2602
under section 9.79 and division (B) (2) (b) of section 3796.04 of 2603
the Revised Code if the person who is the subject of the request 2604
is an administrator or other person responsible for the daily 2605
operation of, or an owner or prospective owner, officer or 2606
prospective officer, or board member or prospective board member 2607
of, an entity seeking a license from the state board of pharmacy 2608
under Chapter 3796. of the Revised Code. 2609

(14) On receipt of a request required by section 3796.13 of 2610
the Revised Code, a completed form prescribed pursuant to division 2611
(C) (1) of this section, and a set of fingerprint impressions 2612
obtained in a manner described in division (C) (2) of this section, 2613
the superintendent of the bureau of criminal identification and 2614
investigation shall conduct a criminal records check in the manner 2615
described in division (B) of this section to determine whether any 2616
information exists that indicates that the person who is the 2617
subject of the request previously has been convicted of or pleaded 2618
guilty to the following: 2619

(a) A disqualifying offense as specified in rules adopted 2620
under division (B) (8) (a) of section 3796.03 of the Revised Code if 2621
the person who is the subject of the request is seeking employment 2622
with an entity licensed by the department of commerce under 2623
Chapter 3796. of the Revised Code; 2624

(b) A disqualifying offense as specified in rules adopted 2625
under division (B) (14) (a) of section 3796.04 of the Revised Code 2626
if the person who is the subject of the request is seeking 2627
employment with an entity licensed by the state board of pharmacy 2628
under Chapter 3796. of the Revised Code. 2629

(15) On receipt of a request pursuant to section 4768.06 of 2630
the Revised Code, a completed form prescribed under division 2631
(C) (1) of this section, and a set of fingerprint impressions 2632
obtained in the manner described in division (C) (2) of this 2633
section, the superintendent of the bureau of criminal 2634
identification and investigation shall conduct a criminal records 2635
check in the manner described in division (B) of this section to 2636
determine whether any information exists indicating that the 2637
person who is the subject of the request has been convicted of or 2638
pleaded guilty to any criminal offense in this state or in any 2639
other state. 2640

(16) On receipt of a request pursuant to division (B) of 2641
section 4764.07 or division (A) of section 4735.143 of the Revised 2642
Code, a completed form prescribed under division (C) (1) of this 2643
section, and a set of fingerprint impressions obtained in the 2644
manner described in division (C) (2) of this section, the 2645
superintendent of the bureau of criminal identification and 2646
investigation shall conduct a criminal records check in the manner 2647
described in division (B) of this section to determine whether any 2648
information exists indicating that the person who is the subject 2649
of the request has been convicted of or pleaded guilty to any 2650
criminal offense in any state or the United States. 2651

(17) On receipt of a request for a criminal records check 2652
under section 147.022 of the Revised Code, a completed form 2653
prescribed under division (C) (1) of this section, and a set of 2654
fingerprint impressions obtained in the manner prescribed in 2655
division (C) (2) of this section, the superintendent of the bureau 2656
of criminal identification and investigation shall conduct a 2657
criminal records check in the manner described in division (B) of 2658
this section to determine whether any information exists that 2659
indicates that the person who is the subject of the request 2660
previously has been convicted of or pleaded guilty or no contest 2661

to any criminal offense under any existing or former law of this 2662
state, any other state, or the United States. 2663

(B) Subject to division (F) of this section, the 2664
superintendent shall conduct any criminal records check to be 2665
conducted under this section as follows: 2666

(1) The superintendent shall review or cause to be reviewed 2667
any relevant information gathered and compiled by the bureau under 2668
division (A) of section 109.57 of the Revised Code that relates to 2669
the person who is the subject of the criminal records check, 2670
including, if the criminal records check was requested under 2671
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 2672
928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2673
2151.86, 3301.32, 3301.541, 3319.39, ~~3701.881~~, 3740.11, 3712.09, 2674
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 2675
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 2676
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 2677
the Revised Code, any relevant information contained in records 2678
that have been sealed under section 2953.32 of the Revised Code; 2679

(2) If the request received by the superintendent asks for 2680
information from the federal bureau of investigation, the 2681
superintendent shall request from the federal bureau of 2682
investigation any information it has with respect to the person 2683
who is the subject of the criminal records check, including 2684
fingerprint-based checks of national crime information databases 2685
as described in 42 U.S.C. 671 if the request is made pursuant to 2686
section 2151.86 or 5104.013 of the Revised Code or if any other 2687
Revised Code section requires fingerprint-based checks of that 2688
nature, and shall review or cause to be reviewed any information 2689
the superintendent receives from that bureau. If a request under 2690
section 3319.39 of the Revised Code asks only for information from 2691
the federal bureau of investigation, the superintendent shall not 2692
conduct the review prescribed by division (B)(1) of this section. 2693

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

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

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

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

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

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

(2) The superintendent shall prescribe standard impression

sheets to obtain the fingerprint impressions of any person for 2725
whom a criminal records check is to be conducted under this 2726
section. Any person for whom a records check is to be conducted 2727
under this section shall obtain the fingerprint impressions at a 2728
county sheriff's office, municipal police department, or any other 2729
entity with the ability to make fingerprint impressions on the 2730
standard impression sheets prescribed by the superintendent. The 2731
office, department, or entity may charge the person a reasonable 2732
fee for making the impressions. The standard impression sheets the 2733
superintendent prescribes pursuant to this division may be in a 2734
tangible format, in an electronic format, or in both tangible and 2735
electronic formats. 2736

(3) Subject to division (D) of this section, the 2737
superintendent shall prescribe and charge a reasonable fee for 2738
providing a criminal records check under this section. The person 2739
requesting the criminal records check shall pay the fee prescribed 2740
pursuant to this division. In the case of a request under section 2741
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2742
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2743
the manner specified in that section. 2744

(4) The superintendent of the bureau of criminal 2745
identification and investigation may prescribe methods of 2746
forwarding fingerprint impressions and information necessary to 2747
conduct a criminal records check, which methods shall include, but 2748
not be limited to, an electronic method. 2749

(D) The results of a criminal records check conducted under 2750
this section, other than a criminal records check specified in 2751
division (A)(7) of this section, are valid for the person who is 2752
the subject of the criminal records check for a period of one year 2753
from the date upon which the superintendent completes the criminal 2754
records check. If during that period the superintendent receives 2755
another request for a criminal records check to be conducted under 2756

this section for that person, the superintendent shall provide the 2757
results from the previous criminal records check of the person at 2758
a lower fee than the fee prescribed for the initial criminal 2759
records check. 2760

(E) When the superintendent receives a request for 2761
information from a registered private provider, the superintendent 2762
shall proceed as if the request was received from a school 2763
district board of education under section 3319.39 of the Revised 2764
Code. The superintendent shall apply division (A)(1)(c) of this 2765
section to any such request for an applicant who is a teacher. 2766

(F)(1) Subject to division (F)(2) of this section, all 2767
information regarding the results of a criminal records check 2768
conducted under this section that the superintendent reports or 2769
sends under division (A)(7) or (9) of this section to the director 2770
of public safety, the treasurer of state, or the person, board, or 2771
entity that made the request for the criminal records check shall 2772
relate to the conviction of the subject person, or the subject 2773
person's plea of guilty to, a criminal offense. 2774

(2) Division (F)(1) of this section does not limit, restrict, 2775
or preclude the superintendent's release of information that 2776
relates to the arrest of a person who is eighteen years of age or 2777
older, to an adjudication of a child as a delinquent child, or to 2778
a criminal conviction of a person under eighteen years of age in 2779
circumstances in which a release of that nature is authorized 2780
under division (E)(2), (3), or (4) of section 109.57 of the 2781
Revised Code pursuant to a rule adopted under division (E)(1) of 2782
that section. 2783

(G) As used in this section: 2784

(1) "Criminal records check" means any criminal records check 2785
conducted by the superintendent of the bureau of criminal 2786
identification and investigation in accordance with division (B) 2787

of this section. 2788

(2) "Minor drug possession offense" has the same meaning as 2789
in section 2925.01 of the Revised Code. 2790

(3) "OVI or OVUAC violation" means a violation of section 2791
4511.19 of the Revised Code or a violation of an existing or 2792
former law of this state, any other state, or the United States 2793
that is substantially equivalent to section 4511.19 of the Revised 2794
Code. 2795

(4) "Registered private provider" means a nonpublic school or 2796
entity registered with the superintendent of public instruction 2797
under section 3310.41 of the Revised Code to participate in the 2798
autism scholarship program or section 3310.58 of the Revised Code 2799
to participate in the Jon Peterson special needs scholarship 2800
program. 2801

Sec. 109.79. (A) The Ohio peace officer training commission 2802
shall establish and conduct a training school for law enforcement 2803
officers of any political subdivision of the state or of the state 2804
public defender's office. The school shall be known as the Ohio 2805
peace officer training academy. No bailiff or deputy bailiff of a 2806
court of record of this state and no criminal investigator 2807
employed by the state public defender shall be permitted to attend 2808
the academy for training unless the employing court of the bailiff 2809
or deputy bailiff or the state public defender, whichever is 2810
applicable, has authorized the bailiff, deputy bailiff, or 2811
investigator to attend the academy. 2812

The Ohio peace officer training commission shall develop the 2813
training program, which shall include courses in both the civil 2814
and criminal functions of law enforcement officers, a course in 2815
crisis intervention with six or more hours of training, training 2816
in the handling of missing children and child abuse and neglect 2817
cases, and training on companion animal encounters and companion 2818

animal behavior, and shall establish rules governing 2819
qualifications for admission to the academy. The commission may 2820
require competitive examinations to determine fitness of 2821
prospective trainees, so long as the examinations or other 2822
criteria for admission to the academy are consistent with the 2823
provisions of Chapter 124. of the Revised Code. 2824

The Ohio peace officer training commission shall determine 2825
tuition costs sufficient in the aggregate to pay the costs of 2826
operating the academy. Tuition paid by a political subdivision of 2827
the state or by the state public defender's office shall be 2828
deposited into the state treasury to the credit of the peace 2829
officer training academy fee fund, which is hereby established. 2830
The attorney general shall use money in the fund to pay costs 2831
associated with operation of the academy. The costs of acquiring 2832
and equipping the academy shall be paid from appropriations made 2833
by the general assembly to the Ohio peace officer training 2834
commission for that purpose, from gifts or grants received for 2835
that purpose, or from fees for goods related to the academy. 2836

The Ohio peace officer training commission shall create a 2837
gaming-related curriculum for gaming agents. The Ohio peace 2838
officer training commission shall use money distributed to the 2839
Ohio peace officer training academy from the Ohio law enforcement 2840
training fund to first support the academy's training programs for 2841
gaming agents and gaming-related curriculum. The Ohio peace 2842
officer training commission may utilize existing training programs 2843
in other states that specialize in training gaming agents. 2844

The law enforcement officers, during the period of their 2845
training, shall receive compensation as determined by the 2846
political subdivision that sponsors them or, if the officer is a 2847
criminal investigator employed by the state public defender, as 2848
determined by the state public defender. The political subdivision 2849
may pay the tuition costs of the law enforcement officers they 2850

sponsor and the state public defender may pay the tuition costs of 2851
criminal investigators of that office who attend the academy. 2852

If trainee vacancies exist, the academy may train and issue 2853
certificates of satisfactory completion to peace officers who are 2854
employed by a campus police department pursuant to section 1713.50 2855
of the Revised Code, by a qualified nonprofit corporation police 2856
department pursuant to section 1702.80 of the Revised Code, or by 2857
a railroad company, who are amusement park police officers 2858
appointed and commissioned by a judge of the appropriate municipal 2859
court or county court pursuant to section 4973.17 of the Revised 2860
Code, or who are bank, savings and loan association, savings bank, 2861
credit union, or association of banks, savings and loan 2862
associations, savings banks, or credit unions, or hospital police 2863
officers appointed and commissioned by the secretary of state 2864
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 2865
provided that no such officer shall be trained at the academy 2866
unless the officer meets the qualifications established for 2867
admission to the academy and the qualified nonprofit corporation 2868
police department; bank, savings and loan association, savings 2869
bank, credit union, or association of banks, savings and loan 2870
associations, savings banks, or credit unions; railroad company; 2871
hospital; or amusement park or the private college or university 2872
that established the campus police department prepays the entire 2873
cost of the training. A qualified nonprofit corporation police 2874
department; bank, savings and loan association, savings bank, 2875
credit union, or association of banks, savings and loan 2876
associations, savings banks, or credit unions; railroad company; 2877
hospital; or amusement park or a private college or university 2878
that has established a campus police department is not entitled to 2879
reimbursement from the state for any amount paid for the cost of 2880
training the bank, savings and loan association, savings bank, 2881
credit union, or association of banks, savings and loan 2882
associations, savings banks, or credit unions peace officers; the 2883

railroad company's peace officers; or the peace officers of the 2884
qualified nonprofit corporation police department, campus police 2885
department, hospital, or amusement park. 2886

The academy shall permit investigators employed by the state 2887
medical board to take selected courses that the board determines 2888
are consistent with its responsibilities for initial and 2889
continuing training of investigators as required under sections 2890
4730.26 and 4731.05 of the Revised Code. The board shall pay the 2891
entire cost of training that investigators receive at the academy. 2892

The academy shall permit tactical medical professionals to 2893
attend training courses at the academy that are designed to 2894
qualify the professionals to carry firearms while on duty under 2895
section 109.771 of the Revised Code and that provide training 2896
comparable to training mandated under the rules required by 2897
division (A) of section 109.748 of the Revised Code. The executive 2898
director of the Ohio peace officer training commission may certify 2899
tactical medical professionals who satisfactorily complete the 2900
training courses. The law enforcement agency served by a tactical 2901
medical professional who attends the academy may pay the tuition 2902
costs of the professional. 2903

(B) As used in this section: 2904

(1) "Law enforcement officers" include any undercover drug 2905
agent, any bailiff or deputy bailiff of a court of record, and any 2906
criminal investigator who is employed by the state public 2907
defender. 2908

(2) "Undercover drug agent" means any person who: 2909

(a) Is employed by a county, township, or municipal 2910
corporation for the purposes set forth in division (B)(2)(b) of 2911
this section but who is not an employee of a county sheriff's 2912
department, of a township constable, or of the police department 2913
of a municipal corporation or township; 2914

(b) In the course of the person's employment by a county, 2915
township, or municipal corporation, investigates and gathers 2916
information pertaining to persons who are suspected of violating 2917
Chapter 2925. or 3719. of the Revised Code, and generally does not 2918
wear a uniform in the performance of the person's duties. 2919

(3) "Crisis intervention training" has the same meaning as in 2920
section 109.71 of the Revised Code. 2921

(4) "Missing children" has the same meaning as in section 2922
2901.30 of the Revised Code. 2923

(5) "Companion animal" has the same meaning as in section 2924
959.131 of the Revised Code. 2925

Sec. 109.803. (A) (1) Subject to divisions (A) (2) and (B) of 2926
this section, every appointing authority shall require each of its 2927
appointed peace officers and troopers to complete up to 2928
twenty-four hours of continuing professional training each 2929
calendar year, as directed by the Ohio peace officer training 2930
commission. The number of hours directed by the commission, up to 2931
twenty-four hours, is intended to be a minimum requirement, and 2932
appointing authorities are encouraged to exceed the number of 2933
hours the commission directs as the minimum. The commission shall 2934
set the required minimum number of hours based upon available 2935
funding for reimbursement as described in this division. If no 2936
funding for the reimbursement is available, no continuing 2937
professional training will be required. 2938

(2) An appointing authority may submit a written request to 2939
the peace officer training commission that requests for a calendar 2940
year because of emergency circumstances an extension of the time 2941
within which one or more of its appointed peace officers or 2942
troopers must complete the required minimum number of hours of 2943
continuing professional training set by the commission, as 2944
described in division (A) (1) of this section. A request made under 2945

this division shall set forth the name of each of the appointing authority's peace officers or troopers for whom an extension is requested, identify the emergency circumstances related to that peace officer or trooper, include documentation of those emergency circumstances, and set forth the date on which the request is submitted to the commission. A request shall be made under this division not later than the fifteenth day of December in the calendar year for which the extension is requested.

Upon receipt of a written request made under this division, the executive director of the commission shall review the request and the submitted documentation. If the executive director of the commission is satisfied that emergency circumstances exist for any peace officer or trooper for whom a request was made under this division, the executive director may approve the request for that peace officer or trooper and grant an extension of the time within which that peace officer or trooper must complete the required minimum number of hours of continuing professional training set by the commission. An extension granted under this division may be for any period of time the executive director believes to be appropriate, and the executive director shall specify in the notice granting the extension the date on which the extension ends. Not later than thirty days after the date on which a request is submitted to the commission, for each peace officer and trooper for whom an extension is requested, the executive director either shall approve the request and grant an extension or deny the request and deny an extension and shall send to the appointing authority that submitted the request written notice of the executive director's decision.

If the executive director grants an extension of the time within which a particular appointed peace officer or trooper of an appointing authority must complete the required minimum number of hours of continuing professional training set by the commission,

the appointing authority shall require that peace officer or 2978
trooper to complete the required minimum number of hours of 2979
training not later than the date on which the extension ends. 2980

(B) With the advice of the Ohio peace officer training 2981
commission, the attorney general shall adopt in accordance with 2982
Chapter 119. of the Revised Code rules setting forth minimum 2983
standards for continuing professional training for peace officers 2984
and troopers and governing the administration of continuing 2985
professional training programs for peace officers and troopers. 2986
The rules adopted by the attorney general under division (B) of 2987
this section shall do all of the following: 2988

(1) Allow peace officers and troopers to earn credit for up 2989
to four hours of continuing professional training for time spent 2990
while on duty providing drug use prevention education training 2991
that utilizes evidence-based curricula to students in school 2992
districts, community schools established under Chapter 3314., STEM 2993
schools established under Chapter 3326., and college-preparatory 2994
boarding schools established under Chapter 3328. of the Revised 2995
Code. 2996

(2) Allow a peace officer or trooper appointed by a law 2997
enforcement agency to earn hours of continuing professional 2998
training for other peace officers or troopers appointed by the law 2999
enforcement agency by providing drug use prevention education 3000
training under division (B)(1) of this section so that hours 3001
earned by the peace officer or trooper providing the training in 3002
excess of four hours may be applied to offset the number of 3003
continuing professional training hours required of another peace 3004
officer or trooper appointed by that law enforcement agency. 3005

(3) Prohibit the use of continuing professional training 3006
hours earned under division (B)(1) or (2) of this section from 3007
being used to offset any mandatory hands-on training requirement. 3008

(4) Require a peace officer to complete training on proper interactions with civilians during traffic stops and other in-person encounters, which training shall have an online offering and shall include all of the following topics:	3009 3010 3011 3012
(a) A person's rights during an interaction with a peace officer, including all of the following:	3013 3014
(i) When a peace officer may require a person to exit a vehicle;	3015 3016
(ii) Constitutional protections from illegal search and seizure;	3017 3018
(iii) The rights of a passenger in a vehicle who has been pulled over for a traffic stop;	3019 3020
(iv) The right for a citizen to record an encounter with a peace officer.	3021 3022
(b) Proper actions for interacting with a civilian and methods for diffusing a stressful encounter with a civilian;	3023 3024
(c) Laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws;	3025 3026 3027 3028
(d) Any other requirements and procedures necessary for the proper implementation of this section.	3029 3030
(C) The attorney general shall transmit a certified copy of any rule adopted under this section to the secretary of state.	3031 3032
<u>(D) As used in this section:</u>	3033
<u>(1) "Peace officer" has the same meaning as in section 109.71 of the Revised Code.</u>	3034 3035
<u>(2) "Trooper" means an individual appointed as a state highway patrol trooper under section 5503.01 of the Revised Code.</u>	3036 3037

(3) "Appointing authority" means any agency or entity that 3038
appoints a peace officer or trooper. 3039

Sec. 111.16. Except as provided in section 1701.041 of the 3040
Revised Code, the secretary of state shall charge and collect, for 3041
the benefit of the state, the following fees: 3042

(A) For filing and recording articles of incorporation of a 3043
domestic corporation, including designation of agent: 3044

(1) Wherein the corporation shall not be authorized to issue 3045
any shares of capital stock, ninety-nine dollars; 3046

(2) Wherein the corporation shall be authorized to issue 3047
shares of capital stock, with or without par value: 3048

(a) Ten cents for each share authorized up to and including 3049
one thousand shares; 3050

(b) Five cents for each share authorized in excess of one 3051
thousand shares up to and including ten thousand shares; 3052

(c) Two cents for each share authorized in excess of ten 3053
thousand shares up to and including fifty thousand shares; 3054

(d) One cent for each share authorized in excess of fifty 3055
thousand shares up to and including one hundred thousand shares; 3056

(e) One-half cent for each share authorized in excess of one 3057
hundred thousand shares up to and including five hundred thousand 3058
shares; 3059

(f) One-quarter cent for each share authorized in excess of 3060
five hundred thousand shares; provided no fee shall be less than 3061
ninety-nine dollars or greater than one hundred thousand dollars. 3062

(B) For filing and recording a certificate of amendment to or 3063
amended articles of incorporation of a domestic corporation, or 3064
for filing and recording a certificate of reorganization, a 3065
certificate of dissolution, or an amendment to a foreign license 3066

application:	3067
(1) If the domestic corporation is not authorized to issue any shares of capital stock, fifty dollars;	3068 3069
(2) If the domestic corporation is authorized to issue shares of capital stock, fifty dollars, and in case of any increase in the number of shares authorized to be issued, a further sum computed in accordance with the schedule set forth in division (A) (2) of this section less a credit computed in the same manner for the number of shares previously authorized to be issued by the corporation; provided no fee under division (B) (2) of this section shall be greater than one hundred thousand dollars;	3070 3071 3072 3073 3074 3075 3076 3077
(3) If the foreign corporation is not authorized to issue any shares of capital stock, fifty dollars;	3078 3079
(4) If the foreign corporation is authorized to issue shares of capital stock, fifty dollars.	3080 3081
(C) For filing and recording articles of incorporation of a savings and loan association, ninety-nine dollars; and for filing and recording a certificate of amendment to or amended articles of incorporation of a savings and loan association, fifty dollars;	3082 3083 3084 3085
(D) For filing and recording a certificate of conversion, including a designation of agent, a certificate of merger, or a certificate of consolidation, ninety-nine dollars and, in the case of any new corporation resulting from a consolidation or any surviving corporation that has an increased number of shares authorized to be issued resulting from a merger, an additional sum computed in accordance with the schedule set forth in division (A) (2) of this section less a credit computed in the same manner for the number of shares previously authorized to be issued or represented in this state by each of the corporations for which a consolidation or merger is effected by the certificate;	3086 3087 3088 3089 3090 3091 3092 3093 3094 3095 3096
(E) For filing and recording articles of incorporation of a	3097

credit union or the American credit union guaranty association, 3098
ninety-nine dollars, and for filing and recording a certificate of 3099
increase in capital stock or any other amendment of the articles 3100
of incorporation of a credit union or the association, fifty 3101
dollars; 3102

(F) For filing and recording articles of organization of a 3103
limited liability company, for filing and recording an application 3104
to become a registered foreign limited liability company, for 3105
filing and recording a registration application to become a 3106
domestic limited liability partnership, or for filing and 3107
recording an application to become a registered foreign limited 3108
liability partnership, ninety-nine dollars; 3109

(G) For filing and recording a certificate of limited 3110
partnership or an application for registration as a foreign 3111
limited partnership, or for filing an initial statement of 3112
partnership authority pursuant to section 1776.33 of the Revised 3113
Code, ninety-nine dollars; 3114

(H) For filing a copy of papers evidencing the incorporation 3115
of a municipal corporation or of annexation of territory by a 3116
municipal corporation, five dollars, to be paid by the municipal 3117
corporation, the petitioners therefor, or their agent; 3118

(I) For filing and recording any of the following: 3119

(1) A license to transact business in this state by a foreign 3120
corporation for profit pursuant to section 1703.04 of the Revised 3121
Code or a foreign nonprofit corporation pursuant to section 3122
1703.27 of the Revised Code, ninety-nine dollars; 3123

(2) A biennial report or biennial statement pursuant to 3124
section 1775.63, 1776.83, or 1785.06 of the Revised Code, 3125
twenty-five dollars; 3126

(3) Except as otherwise provided in this section or any other 3127
section of the Revised Code, any other certificate or paper that 3128

is required to be filed and recorded or is permitted to be filed 3129
and recorded by any provision of the Revised Code with the 3130
secretary of state, twenty-five dollars. 3131

(J) For filing any certificate or paper not required to be 3132
recorded, five dollars; 3133

(K) (1) For making copies of any certificate or other paper 3134
filed in the office of the secretary of state, a fee not to exceed 3135
one dollar per page, except as otherwise provided in the Revised 3136
Code, and for creating and affixing the seal of the office of the 3137
secretary of state to any good standing or other certificate, five 3138
dollars. For copies of certificates or papers required by state 3139
officers for official purpose, no charge shall be made. 3140

(2) For creating and affixing the seal of the office of the 3141
secretary of state to the certificates described in division (E) 3142
of section 1701.81, division (E) of section 1701.811, division (E) 3143
of section 1705.38, division (E) of section 1705.381, division (D) 3144
of section 1702.43, division (E) of section 1775.47, division (E) 3145
of section 1775.55, division (E) of section 1776.70, division (E) 3146
of section 1776.74, division (E) of section 1782.433, or division 3147
(E) of section 1782.4310 of the Revised Code, twenty-five dollars. 3148

(L) For a minister's license to solemnize marriages, ten 3149
dollars; 3150

(M) For examining documents to be filed at a later date for 3151
the purpose of advising as to the acceptability of the proposed 3152
filing, fifty dollars; 3153

(N) Fifty dollars for filing and recording any of the 3154
following: 3155

(1) A certificate of dissolution and accompanying documents, 3156
or a certificate of cancellation, under section 1701.86, 1702.47, 3157
1705.43, 1706.471, 1776.65, or 1782.10 of the Revised Code; 3158

(2) A notice of dissolution of a foreign licensed corporation	3159
or a certificate of surrender of license by a foreign licensed	3160
corporation under section 1703.17 of the Revised Code;	3161
(3) The withdrawal of registration of a foreign or domestic	3162
limited liability partnership under section 1775.61, 1775.64,	3163
1776.81, or 1776.86 of the Revised Code, or the certificate of	3164
cancellation of registration of a foreign limited liability	3165
company under section 1705.57 or 1706.514 of the Revised Code;	3166
(4) The filing of a statement of denial under section 1776.34	3167
of the Revised Code, a statement of dissociation under section	3168
1776.57 of the Revised Code, a statement of disclaimer of general	3169
partner status under Chapter 1782. of the Revised Code, or a	3170
cancellation of disclaimer of general partner status under Chapter	3171
1782. of the Revised Code.	3172
(O) For filing a statement of continued existence by a	3173
nonprofit corporation, twenty-five dollars;	3174
(P) For filing a restatement under section 1705.08, 1706.161,	3175
or 1782.09 of the Revised Code, an amendment to a certificate of	3176
cancellation under section 1782.10 of the Revised Code, an	3177
amendment under section 1705.08, 1706.161, or 1782.09 of the	3178
Revised Code, or a correction under section 1705.55, 1706.173,	3179
1706.511, 1706.513, 1775.61, 1775.64, 1776.12, or 1782.52 of the	3180
Revised Code, fifty dollars;	3181
(Q) For filing for reinstatement of an entity cancelled by	3182
operation of law, by the secretary of state, by order of the	3183
department of taxation, or by order of a court, twenty-five	3184
dollars;	3185
(R) For filing and recording any of the following:	3186
(1) A change of agent, resignation of agent, or change of	3187
agent's address under section 1701.07, 1702.06, 1703.041, 1703.27,	3188
1705.06, 1705.55, 1706.09, 1746.04, 1747.03, 1776.07, or 1782.04	3189

of the Revised Code, twenty-five dollars;	3190
(2) A multiple change of agent name or address,	3191
standardization of agent address, or resignation of agent under	3192
section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55,	3193
1706.09, 1746.04, 1747.03, 1776.07, or 1782.04 of the Revised	3194
Code, one hundred twenty-five dollars, plus three dollars per	3195
entity record being changed, by the multiple agent update.	3196
(S) For filing and recording any of the following:	3197
(1) An application for the exclusive right to use a name or	3198
an application to reserve a name for future use under section	3199
1701.05, 1702.05, 1703.31, 1705.05, 1706.07, or 1746.06 of the	3200
Revised Code, thirty-nine dollars;	3201
(2) A trade name or fictitious name registration or report,	3202
thirty-nine dollars;	3203
(3) An application to renew any item covered by division	3204
(S) (1) or (2) of this section that is permitted to be renewed,	3205
twenty-five dollars;	3206
(4) An assignment of rights for use of a name covered by	3207
division (S) (1), (2), or (3) of this section, the cancellation of	3208
a name registration or name reservation that is so covered, or	3209
notice of a change of address of the registrant of a name that is	3210
so covered, twenty-five dollars.	3211
(T) For filing and recording a report to operate a business	3212
trust or a real estate investment trust, either foreign or	3213
domestic, ninety-nine dollars; and for filing and recording an	3214
amendment to a report or associated trust instrument, or a	3215
surrender of authority, to operate a business trust or real estate	3216
investment trust, fifty dollars;	3217
(U) (1) For filing and recording the registration of a	3218
trademark, service mark, or mark of ownership, one hundred	3219

twenty-five dollars; 3220

(2) For filing and recording the change of address of a 3221
registrant, the assignment of rights to a registration, a renewal 3222
of a registration, or the cancellation of a registration 3223
associated with a trademark, service mark, or mark of ownership, 3224
twenty-five dollars. 3225

(V) For filing a service of process with the secretary of 3226
state, five dollars per address to be served, except as otherwise 3227
provided in any section of the Revised Code; 3228

(W) For making, recording, and forwarding a commission under 3229
section 107.06 of the Revised Code, the applicable fee specified 3230
in that section. 3231

Fees specified in this section may be paid by cash, check, or 3232
money order, by credit card in accordance with section 113.40 of 3233
the Revised Code, or by an alternative payment program in 3234
accordance with division (B) of section 111.18 of the Revised 3235
Code. Any credit card number or the expiration date of any credit 3236
card is not subject to disclosure under Chapter 149. of the 3237
Revised Code. 3238

Sec. 111.27. There is hereby established in the state 3239
treasury the board of elections reimbursement and education fund. 3240
The fund shall be used by the secretary of state to reimburse 3241
boards of elections ~~for various purposes, including reimbursements~~ 3242
~~made under~~ pursuant to sections 3513.301, 3513.312, 3515.071, and 3243
3521.03 of the Revised Code, and to provide training and 3244
educational programs for members and employees of boards of 3245
elections. The fund shall receive transfers of cash pursuant to 3246
controlling board action ~~and also shall receive revenues from~~ 3247
~~fees, gifts, grants, donations, and other similar receipts.~~ 3248

Sec. 111.28. (A) There is hereby created in the state 3249

treasury the help America vote act (HAVA) fund. All moneys 3250
received by the secretary of state from the United States election 3251
assistance commission for purposes established under the "Help 3252
America Vote Act of 2002," Pub. L. No. 107-252, as amended, shall 3253
be credited to the fund. The secretary of state shall use the 3254
moneys credited to the fund for activities conducted pursuant to 3255
~~the "Help America Vote Act of 2002," Pub. L. No. 107-252, 116~~ 3256
~~Stat. 1666~~ that act. All investment earnings of the fund shall be 3257
credited to the fund. 3258

(B) There is hereby created in the state treasury the 3259
miscellaneous federal grants fund. ~~All~~ Except as otherwise 3260
provided in division (A) of this section, all moneys the secretary 3261
of state receives as grants from federal sources ~~that are not~~ 3262
~~otherwise designated~~ shall be credited to the fund. The secretary 3263
of state shall use the moneys credited to the fund for the 3264
purposes and activities required by the applicable federal grant 3265
agreements. All investment earnings of the fund shall be credited 3266
to the fund. 3267

Sec. 111.48. There is in the state treasury the address 3268
confidentiality program fund. The fund shall consist of money paid 3269
into the fund pursuant to division ~~(B) (10)~~ (B) (11) of section 3270
2929.18 and division (D) of section 2929.28 of the Revised Code 3271
and any money appropriated to the fund by the general assembly or 3272
donated to the fund. The secretary of state shall use the money in 3273
the fund for the purpose of administering the address 3274
confidentiality program described in sections 111.41 to 111.47 of 3275
the Revised Code. 3276

Sec. 113.70. As used in sections 113.70 to 113.77 of the 3277
Revised Code: 3278

(A) "Expenditure" means a payment, distribution, loan, 3279

advance, reimbursement, deposit, or gift of money from a state 3280
entity to any supplier. 3281

(B) "Political subdivision" means a county, city, village, 3282
public library, township, park district, school district, regional 3283
water and sewer district, or regional transit authority. 3284

(C) "Public library" means a library that is created, 3285
maintained, and regulated under Chapter 3375. of the Revised Code. 3286

(D) "School district" means a city, local, exempted village, 3287
or joint vocational school district; a science, technology, 3288
engineering, and mathematics school established under Chapter 3289
3326. of the Revised Code; or an educational service center. 3290
"School district" does not mean a community school established 3291
under Chapter 3314. of the Revised Code. 3292

(E) "State entity" means the general assembly, the supreme 3293
court, the court of claims, the office of an elected state 3294
officer, or a department, bureau, board, office, commission, 3295
agency, institution, instrumentality, or other governmental entity 3296
of this state established by the constitution or laws of this 3297
state for the exercise of any function of state government, but 3298
excludes a political subdivision, an institution of higher 3299
education, a state retirement system, and the city of Cincinnati 3300
retirement system. "State entity" does not include the nonprofit 3301
corporation formed under section 187.01 of the Revised Code. 3302

(F) "State retirement system" means the public employees 3303
retirement system, the Ohio police and fire pension fund, the 3304
state teachers retirement system, the school employees retirement 3305
system, and the state highway patrol retirement system. 3306

(G) "Supplier" means any person, partnership, corporation, 3307
association, organization, state entity, or other party, including 3308
any executive officer, legislative officer, judicial officer, or 3309
member or employee of a state entity, that does either of the 3310

<u>following:</u>	3311
<u>(1) Sells, leases, or otherwise provides equipment,</u>	3312
<u>materials, goods, supplies, or services to a state entity pursuant</u>	3313
<u>to a contract between the supplier and a state entity;</u>	3314
<u>(2) Receives reimbursement from a state entity for any</u>	3315
<u>expense.</u>	3316
<u>Sec. 113.71. (A) The treasurer of state, in collaboration</u>	3317
<u>with the directors of budget and management and administrative</u>	3318
<u>services, shall establish and maintain the Ohio state and local</u>	3319
<u>government expenditure database. The database shall be accessible</u>	3320
<u>on the web site of the treasurer of state and the web site of the</u>	3321
<u>office of budget and management.</u>	3322
<u>(B) The database shall include information about expenditures</u>	3323
<u>made in each fiscal year that commences after the effective date</u>	3324
<u>of this section.</u>	3325
<u>(C) The database shall be accessible by members of the public</u>	3326
<u>without charge.</u>	3327
<u>(D) State entities shall assist in the development,</u>	3328
<u>establishment, operation, storage, hosting, and support of the</u>	3329
<u>database. State entities shall comply with sections 113.70 to</u>	3330
<u>113.77 of the Revised Code using existing resources.</u>	3331
<u>(E) The treasurer of state shall enter into an annual</u>	3332
<u>agreement with the directors of budget and management and</u>	3333
<u>administrative services to define data storage, data handling,</u>	3334
<u>user interface requirements, and other provisions considered</u>	3335
<u>necessary to ensure the proper maintenance and operation of the</u>	3336
<u>database.</u>	3337
<u>(F) Nothing in this section shall be construed to prohibit</u>	3338
<u>the treasurer of state from including any information in the base</u>	3339
<u>that is not required to be included under sections 113.70 to</u>	3340

113.77 of the Revised Code and that is available to the public. 3341

Sec. 113.72. For each expenditure, the Ohio state and local 3342
government expenditure database shall include the following 3343
information: 3344

(A) The amount of the expenditure; 3345

(B) The date the expenditure was paid; 3346

(C) The supplier to which the expenditure was paid; 3347

(D) The state entity that made the expenditure or requested 3348
the expenditure be made. 3349

Sec. 113.73. (A) The Ohio state and local government 3350
expenditure database shall include the following features: 3351

(1) A searchable database of all expenditures; 3352

(2) The ability to filter expenditures by the following 3353
categories: 3354

(a) The category of expense; 3355

(b) The Ohio administrative knowledge system accounting code 3356
for a specific good or service. 3357

(3) The ability to search and filter by any of the factors 3358
listed in section 113.72 of the Revised Code; 3359

(4) The ability to aggregate data contained in the database; 3360

(5) The ability to determine the total amount of expenditures 3361
awarded to a supplier by a state entity; 3362

(6) The ability to download information obtained through the 3363
database; 3364

(7) A searchable database of state and school district 3365
employee salary and employment information. 3366

(B) The information required under division (A)(7) of this 3367

section shall be provided by the department of administrative services or the department of education, as applicable. 3368
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Sec. 113.74. Not later than one year after the Ohio state and local government expenditure database is implemented, the treasurer of state shall coordinate with the director of budget and management to provide an opportunity for public comment as to the utility of the database. 3370
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Sec. 113.75. The Ohio state and local government expenditure database shall not include any information that is determined to be confidential or is not a public record under the laws of this state. All of the following are not liable for the disclosure of a record contained in the Ohio state and local government expenditure database that is determined to be confidential or is not a public record under the laws of this state: 3375
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(A) The treasurer of state; 3382

(B) Employees of the treasurer of state; 3383

(C) A state entity; 3384

(D) Any employee of a state entity that provides information to the database. 3385
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Sec. 113.76. Each state entity shall display on its web site a prominent internet link to the Ohio state and local government expenditure database. 3387
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Sec. 113.77. A political subdivision or state retirement system may agree to have information on expenditures made by the political subdivision or state retirement system included in the Ohio state and local government expenditure database. If a political subdivision or state retirement system agrees to include the information in the database, the political subdivision or 3390
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state retirement system shall provide the information to the 3396
treasurer of state and comply with sections 113.70 to 113.77 of 3397
the Revised Code in the same manner as a state entity. 3398

Sec. 117.04. The auditor of state shall appoint a chief 3399
deputy auditor of state, ~~whose~~ who shall be a certified public 3400
accountant with an active Ohio permit. The appointment shall be in 3401
writing under the official seal of the auditor of state and 3402
recorded in the office of the secretary of state. 3403

Sec. 117.05. Before entering upon the discharge of the duties 3404
of ~~his~~ office, the chief deputy auditor of state shall give a bond 3405
to the auditor of state in the sum of ten thousand dollars, with a 3406
surety approved by the auditor of state, conditioned for the 3407
faithful discharge of the duties of ~~his~~ the chief deputy's office. 3408
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Sec. 117.06. During the absence or disability of the auditor 3410
of state, or when so directed by ~~him~~ the auditor of state, the 3411
chief deputy auditor of state may perform all the duties of 3412
auditor of state. 3413

Sec. 117.09. ~~By~~ The auditor of state, by virtue of the 3414
office, ~~the auditor of state shall be the chief inspector and~~ 3415
~~supervisor of~~ lead public official responsible for the 3416
examination, analysis, inspection, and audits of all public 3417
offices ~~and~~. The auditor of state may hire, appoint not more than 3418
~~six deputy inspectors and supervisors and a clerk. Not more than~~ 3419
~~three deputy inspectors and supervisors shall belong to the same~~ 3420
~~political party.~~ 3421

~~The auditor of state shall appoint such state examiners as~~ 3422
~~are necessary, who shall be known as assistant auditors of state,~~ 3423

~~and such additional employees as the auditor of state requires. No 3424
person shall be appointed an assistant auditor of state unless the 3425
person holds a baccalaureate degree from an accredited college or 3426
university, or has successfully completed at least sixteen 3427
semester hours or the equivalent in accounting or a related field 3428
from an accredited college or university or an accredited trade, 3429
technical, or vocational school beyond the high school level, or 3430
possesses at least three years' experience in accounting or a 3431
related field. 3432~~

~~Any employee called upon to testify in any legal proceedings 3433
in regard to any official matter is entitled to compensation and 3434
expenses provided in this section. Each employee shall be 3435
reimbursed for travel, including meals, hotels, and other actual 3436
and necessary expenses when traveling on official business, under 3437
order of the auditor of state, away from the employee's 3438
headquarters or place of principal assignment, in the manner and 3439
at the same rates as are provided by the rules of the director of 3440
budget and management governing travel. 3441~~

~~The auditor of state may employ experts or assistants 3442
necessary to disclose the facts concerning any matter and, and fix 3443
their the compensation of auditors, investigators, and other staff 3444
necessary to carry out the statutory responsibilities of the 3445
office. 3446~~

Sec. 117.13. (A) The total costs of audits of state agencies, 3447
both direct and indirect, shall be recovered by the auditor of 3448
state in the following manner: 3449

(1) The total costs of all audits of state agencies, both 3450
direct and indirect, shall be paid to the auditor of state on 3451
statements rendered by the auditor of state. Money so received by 3452
the auditor of state shall be paid into the state treasury to the 3453
credit of the public audit expense fund--intrastate, which is 3454

hereby created, and shall be used to pay costs related to such 3455
audits. The costs of audits of a state agency shall be charged to 3456
the state agency being audited, unless otherwise determined by the 3457
auditor of state. The costs of any ~~assistant auditor~~, employee, or 3458
expert employed pursuant to section 117.09 of the Revised Code 3459
called upon to testify in any legal proceedings in regard to any 3460
audit, or called upon to review or discuss any matter related to 3461
any audit, may be charged to the state agency to which the audit 3462
relates. 3463

(2) The auditor of state shall determine and publish annually 3464
rates to be charged to state agencies for recovering the costs of 3465
audits of state agencies. The rates shall take into consideration 3466
federal cost recovery guidelines. 3467

(B) As used in this division, "government auditing standards" 3468
means the government auditing standards published by the 3469
comptroller general of the United States general accounting 3470
office. 3471

(1) Except as provided in divisions (B)(2) and (3) of this 3472
section, any costs of an audit of a private institution, 3473
association, board, or corporation receiving public money for its 3474
use shall be charged to the public office providing the public 3475
money in the same manner as costs of an audit of the public 3476
office. 3477

(2) If an audit of a private child placing agency or private 3478
noncustodial agency receiving public money from a public children 3479
services agency for providing child welfare or child protection 3480
services sets forth that money has been illegally expended, 3481
converted, misappropriated, or is unaccounted for, the costs of 3482
the audit shall be charged to the agency being audited in the same 3483
manner as costs of an audit of a public office, unless the 3484
findings are inconsequential, as defined by government auditing 3485
standards. 3486

(3) If such an audit does not set forth that money has been 3487
illegally expended, converted, misappropriated, or is unaccounted 3488
for or sets forth findings that are inconsequential, as defined by 3489
government auditing standards, the costs of the audit shall be 3490
charged as follows: 3491

(a) One-third of the costs to the agency being audited; 3492

(b) One-third of the costs to the public children services 3493
agency that provided the public money to the agency being audited; 3494

(c) One-third of the costs to the department of job and 3495
family services. 3496

(C) The total costs of audits of local public offices, both 3497
direct and indirect, shall be recovered by the auditor of state in 3498
the following manner: 3499

(1) The total costs of all audits of local public offices, 3500
both direct and indirect, shall be paid to the auditor of state on 3501
statements rendered by the auditor of state. Money so received by 3502
the auditor of state shall be paid into the state treasury to the 3503
credit of the public audit expense fund-local government, which is 3504
hereby created, and shall be used to pay costs related to such 3505
audits. The costs of audits of a local public office shall be 3506
charged to the local public office being audited, unless otherwise 3507
determined by the auditor of state. The charges billed to the 3508
local public office for the cost of audits performed shall be 3509
offset subject to the availability of resources from the local 3510
government audit support fund created under section 117.131 of the 3511
Revised Code, the general revenue fund, or other state sources 3512
provided to the auditor of state for such purposes. The auditor of 3513
state shall establish the manner in which the offset shall be 3514
determined. The costs of any ~~assistant auditor~~, employee, or 3515
expert employed pursuant to section 117.09 of the Revised Code 3516
called upon to testify in any legal proceedings in regard to any 3517

audit, or called upon to review or discuss any matter related to 3518
any audit, may be charged to the public office to which the audit 3519
relates. 3520

(2) At the conclusion of each audit, or analysis and report 3521
made pursuant to section 117.24 of the Revised Code, the fiscal 3522
officer of the local public office audited may allocate the 3523
charges billed for the cost of the audit, or of the audit and the 3524
analysis and report to appropriate funds using a methodology that 3525
follows guidance provided by the auditor of state. 3526

(3) The auditor of state shall provide each local public 3527
office a statement or certification of the amount due from the 3528
public office for services performed by the auditor of state under 3529
this or any other section of the Revised Code, as well as the date 3530
upon which payment is due to the auditor of state. The auditor of 3531
state is authorized to negotiate with any local public office and, 3532
upon agreement between the auditor of state and the local public 3533
office, may adopt a schedule for payment of the amount due under 3534
this section. Any local public office that does not pay the amount 3535
due to the auditor of state by that date may be assessed by the 3536
auditor of state for interest from the date upon which the payment 3537
is due at the rate per annum prescribed by section 5703.47 of the 3538
Revised Code. All interest charges assessed by the auditor of 3539
state may be collected in the same manner as audit costs pursuant 3540
to division (D) of this section. 3541

(4) The auditor of state shall determine and publish annually 3542
rates to be charged to local public offices for recovering the 3543
costs of audits of local public offices. 3544

(D) If the auditor of state fails to receive payment for any 3545
amount due, including, but not limited to, fines, fees, and costs, 3546
from a public office for services performed under this or any 3547
other section of the Revised Code, the auditor of state may seek 3548
payment through the office of budget and management. (Amounts due 3549

include any amount due to an independent public accountant with 3550
whom the auditor has contracted to perform services, all costs and 3551
fees associated with participation in the uniform accounting 3552
network, and all costs associated with the auditor's provision of 3553
local government services.) Upon certification by the auditor of 3554
state to the director of budget and management of any such amount 3555
due, the director shall withhold from the public office any amount 3556
available, up to and including the amount certified as due, from 3557
any funds under the director's control that belong to or are 3558
lawfully payable or due to the public office. The director shall 3559
promptly pay the amount withheld to the auditor of state. If the 3560
director determines that no funds due and payable to the public 3561
office are available or that insufficient amounts of such funds 3562
are available to cover the amount due, the director shall withhold 3563
and pay to the auditor of state the amounts available and, in the 3564
case of a local public office, certify the remaining amount to the 3565
county auditor of the county in which the local public office is 3566
located. The county auditor shall withhold from the local public 3567
office any amount available, up to and including the amount 3568
certified as due, from any funds under the county auditor's 3569
control and belonging to or lawfully payable or due to the local 3570
public office. The county auditor shall promptly pay any such 3571
amount withheld to the auditor of state. 3572

Sec. 117.22. The public accountant conducting an audit under 3573
this chapter may request the auditor of state, the chief deputy 3574
auditor of state, ~~a deputy inspector and supervisor of public~~ 3575
~~offices, or an assistant~~ or an auditor or investigator of the 3576
auditor of state, to exercise any authority granted under section 3577
117.18 of the Revised Code for the purpose of assisting in the 3578
conduct of the audit. ~~Assistant auditors of state and experts or~~ 3579
~~other assistants shall be compensated as provided by sections~~ 3580
~~117.09 and 117.12 of the Revised Code.~~ 3581

Sec. 117.55. (A) As used in this section: 3582

(1) "Entity" means, whether for profit or nonprofit, a corporation, association, partnership, limited liability company, sole proprietorship, or other business entity. "Entity" does not include an individual who receives state assistance that is not related to the individual's business. 3583
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(2) "State award for economic development" means state financial assistance and expenditure in any of the following forms: grants, subgrants, loans, awards, cooperative agreements, or other similar and related forms of financial assistance and contracts, subcontracts, purchase orders, task orders, delivery orders, or other similar and related transactions. It does not include compensation received as an employee of the state or any state financial assistance and expenditure received from the general assembly or any legislative agency, any court or judicial agency, or from the offices of the attorney general, the secretary of state, the auditor of state, or the treasurer of state. 3588
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(B) Not later than thirty days after the end of the state fiscal year, the department of development shall send the auditor of state a list of state awards for economic development. The auditor of state shall review each award and determine if an entity is in compliance with the terms and conditions, including performance metrics, of a state award for economic development received by that entity. 3599
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(C) The auditor of state shall publish a report of its reviews and determinations not later than ninety days after receipt of the list of state awards from the department of development. 3606
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(D) When the auditor of state finds that an entity that receives or has received a state award for economic development is not in compliance with a performance metric that is specified in 3610
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the terms and conditions of the award, the auditor of state shall 3613
report the findings to the attorney general. The attorney general 3614
may pursue against and from that entity such remedies and 3615
recoveries as are available under law. 3616

(E) If the auditor of state is authorized to conduct an audit 3617
of an entity that receives or has received a state award for 3618
economic development, the audit shall be conducted in accordance 3619
with Chapter 117. of the Revised Code. 3620

Sec. 121.02. The following administrative departments and 3621
their respective directors are hereby created: 3622

(A) The office of budget and management, which shall be 3623
administered by the director of budget and management; 3624

(B) The department of commerce, which shall be administered 3625
by the director of commerce; 3626

(C) The department of administrative services, which shall be 3627
administered by the director of administrative services; 3628

(D) The department of transportation, which shall be 3629
administered by the director of transportation; 3630

(E) The department of agriculture, which shall be 3631
administered by the director of agriculture; 3632

(F) The department of natural resources, which shall be 3633
administered by the director of natural resources; 3634

(G) The department of health, which shall be administered by 3635
the director of health; 3636

(H) The department of job and family services, which shall be 3637
administered by the director of job and family services; 3638

(I) Until July 1, 1997, the department of liquor control, 3639
which shall be administered by the director of liquor control; 3640

(J) The department of public safety, which shall be 3641

administered by the director of public safety; 3642

(K) The department of mental health and addiction services, 3643
which shall be administered by the director of mental health and 3644
addiction services; 3645

(L) The department of developmental disabilities, which shall 3646
be administered by the director of developmental disabilities; 3647

(M) The department of insurance, which shall be administered 3648
by the superintendent of insurance as director thereof; 3649

(N) The department of development ~~services agency~~, which 3650
shall be administered by the director of development ~~services~~; 3651

(O) The department of youth services, which shall be 3652
administered by the director of youth services; 3653

(P) The department of rehabilitation and correction, which 3654
shall be administered by the director of rehabilitation and 3655
correction; 3656

(Q) The environmental protection agency, which shall be 3657
administered by the director of environmental protection; 3658

(R) The department of aging, which shall be administered by 3659
the director of aging; 3660

(S) The department of veterans services, which shall be 3661
administered by the director of veterans services; 3662

(T) The department of medicaid, which shall be administered 3663
by the medicaid director. 3664

The director of each department shall exercise the powers and 3665
perform the duties vested by law in such department. 3666

Sec. 121.03. The following administrative department heads 3667
shall be appointed by the governor, with the advice and consent of 3668
the senate, and shall hold their offices during the term of the 3669
appointing governor, and are subject to removal at the pleasure of 3670

the governor.	3671
(A) The director of budget and management;	3672
(B) The director of commerce;	3673
(C) The director of transportation;	3674
(D) The director of agriculture;	3675
(E) The director of job and family services;	3676
(F) Until July 1, 1997, the director of liquor control;	3677
(G) The director of public safety;	3678
(H) The superintendent of insurance;	3679
(I) The director of development services ;	3680
(J) The tax commissioner;	3681
(K) The director of administrative services;	3682
(L) The director of natural resources;	3683
(M) The director of mental health and addiction services;	3684
(N) The director of developmental disabilities;	3685
(O) The director of health;	3686
(P) The director of youth services;	3687
(Q) The director of rehabilitation and correction;	3688
(R) The director of environmental protection;	3689
(S) The director of aging;	3690
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	3691 3692 3693
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	3694 3695
(V) The chancellor of higher education;	3696

(W) The medicaid director. 3697

Sec. 121.07. (A) Except as otherwise provided in this 3698
division, the officers mentioned in sections 121.04 and 121.05 of 3699
the Revised Code and the offices and divisions they administer 3700
shall be under the direction, supervision, and control of the 3701
directors of their respective departments, and shall perform such 3702
duties as the directors prescribe. In performing or exercising any 3703
of the examination or regulatory functions, powers, or duties 3704
vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 3705
to 1315.18 of the Revised Code in the superintendent of financial 3706
institutions, the superintendent of financial institutions and the 3707
division of financial institutions are independent of and are not 3708
subject to the control of the department or the director of 3709
commerce. In the absence of the superintendent of financial 3710
institutions, the director of commerce shall, for a limited period 3711
of time, perform or exercise any of those functions, powers, or 3712
duties or authorize the deputy superintendent for banks to perform 3713
or exercise any of the functions, ~~power~~ powers, or duties vested 3714
by Title XI and sections 1315.01 to 1315.18 of the Revised Code in 3715
the superintendent and the deputy superintendent for credit unions 3716
to perform or exercise any of the functions, powers, or duties 3717
vested by Chapters 1733. and 1761. of the Revised Code in the 3718
superintendent. 3719

(B) With the approval of the governor, the director of each 3720
department shall establish divisions within the department, and 3721
distribute the work of the department among such divisions. Each 3722
officer created by section 121.04 of the Revised Code shall be the 3723
head of such a division, except for the equal opportunity 3724
employment coordinator, who shall report to a position determined 3725
by the director of administrative services. 3726

With the approval of the governor, the director of each 3727

department may consolidate any two or more of the offices created 3728
in the department by section 121.04 of the Revised Code, or reduce 3729
the number of or create new divisions therein. 3730

The director of each department may prescribe rules for the 3731
government of the department, the conduct of its employees, the 3732
performance of its business, and the custody, use, and 3733
preservation of the records, papers, books, documents, and 3734
property pertaining thereto. 3735

Sec. 121.08. (A) There is hereby created in the department of 3736
commerce the position of deputy director of administration. This 3737
officer shall be appointed by the director of commerce, serve 3738
under the director's direction, supervision, and control, perform 3739
the duties the director prescribes, and hold office during the 3740
director's pleasure. The director of commerce may designate an 3741
assistant director of commerce to serve as the deputy director of 3742
administration. The deputy director of administration shall 3743
perform the duties prescribed by the director of commerce in 3744
supervising the activities of the division of administration of 3745
the department of commerce. 3746

(B) Except as provided in section 121.07 of the Revised Code, 3747
the department of commerce shall have all powers and perform all 3748
duties vested in the deputy director of administration, the state 3749
fire marshal, the superintendent of financial institutions, the 3750
superintendent of real estate and professional licensing, the 3751
superintendent of liquor control, the superintendent of industrial 3752
compliance, the superintendent of unclaimed funds, and the 3753
commissioner of securities, and shall have all powers and perform 3754
all duties vested by law in all officers, deputies, and employees 3755
of those offices. Except as provided in section 121.07 of the 3756
Revised Code, wherever powers are conferred or duties imposed upon 3757
any of those officers, the powers and duties shall be construed as 3758

vested in the department of commerce. 3759

(C) (1) There is hereby created in the department of commerce 3760
a division of financial institutions, which shall have all powers 3761
and perform all duties vested by law in the superintendent of 3762
financial institutions. Wherever powers are conferred or duties 3763
imposed upon the superintendent of financial institutions, those 3764
powers and duties shall be construed as vested in the division of 3765
financial institutions. The division of financial institutions 3766
shall be administered by the superintendent of financial 3767
institutions. 3768

(2) All provisions of law governing the superintendent of 3769
financial institutions shall apply to and govern the 3770
superintendent of financial institutions provided for in this 3771
section; all authority vested by law in the superintendent of 3772
financial institutions with respect to the management of the 3773
division of financial institutions shall be construed as vested in 3774
the superintendent of financial institutions created by this 3775
section with respect to the division of financial institutions 3776
provided for in this section; and all rights, privileges, and 3777
emoluments conferred by law upon the superintendent of financial 3778
institutions shall be construed as conferred upon the 3779
superintendent of financial institutions as head of the division 3780
of financial institutions. The director of commerce shall not 3781
transfer from the division of financial institutions any of the 3782
functions specified in division (C) (2) of this section. 3783

(D) There is hereby created in the department of commerce a 3784
division of liquor control, which shall have all powers and 3785
perform all duties vested by law in the superintendent of liquor 3786
control. Wherever powers are conferred or duties are imposed upon 3787
the superintendent of liquor control, those powers and duties 3788
shall be construed as vested in the division of liquor control. 3789
The division of liquor control shall be administered by the 3790

superintendent of liquor control. 3791

(E) The director of commerce shall not be interested, 3792
directly or indirectly, in any firm or corporation which is a 3793
dealer in securities as defined in sections 1707.01 and 1707.14 of 3794
the Revised Code, or in any firm or corporation licensed under 3795
sections 1321.01 to 1321.19 of the Revised Code. 3796

(F) The director of commerce shall not have any official 3797
connection with a savings and loan association, a savings bank, a 3798
bank, a bank holding company, a savings and loan association 3799
holding company, a consumer finance company, or a credit union 3800
that is under the supervision of the division of financial 3801
institutions, or a subsidiary of any of the preceding entities, or 3802
be interested in the business thereof. 3803

(G) There is hereby created in the state treasury the 3804
division of administration fund. The fund shall receive 3805
assessments on the operating funds of the department of commerce 3806
in accordance with procedures prescribed by the director of 3807
commerce ~~and approved by the director of budget and management.~~ 3808
All operating expenses of the division of administration shall be 3809
paid from the division of administration fund. 3810

(H) There is hereby created in the department of commerce a 3811
division of real estate and professional licensing, which shall be 3812
under the control and supervision of the director of commerce. The 3813
division of real estate and professional licensing shall be 3814
administered by the superintendent of real estate and professional 3815
licensing. The superintendent of real estate and professional 3816
licensing shall exercise the powers and perform the functions and 3817
duties delegated to the superintendent under Chapters 4735., 3818
4763., 4764., 4767., and 4768. of the Revised Code. 3819

(I) There is hereby created in the department of commerce a 3820
division of industrial compliance, which shall have all powers and 3821

perform all duties vested by law in the superintendent of 3822
industrial compliance. Wherever powers are conferred or duties 3823
imposed upon the superintendent of industrial compliance, those 3824
powers and duties shall be construed as vested in the division of 3825
industrial compliance. The division of industrial compliance shall 3826
be under the control and supervision of the director of commerce 3827
and be administered by the superintendent of industrial 3828
compliance. 3829

(J) There is hereby created in the department of commerce a 3830
division of unclaimed funds, which shall have all powers and 3831
perform all duties delegated to or vested by law in the 3832
superintendent of unclaimed funds. Wherever powers are conferred 3833
or duties imposed upon the superintendent of unclaimed funds, 3834
those powers and duties shall be construed as vested in the 3835
division of unclaimed funds. The division of unclaimed funds shall 3836
be under the control and supervision of the director of commerce 3837
and shall be administered by the superintendent of unclaimed 3838
funds. The superintendent of unclaimed funds shall exercise the 3839
powers and perform the functions and duties delegated to the 3840
superintendent by the director of commerce under section 121.07 3841
and Chapter 169. of the Revised Code, and as may otherwise be 3842
provided by law. 3843

(K) The department of commerce or a division of the 3844
department created by the Revised Code that is acting with 3845
authorization on the department's behalf may request from the 3846
bureau of criminal identification and investigation pursuant to 3847
section 109.572 of the Revised Code, or coordinate with 3848
appropriate federal, state, and local government agencies to 3849
accomplish, criminal records checks for the persons whose 3850
identities are required to be disclosed by an applicant for the 3851
issuance or transfer of a permit, license, certificate of 3852
registration, or certification issued or transferred by the 3853

department or division. At or before the time of making a request 3854
for a criminal records check, the department or division may 3855
require any person whose identity is required to be disclosed by 3856
an applicant for the issuance or transfer of such a license, 3857
permit, certificate of registration, or certification to submit to 3858
the department or division valid fingerprint impressions in a 3859
format and by any media or means acceptable to the bureau of 3860
criminal identification and investigation and, when applicable, 3861
the federal bureau of investigation. The department or division 3862
may cause the bureau of criminal identification and investigation 3863
to conduct a criminal records check through the federal bureau of 3864
investigation only if the person for whom the criminal records 3865
check would be conducted resides or works outside of this state or 3866
has resided or worked outside of this state during the preceding 3867
five years, or if a criminal records check conducted by the bureau 3868
of criminal identification and investigation within this state 3869
indicates that the person may have a criminal record outside of 3870
this state. 3871

In the case of a criminal records check under section 109.572 3872
of the Revised Code, the department or division shall forward to 3873
the bureau of criminal identification and investigation the 3874
requisite form, fingerprint impressions, and fee described in 3875
division (C) of that section. When requested by the department or 3876
division in accordance with this section, the bureau of criminal 3877
identification and investigation shall request from the federal 3878
bureau of investigation any information it has with respect to the 3879
person who is the subject of the requested criminal records check 3880
and shall forward the requisite fingerprint impressions and 3881
information to the federal bureau of investigation for that 3882
criminal records check. After conducting a criminal records check 3883
or receiving the results of a criminal records check from the 3884
federal bureau of investigation, the bureau of criminal 3885
identification and investigation shall provide the results to the 3886

department or division. 3887

The department or division may require any person about whom 3888
a criminal records check is requested to pay to the department or 3889
division the amount necessary to cover the fee charged to the 3890
department or division by the bureau of criminal identification 3891
and investigation under division (C) (3) of section 109.572 of the 3892
Revised Code, including, when applicable, any fee for a criminal 3893
records check conducted by the federal bureau of investigation. 3894

(L) The director of commerce, or the director's designee, may 3895
adopt rules to enhance compliance with statutes pertaining to, and 3896
rules adopted by, divisions under the direction, supervision, and 3897
control of the department or director by offering incentive-based 3898
programs that ensure safety and soundness while promoting growth 3899
and prosperity in the state. 3900

Sec. 121.084. (A) All moneys collected under sections 3901
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 3902
4169.03, and 5104.051 of the Revised Code, and any other moneys 3903
collected by the division of industrial compliance shall be paid 3904
into the state treasury to the credit of the industrial compliance 3905
operating fund, which is hereby created. The department of 3906
commerce shall use the moneys in the fund for paying the operating 3907
expenses of the division and the administrative assessment 3908
described in division (B) of this section. 3909

(B) The director of commerce, ~~with the approval of the~~ 3910
~~director of budget and management,~~ shall prescribe procedures for 3911
assessing the industrial compliance operating fund a proportionate 3912
share of the administrative costs of the department of commerce. 3913
The assessment shall be made in accordance with those procedures 3914
and be paid from the industrial compliance operating fund to the 3915
division of administration fund created in section 121.08 of the 3916
Revised Code. 3917

Sec. 121.22. (A) This section shall be liberally construed to 3918
require public officials to take official action and to conduct 3919
all deliberations upon official business only in open meetings 3920
unless the subject matter is specifically excepted by law. 3921

(B) As used in this section: 3922

(1) "Public body" means any of the following: 3923

(a) Any board, commission, committee, council, or similar 3924
decision-making body of a state agency, institution, or authority, 3925
and any legislative authority or board, commission, committee, 3926
council, agency, authority, or similar decision-making body of any 3927
county, township, municipal corporation, school district, or other 3928
political subdivision or local public institution; 3929

(b) Any committee or subcommittee of a body described in 3930
division (B) (1) (a) of this section; 3931

(c) A court of jurisdiction of a sanitary district organized 3932
wholly for the purpose of providing a water supply for domestic, 3933
municipal, and public use when meeting for the purpose of the 3934
appointment, removal, or reappointment of a member of the board of 3935
directors of such a district pursuant to section 6115.10 of the 3936
Revised Code, if applicable, or for any other matter related to 3937
such a district other than litigation involving the district. As 3938
used in division (B) (1) (c) of this section, "court of 3939
jurisdiction" has the same meaning as "court" in section 6115.01 3940
of the Revised Code. 3941

(2) "Meeting" means any prearranged discussion of the public 3942
business of the public body by a majority of its members. 3943

(3) "Regulated individual" means either of the following: 3944

(a) A student in a state or local public educational 3945
institution; 3946

(b) A person who is, voluntarily or involuntarily, an inmate, 3947

patient, or resident of a state or local institution because of 3948
criminal behavior, mental illness, an intellectual disability, 3949
disease, disability, age, or other condition requiring custodial 3950
care. 3951

(4) "Public office" has the same meaning as in section 3952
149.011 of the Revised Code. 3953

(C) All meetings of any public body are declared to be public 3954
meetings open to the public at all times. A member of a public 3955
body shall be present in person at a meeting open to the public to 3956
be considered present or to vote at the meeting and for purposes 3957
of determining whether a quorum is present at the meeting. 3958

The minutes of a regular or special meeting of any public 3959
body shall be promptly prepared, filed, and maintained and shall 3960
be open to public inspection. The minutes need only reflect the 3961
general subject matter of discussions in executive sessions 3962
authorized under division (G) or (J) of this section. 3963

(D) This section does not apply to any of the following: 3964

(1) A grand jury; 3965

(2) An audit conference conducted by the auditor of state or 3966
independent certified public accountants with officials of the 3967
public office that is the subject of the audit; 3968

(3) The adult parole authority when its hearings are 3969
conducted at a correctional institution for the sole purpose of 3970
interviewing inmates to determine parole or pardon and the 3971
department of rehabilitation and correction when its hearings are 3972
conducted at a correctional institution for the sole purpose of 3973
making determinations under section 2967.271 of the Revised Code 3974
regarding the release or maintained incarceration of an offender 3975
to whom that section applies; 3976

(4) The organized crime investigations commission established 3977

under section 177.01 of the Revised Code;	3978
(5) Meetings of a child fatality review board established	3979
under section 307.621 of the Revised Code, meetings related to a	3980
review conducted pursuant to guidelines established by the	3981
director of health under section 3701.70 of the Revised Code, and	3982
meetings conducted pursuant to sections 5153.171 to 5153.173 of	3983
the Revised Code;	3984
(6) The state medical board when determining whether to	3985
suspend a license or certificate without a prior hearing pursuant	3986
to division (G) of either section 4730.25 or 4731.22 of the	3987
Revised Code;	3988
(7) The board of nursing when determining whether to suspend	3989
a license or certificate without a prior hearing pursuant to	3990
division (B) of section 4723.281 of the Revised Code;	3991
(8) The state board of pharmacy when determining whether to	3992
do either of the following:	3993
(a) Suspend a license, certification, or registration without	3994
a prior hearing, including during meetings conducted by telephone	3995
conference, pursuant to Chapters 3719., 3796., 4729., and 4752. of	3996
the Revised Code and rules adopted thereunder; or	3997
(b) Restrict a person from obtaining further information from	3998
the drug database established in section 4729.75 of the Revised	3999
Code without a prior hearing pursuant to division (C) of section	4000
4729.86 of the Revised Code.	4001
(9) The state chiropractic board when determining whether to	4002
suspend a license without a hearing pursuant to section 4734.37 of	4003
the Revised Code;	4004
(10) The executive committee of the emergency response	4005
commission when determining whether to issue an enforcement order	4006
or request that a civil action, civil penalty action, or criminal	4007

action be brought to enforce Chapter 3750. of the Revised Code; 4008

(11) The board of directors of the nonprofit corporation 4009
formed under section 187.01 of the Revised Code or any committee 4010
thereof, and the board of directors of any subsidiary of that 4011
corporation or a committee thereof; 4012

(12) An audit conference conducted by the audit staff of the 4013
department of job and family services with officials of the public 4014
office that is the subject of that audit under section 5101.37 of 4015
the Revised Code; 4016

(13) The occupational therapy section of the occupational 4017
therapy, physical therapy, and athletic trainers board when 4018
determining whether to suspend a license ~~or limited permit~~ without 4019
a hearing pursuant to division (E) of section 4755.11 of the 4020
Revised Code; 4021

(14) The physical therapy section of the occupational 4022
therapy, physical therapy, and athletic trainers board when 4023
determining whether to suspend a license without a hearing 4024
pursuant to division (F) of section 4755.47 of the Revised Code; 4025

(15) The athletic trainers section of the occupational 4026
therapy, physical therapy, and athletic trainers board when 4027
determining whether to suspend a license without a hearing 4028
pursuant to division (E) of section 4755.64 of the Revised Code; 4029

(16) Meetings of the pregnancy-associated mortality review 4030
board established under section 3738.01 of the Revised Code; 4031

(17) Meetings of a fetal-infant mortality review board 4032
established under section 3707.71 of the Revised Code; 4033

(18) Meetings of a drug overdose fatality review committee 4034
described in section 307.631 of the Revised Code; 4035

(19) Meetings of a suicide fatality review committee 4036
described in section 307.641 of the Revised Code. 4037

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

(1) Marketing plans;

(2) Specific business strategy;

(3) Production techniques and trade secrets;

(4) Financial projections;

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

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

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

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

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

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

(2) To consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property in

accordance with section 505.10 of the Revised Code, if premature 4101
disclosure of information would give an unfair competitive or 4102
bargaining advantage to a person whose personal, private interest 4103
is adverse to the general public interest. No member of a public 4104
body shall use division (G)(2) of this section as a subterfuge for 4105
providing covert information to prospective buyers or sellers. A 4106
purchase or sale of public property is void if the seller or buyer 4107
of the public property has received covert information from a 4108
member of a public body that has not been disclosed to the general 4109
public in sufficient time for other prospective buyers and sellers 4110
to prepare and submit offers. 4111

If the minutes of the public body show that all meetings and 4112
deliberations of the public body have been conducted in compliance 4113
with this section, any instrument executed by the public body 4114
purporting to convey, lease, or otherwise dispose of any right, 4115
title, or interest in any public property shall be conclusively 4116
presumed to have been executed in compliance with this section 4117
insofar as title or other interest of any bona fide purchasers, 4118
lessees, or transferees of the property is concerned. 4119

(3) Conferences with an attorney for the public body 4120
concerning disputes involving the public body that are the subject 4121
of pending or imminent court action; 4122

(4) Preparing for, conducting, or reviewing negotiations or 4123
bargaining sessions with public employees concerning their 4124
compensation or other terms and conditions of their employment; 4125

(5) Matters required to be kept confidential by federal law 4126
or regulations or state statutes; 4127

(6) Details relative to the security arrangements and 4128
emergency response protocols for a public body or a public office, 4129
if disclosure of the matters discussed could reasonably be 4130
expected to jeopardize the security of the public body or public 4131

office; 4132

(7) In the case of a county hospital operated pursuant to 4133
Chapter 339. of the Revised Code, a joint township hospital 4134
operated pursuant to Chapter 513. of the Revised Code, or a 4135
municipal hospital operated pursuant to Chapter 749. of the 4136
Revised Code, to consider trade secrets, as defined in section 4137
1333.61 of the Revised Code; 4138

(8) To consider confidential information related to the 4139
marketing plans, specific business strategy, production 4140
techniques, trade secrets, or personal financial statements of an 4141
applicant for economic development assistance, or to negotiations 4142
with other political subdivisions respecting requests for economic 4143
development assistance, provided that both of the following 4144
conditions apply: 4145

(a) The information is directly related to a request for 4146
economic development assistance that is to be provided or 4147
administered under any provision of Chapter 715., 725., 1724., or 4148
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 4149
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 4150
the Revised Code, or that involves public infrastructure 4151
improvements or the extension of utility services that are 4152
directly related to an economic development project. 4153

(b) A unanimous quorum of the public body determines, by a 4154
roll call vote, that the executive session is necessary to protect 4155
the interests of the applicant or the possible investment or 4156
expenditure of public funds to be made in connection with the 4157
economic development project. 4158

If a public body holds an executive session to consider any 4159
of the matters listed in divisions (G) (2) to (8) of this section, 4160
the motion and vote to hold that executive session shall state 4161
which one or more of the approved matters listed in those 4162

divisions are to be considered at the executive session. 4163

A public body specified in division (B)(1)(c) of this section 4164
shall not hold an executive session when meeting for the purposes 4165
specified in that division. 4166

(H) A resolution, rule, or formal action of any kind is 4167
invalid unless adopted in an open meeting of the public body. A 4168
resolution, rule, or formal action adopted in an open meeting that 4169
results from deliberations in a meeting not open to the public is 4170
invalid unless the deliberations were for a purpose specifically 4171
authorized in division (G) or (J) of this section and conducted at 4172
an executive session held in compliance with this section. A 4173
resolution, rule, or formal action adopted in an open meeting is 4174
invalid if the public body that adopted the resolution, rule, or 4175
formal action violated division (F) of this section. 4176

~~(I)(1) Any~~ (I)(1)(a) In order to enforce this section, any 4177
person may ~~bring an action to enforce this section. An~~ only do one 4178
of the following, and not both: 4179

(i) File a complaint with the clerk of the court of claims or 4180
the clerk of the court of common pleas under section 2743.76 of 4181
the Revised Code; 4182

(ii) Bring an action for injunction in the court of common 4183
pleas in the county in which the public body involved is located. 4184

(b) An action under division ~~(I)(1)~~ (I)(1)(a)(ii) of this 4185
section shall be brought within two years after the date of the 4186
alleged violation or threatened violation. Upon proof of a 4187
violation or threatened violation of this section in an action 4188
brought by any person under that division, the court of common 4189
pleas shall issue an injunction to compel the members of the 4190
public body to comply with its provisions. 4191

(2)(a) If the court of common pleas issues an injunction 4192
pursuant to division ~~(I)(1)~~ (I)(1)(b) of this section, the court 4193

shall order the public body that it enjoins to pay a civil 4194
forfeiture of five hundred dollars to the party that sought the 4195
injunction and shall award to that party all court costs and, 4196
subject to reduction as described in division (I)(2) of this 4197
section, reasonable attorney's fees. The court, in its discretion, 4198
may reduce an award of attorney's fees to the party that sought 4199
the injunction or not award attorney's fees to that party if the 4200
court determines both of the following: 4201

(i) That, based on the ordinary application of statutory law 4202
and case law as it existed at the time of violation or threatened 4203
violation that was the basis of the injunction, a well-informed 4204
public body reasonably would believe that the public body was not 4205
violating or threatening to violate this section; 4206

(ii) That a well-informed public body reasonably would 4207
believe that the conduct or threatened conduct that was the basis 4208
of the injunction would serve the public policy that underlies the 4209
authority that is asserted as permitting that conduct or 4210
threatened conduct. 4211

(b) If the court of common pleas does not issue an injunction 4212
pursuant to division ~~(I)(1)~~ (I)(1)(b) of this section and the 4213
court determines at that time that the bringing of the action was 4214
frivolous conduct, as defined in division (A) of section 2323.51 4215
of the Revised Code, the court shall award to the public body all 4216
court costs and reasonable attorney's fees, as determined by the 4217
court. 4218

(3) Irreparable harm and prejudice to the party that sought 4219
the injunction shall be conclusively and irrebuttably presumed 4220
upon proof of a violation or threatened violation of this section. 4221

(4) A member of a public body who knowingly violates an 4222
injunction issued pursuant to division ~~(I)(1)~~ (I)(1)(b) of this 4223
section may be removed from office by an action brought in the 4224

court of common pleas for that purpose by the prosecuting attorney 4225
or the attorney general. 4226

(J) (1) Pursuant to division (C) of section 5901.09 of the 4227
Revised Code, a veterans service commission shall hold an 4228
executive session for one or more of the following purposes unless 4229
an applicant requests a public hearing: 4230

(a) Interviewing an applicant for financial assistance under 4231
sections 5901.01 to 5901.15 of the Revised Code; 4232

(b) Discussing applications, statements, and other documents 4233
described in division (B) of section 5901.09 of the Revised Code; 4234

(c) Reviewing matters relating to an applicant's request for 4235
financial assistance under sections 5901.01 to 5901.15 of the 4236
Revised Code. 4237

(2) A veterans service commission shall not exclude an 4238
applicant for, recipient of, or former recipient of financial 4239
assistance under sections 5901.01 to 5901.15 of the Revised Code, 4240
and shall not exclude representatives selected by the applicant, 4241
recipient, or former recipient, from a meeting that the commission 4242
conducts as an executive session that pertains to the applicant's, 4243
recipient's, or former recipient's application for financial 4244
assistance. 4245

(3) A veterans service commission shall vote on the grant or 4246
denial of financial assistance under sections 5901.01 to 5901.15 4247
of the Revised Code only in an open meeting of the commission. The 4248
minutes of the meeting shall indicate the name, address, and 4249
occupation of the applicant, whether the assistance was granted or 4250
denied, the amount of the assistance if assistance is granted, and 4251
the votes for and against the granting of assistance. 4252

Sec. 122.01. (A) As used in the Revised Code, the "~~department~~ 4253
~~of development services agency~~" means the department of 4254

development ~~services~~ agency and the "director of development 4255
services" means the director of development ~~services~~. Whenever the 4256
~~department~~ development services agency or director of development 4257
services is referred to or designated in any statute, rule, 4258
contract, grant, or other document, the reference or designation 4259
shall be deemed to refer to the department of development ~~services~~ 4260
~~agency~~ or director of development ~~services~~, as the case may be. 4261

(B) As used in this chapter: 4262

(1) "Community problems" includes, but is not limited to, 4263
taxation, fiscal administration, governmental structure and 4264
organization, intergovernmental cooperation, education and 4265
training, employment needs, community planning and development, 4266
air and water pollution, public safety and the administration of 4267
justice, housing, mass transportation, community facilities and 4268
services, health, welfare, recreation, open space, and the 4269
development of human resources. 4270

(2) "Professional personnel" means either of the following: 4271

(a) Personnel who have earned a bachelor's degree from a 4272
college or university; 4273

(b) Personnel who serve as or have the working title of 4274
director, assistant director, deputy director, assistant deputy 4275
director, manager, office chief, assistant office chief, or 4276
program director. 4277

(3) "Technical personnel" means any of the following: 4278

(a) Personnel who provide technical assistance according to 4279
their job description or in accordance with the Revised Code; 4280

(b) Personnel employed in the director of ~~development~~ 4281
~~services~~ development's office or the legal office, communications 4282
office, finance office, legislative affairs office, or human 4283
resources office of the department of development ~~services~~ agency; 4284

(c) Personnel employed in the technology division of the 4285
agency department. 4286

Sec. 122.011. (A) The department of development ~~services~~ 4287
~~agency~~ shall develop and promote plans and programs designed to 4288
assure that state resources are efficiently used, economic growth 4289
is properly balanced, community growth is developed in an orderly 4290
manner, and local governments are coordinated with each other and 4291
the state, and for such purposes may do all of the following: 4292

(1) Serve as a clearinghouse for information, data, and other 4293
materials that may be helpful or necessary to persons or local 4294
governments, as provided in section 122.073 of the Revised Code; 4295

(2) Prepare and activate plans for the retention, 4296
development, expansion, and use of the resources and commerce of 4297
the state, as provided in section 122.04 of the Revised Code; 4298

(3) Assist and cooperate with federal, state, and local 4299
governments and agencies of federal, state, and local governments 4300
in the coordination of programs to carry out the functions and 4301
duties of the ~~agency~~ department; 4302

(4) Encourage and foster research and development activities, 4303
conduct studies related to the solution of community problems, and 4304
develop recommendations for administrative or legislative actions, 4305
as provided in section 122.03 of the Revised Code; 4306

(5) Serve as the economic and community development planning 4307
agency, which shall prepare and recommend plans and programs for 4308
the orderly growth and development of this state and which shall 4309
provide planning assistance, as provided in section 122.06 of the 4310
Revised Code; 4311

(6) Cooperate with and provide technical assistance to state 4312
departments, political subdivisions, regional and local planning 4313
commissions, tourist associations, councils of government, 4314

community development groups, community action agencies, and other 4315
appropriate organizations for carrying out the functions and 4316
duties of the department of development ~~services agency~~ or for the 4317
solution of community problems; 4318

(7) Coordinate the activities of state agencies that have an 4319
impact on carrying out the functions and duties of the department 4320
of development ~~services agency~~; 4321

(8) Encourage and assist the efforts of and cooperate with 4322
local governments to develop mutual and cooperative solutions to 4323
their common problems that relate to carrying out the purposes of 4324
this section; 4325

(9) Study existing structure, operations, and financing of 4326
regional or local government and those state activities that 4327
involve significant relations with regional or local governmental 4328
units, recommend to the governor and to the general assembly such 4329
changes in these provisions and activities as will improve the 4330
operations of regional or local government, and conduct other 4331
studies of legal provisions that affect problems related to 4332
carrying out the purposes of this section; 4333

(10) Create and operate a division of community development 4334
to develop and administer programs and activities that are 4335
authorized by federal statute or the Revised Code; 4336

(11) Until October 15, 2007, establish fees and charges, in 4337
consultation with the director of agriculture, for purchasing 4338
loans from financial institutions and providing loan guarantees 4339
under the family farm loan program created under sections 901.80 4340
to 901.83 of the Revised Code; 4341

(12) Provide loan servicing for the loans purchased and loan 4342
guarantees provided under section 901.80 of the Revised Code as 4343
that section existed prior to October 15, 2007; 4344

(13) Until October 15, 2007, and upon approval by the 4345

controlling board under division (A) (3) of section 901.82 of the Revised Code of the release of money to be used for purchasing a loan or providing a loan guarantee, request the release of that money in accordance with division (B) of section 166.03 of the Revised Code for use for the purposes of the fund created by section 166.031 of the Revised Code.

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

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

(C) The director shall execute a contract pursuant to section 187.04 of the Revised Code with the nonprofit corporation formed under section 187.01 of the Revised Code, and may execute any additional contracts with the corporation providing for the corporation to assist the director or ~~agency~~ department in carrying out any duties of the director or ~~agency~~ department under this chapter, under any other provision of the Revised Code dealing with economic development, or under a contract with the director, subject to section 187.04 of the Revised Code.

Sec. 122.013. The department of development shall post the 4377
following on the official internet site of the department: 4378

(A) Annual reports of the progress and status of eligible 4379
projects made as required under division (E) of section 122.0814 4380
of the Revised Code; 4381

(B) The annual report made by the director of development 4382
under section 122.0817 of the Revised Code; 4383

(C) Reports made by the third frontier commission under 4384
section 184.15 of the Revised Code; 4385

(D) Information on all support awarded under section 184.11 4386
of the Revised Code; 4387

(E) A description of and eligibility and application 4388
requirements for each loan or grant offered or administered by the 4389
department. 4390

Sec. 122.041. The director of development shall do all of the 4391
following with regard to the encouraging diversity, growth, and 4392
equity program created under section ~~123.152~~122.922 of the Revised 4393
Code: 4394

(A) Conduct outreach, marketing, and recruitment of EDGE 4395
business enterprises, as defined in that section; 4396

~~(B) Provide assistance to the department of administrative 4397~~
~~services, as needed, to certify new EDGE business enterprises and 4398~~
~~to train appropriate state agency staff; 4399~~

~~(C)~~ (B) Provide business development services to EDGE business 4400
enterprises in the developmental and transitional stages of the 4401
program, including financial and bonding assistance and management 4402
and technical assistance; 4403

~~(D)~~ (C) Develop a mentor program to bring businesses into a 4404
working relationship with EDGE business enterprises in a way that 4405

commercially benefits both entities and serves the purpose of the 4406
EDGE program; 4407

~~(E) Not later than December 31, 2003, prepare and submit to 4408
the governor a detailed report outlining and evaluating the 4409
progress made in implementing the encouraging diversity, growth, 4410
and equity program; 4411~~

~~(F)~~(D) Establish processes by which an EDGE business 4412
enterprise may apply for contract assistance, financial and 4413
bonding assistance, management and technical assistance, and 4414
mentoring opportunities. 4415

Sec. 122.09. (A) As used in this section: 4416

(1) "Development costs" means expenditures paid or incurred 4417
by the property owner in completing a certified transformational 4418
mixed use development project, including architectural or 4419
engineering fees paid or incurred in connection with the project 4420
and expenses incurred before the date the project is certified by 4421
the tax credit authority under division (C) of this section. In 4422
the case of a certified transformational mixed use development 4423
project that is part of a larger contiguous project that is 4424
planned to be completed in phases, "development costs" include 4425
only expenditures associated with the portion of the project that 4426
is certified by the tax credit authority and do not include 4427
expenditures incurred for other phases of the project. 4428

(2) "Owner" means a person or persons holding a fee simple or 4429
leasehold interest in real property, including interests in real 4430
property acquired through a capital lease arrangement. "Owner" 4431
does not include the state or a state agency, or any political 4432
subdivision as defined in section 9.23 of the Revised Code. For 4433
the purpose of this division, "fee simple interest," "leasehold 4434
interest," and "capital lease" shall be construed in accordance 4435
with generally accepted accounting principles. 4436

(3) "Transformational mixed use development" means a project 4437
that consists of new construction or the redevelopment, 4438
rehabilitation, expansion, or other improvement of vacant 4439
buildings or structures, or a combination of the foregoing, and 4440
that: 4441

(a) Will have a transformational economic impact on the 4442
development site and the surrounding area; 4443

(b) Integrates some combination of retail, office, 4444
residential, recreation, structured parking, and other similar 4445
uses into one mixed use development; and 4446

(c) Satisfies one of the following criteria: 4447

(i) If the development site is located within ten miles of a 4448
major city, the project includes at least one new or previously 4449
vacant building that is fifteen or more stories in height or has a 4450
floor area of at least three hundred fifty thousand square feet, 4451
or after completion will be the site of employment accounting for 4452
at least four million dollars in annual payroll, or includes two 4453
or more buildings that are connected to each other, are located on 4454
the same parcel or on contiguous parcels, and that collectively 4455
have a floor area of at least three hundred fifty thousand square 4456
feet; 4457

(ii) If the development site is not located within ten miles 4458
of a major city, the project includes at least one new or 4459
previously vacant building that is two or more stories in height 4460
or has a floor area of at least seventy-five thousand square feet 4461
or two or more new buildings that are located on the same parcel 4462
or on contiguous parcels and that collectively have a floor area 4463
of at least seventy-five thousand square feet. 4464

"Transformational mixed use development" may include a 4465
portion of a larger contiguous project that is planned to be 4466
completed in phases as long as the phases collectively meet the 4467

- criteria described in division (A)(3) of this section. 4468
- (4) "Increase in tax collections" means the difference, if 4469
positive, of the amount of state and local taxes derived from 4470
economic activity occurring within the development site and the 4471
surrounding area during a period of time minus the amount of such 4472
taxes that are estimated to be derived from such economic activity 4473
in that site and surrounding area during the same period if the 4474
transformational mixed use project were not completed. 4475
- (5) "Completion period" means the time period beginning on 4476
the day after a transformational mixed use development is 4477
certified by the tax credit authority and ending on the fifth 4478
anniversary of the day the project is completed. 4479
- (6) "Insurance company" means a person subject to the tax 4480
imposed under section 5725.18 or 5729.03 of the Revised Code. 4481
- (7) "Contribute capital" means to invest, loan, or donate 4482
cash in exchange for an equity interest in an asset, a debt 4483
instrument, or no consideration. 4484
- (8) "Major city" means a municipal corporation that has a 4485
population greater than one hundred thousand. 4486
- (9) "Tax credit authority" means the tax credit authority 4487
created under section 122.17 of the Revised Code. 4488
- (10) "Adjusted development costs" means the development costs 4489
attributed to a complete transformational mixed use development 4490
project minus the sum of the capital contributions of any 4491
insurance companies that are preliminarily approved for a tax 4492
credit in connection with the same project. 4493
- (11) A "property owner's share" of the increase in tax 4494
collections equals the product obtained by multiplying the total 4495
increase in tax collections since the date the transformational 4496
mixed use development project was certified by a fraction, the 4497

numerator of which is the adjusted development costs and the 4498
denominator of which is the actual development costs attributed to 4499
the project. 4500

(12) An "insurance company's share" of the increase in tax 4501
collections equals the product obtained by multiplying the total 4502
increase in tax collections since the date the transformational 4503
mixed use development project was certified by a fraction, the 4504
numerator of which is the insurance company's capital contribution 4505
to the project and the denominator of which is the actual 4506
development costs attributed to the project. 4507

(B) The owner of one or more parcels of land in this state 4508
within which a transformational mixed use development is planned 4509
or an insurance company that contributes capital to be used in the 4510
planning or construction of such a development may apply to the 4511
tax credit authority for certification of the development and 4512
preliminary approval of a tax credit. Each application shall be 4513
filed in the form and manner prescribed by the director of 4514
development ~~services~~ and shall, at minimum, include a development 4515
plan comprised of all of the following information: 4516

(1) The location of the development site and an indication of 4517
whether it is located within ten miles of a major city; 4518

(2) A detailed description of the proposed transformational 4519
mixed use development including site plans, construction drawings, 4520
architectural renderings, or other means sufficient to convey the 4521
appearance, size, purposes, capacity, and scope of the project 4522
and, if applicable, previously completed and future phases of the 4523
project; 4524

(3) A viable financial plan that estimates the development 4525
costs that have been or will be incurred in the completion of the 4526
project and that designates a source of financing or a strategy 4527
for obtaining financing; 4528

(4) An estimated schedule for the progression and completion of the project including, if applicable, previously completed and future phases of the project;	4529 4530 4531
(5) An assessment of the projected economic impact of the project on the development site and the surrounding area;	4532 4533
(6) Evidence that the increase in tax collections during the completion period will exceed ten per cent of the estimated development costs reported under division (B)(3) of this section;	4534 4535 4536
(7) If the applicant is an insurance company that is not the property owner, the amount of the insurance company's capital contribution to the development and the date on which it was or will be made;	4537 4538 4539 4540
(8) Evidence that the project will not be completed unless the applicant receives the credit.	4541 4542
(C)(1) In determining whether to certify a project that is the subject of an application submitted under division (B) of this section, the tax credit authority shall consider the potential impact of the transformational mixed use development on the development site and the surrounding area in terms of architecture, accessibility to pedestrians, retail entertainment and dining sales, job creation, property values, connectivity, and revenue from sales, income, lodging, and property taxes. The tax credit authority shall not certify a project unless it satisfies the following conditions:	4543 4544 4545 4546 4547 4548 4549 4550 4551 4552
(a) The project qualifies as a transformational mixed use development and satisfies all other criteria prescribed by this section or by rule of the director of development services ;	4553 4554 4555
(b) The estimated increase in tax collections during the completion period exceeds ten per cent of the estimated development costs for the project reported under division (B)(3) of this section;	4556 4557 4558 4559

(c) The project will not be completed unless the applicant 4560
receives the credit; 4561

(d) If the development site is located within ten miles of a 4562
major city, the estimated development costs to complete the 4563
project plus, if applicable, the estimated expenditures that have 4564
been or will be incurred to complete all other contiguous phases 4565
of the project, exceed fifty million dollars. 4566

In making its determination of whether or not to approve an 4567
application, the tax credit authority may conduct an interview of 4568
the applicant. 4569

(2) If the tax credit authority approves an application, the 4570
authority shall issue a statement certifying the associated 4571
transformational mixed use development project and preliminarily 4572
approving a tax credit. The statement shall stipulate that receipt 4573
of a tax credit certificate is contingent upon completion of the 4574
transformational mixed use development as described in the 4575
development plan. The statement shall specify the estimated amount 4576
of the tax credit, but state that the amount of the credit is 4577
dependent upon determination of the actual development costs 4578
attributed to the project and, unless the tax credit authority 4579
grants a request by the property owner under division (F) of this 4580
section, of the increase in tax collections during the completion 4581
period. 4582

(3) Except as otherwise provided in this division, if the 4583
applicant is an insurance company that is not the property owner, 4584
the estimated amount of the tax credit shall equal ten per cent of 4585
the insurance company's capital contribution to the project as 4586
reported in the development plan pursuant to division (B)(7) of 4587
this section. Except as otherwise provided in this division, if 4588
the applicant is the property owner, the estimated amount of the 4589
tax credit shall equal ten per cent of the estimated development 4590
costs for the project as reported in the development plan pursuant 4591

to division (B) (3) of this section minus any estimated credit 4592
amounts that have been preliminarily approved for insurance 4593
companies contributing capital to the project. The estimated 4594
credit amounts may be reduced by the tax credit authority as a 4595
condition of certifying the project if such a reduction is 4596
necessary to comply with the limitations on the amount of credits 4597
that may be preliminarily approved as prescribed by division 4598
(C) (5) of this section. The estimated credit amounts shall not be 4599
adjusted after the statement described in division (C) (2) of this 4600
section has been issued. 4601

(4) If the tax credit authority denies an application, the 4602
authority shall notify the applicant of the reason or reasons for 4603
such determination. The authority's determination is final, but an 4604
applicant may revise and resubmit a previously denied application. 4605

(5) (a) The tax credit authority shall not certify any 4606
transformational mixed use development projects after June 30, 4607
~~2023~~ 2025. 4608

(b) The tax credit authority may not preliminarily approve 4609
more than one hundred million dollars of estimated tax credits in 4610
each of fiscal years ~~2020, 2021, 2022, and 2023,~~ 2024, and 2025. 4611

(c) Not more than eighty million dollars of estimated tax 4612
credits in each such fiscal year may be preliminarily approved in 4613
connection with projects that are located within ten miles of a 4614
major city. 4615

(d) Not more than forty million dollars of estimated tax 4616
credits may be preliminarily approved in connection with the same 4617
transformational mixed use development project. 4618

(6) If the dollar amount of tax credits applied for under 4619
division (B) of this section in connection with projects that are 4620
located within ten miles of a major city exceeds eighty million 4621
dollars for a fiscal year, the tax credit authority shall rank 4622

those applications and certify the associated projects in order, 4623
starting with the project that presents the best combination of 4624
economic value and transformational impact. If the dollar amount 4625
of tax credits applied for in connection with projects not located 4626
within ten miles of a major city exceeds twenty million dollars 4627
for a fiscal year, the tax credit authority shall rank those 4628
applications and certify the associated projects in order, 4629
starting with the project that presents the best combination of 4630
economic value and transformational impact. In either case, the 4631
authority shall consider the following factors in ranking the 4632
applications: 4633

(a) The projected increase in tax collections during the 4634
completion period as a percentage of the total amount of estimated 4635
tax credits that would be preliminarily approved in connection 4636
with the project; 4637

(b) The economic impact of the project on the development 4638
site and the surrounding area and the impact of the project in 4639
terms of architecture, accessibility to pedestrians, retail 4640
entertainment and dining sales, job creation, property values, and 4641
connectivity; 4642

(c) The expeditiousness of the schedule for completing the 4643
project, realizing the increase in tax collections, and attaining 4644
the economic and other impacts on the development site and the 4645
surrounding area. 4646

(D) Within twelve months of the date a project is certified, 4647
the property owner shall provide the tax credit authority with an 4648
updated schedule for the progression and completion of the project 4649
and documentation sufficient to demonstrate that construction of 4650
the project has begun. If the property owner does not provide the 4651
schedule and documentation or if construction of the project has 4652
not begun within the time prescribed by this division, the tax 4653
credit authority shall rescind certification of the project and 4654

send notice of the rescission to the property owner and each 4655
insurance company that is preliminarily approved for a tax credit 4656
in connection with the project. A property owner that receives 4657
notice of rescission may submit a new application concerning the 4658
same project under division (B) of this section. 4659

(E) An applicant that is the property owner and is 4660
preliminarily approved for a tax credit under this section may 4661
sell or transfer the rights to that credit to one or more persons 4662
for the purpose of raising capital for the certified project. The 4663
applicant shall notify the tax credit authority upon selling or 4664
transferring the rights to the credit. The notice shall identify 4665
the person or persons to which the credit was sold or transferred 4666
and the credit amount sold or transferred to each such person. 4667
Only an applicant that owns the property may sell or transfer a 4668
credit under this division. A credit may be divided among multiple 4669
purchasers through more than one transaction but once a particular 4670
credit amount is acquired by a person other than the applicant it 4671
may not be sold or transferred again. 4672

(F) After a transformational mixed use development project is 4673
certified and before it is completed, the property owner may 4674
request that the value of the tax credit certificates awarded in 4675
connection with the project be computed using the alternative 4676
method described in division (I) of this section. The tax credit 4677
authority shall grant the request if the authority determines, and 4678
a third party engaged by the authority at the expense of the 4679
property owner affirms, that it is reasonably certain that the 4680
increase in tax collections will exceed ten per cent of the 4681
estimated development costs within one year after the project is 4682
completed. Otherwise, the authority shall deny the request and the 4683
amount of each credit awarded in connection with the project shall 4684
be computed under division (H) of this section. The authority's 4685
determination under this division shall be delivered in writing 4686

and is final and not appealable. 4687

(G) (1) The property owner shall notify the tax credit 4688
authority upon completion of a certified transformational mixed 4689
use development project. The notification shall include a report 4690
prepared by a third-party certified public accountant that 4691
contains a detailed accounting of the actual development costs 4692
attributed to the project. 4693

(2) Upon receiving such a notice, unless the tax credit 4694
authority has previously granted a request by the property owner 4695
under division (F) of this section, the authority shall determine 4696
the increase in tax collections since the date the project was 4697
certified by consulting with the tax commissioner and with the tax 4698
administrator of any municipal corporation that levies an income 4699
tax within the project site and the surrounding area. The tax 4700
commissioner and the tax administrators that are consulted 4701
pursuant to this division shall provide the tax credit authority 4702
with any information that is necessary to determine the increase 4703
in tax collections. 4704

(3) After determining the increase in tax collections under 4705
division (G) (2) of this section, if required, and computing the 4706
value of the tax credit under division (H) or (I) of this section, 4707
as applicable, the tax credit authority shall issue a tax credit 4708
certificate to each applicant that is preliminarily approved for a 4709
credit associated with the project or to the person or persons to 4710
which such an applicant sold or transferred the rights to the 4711
credit under division (E) of this section. If the amount of the 4712
tax credit awarded to the property owner is less than the credit 4713
amount estimated under division (C) of this section and the 4714
property owner sold or transferred the rights to the credit, the 4715
tax credit authority shall reduce the amount of each tax credit 4716
certificate issued to each purchaser or recipient on a pro rata 4717
basis unless the property owner requests an alternative allocation 4718

of the credit. 4719

(H) (1) Unless the tax credit authority granted a request by 4720
the property owner under division (F) of this section, the 4721
aggregate value of the tax credit certificates issued under 4722
division (G) of this section to the property owner and to any 4723
persons to whom the property owner sold or transferred the rights 4724
to the credit shall equal the lesser of the following: 4725

(a) Ten per cent of the adjusted development costs; 4726

(b) Five per cent of the adjusted development costs plus any 4727
amount by which the property owner's share of the increase in tax 4728
collections since the date the project was certified exceeds five 4729
per cent of the adjusted development costs; 4730

(c) The estimated credit amount specified in the tax credit 4731
authority's statement certifying the project and preliminarily 4732
approving the tax credit under division (C) of this section. 4733

(2) The value of a tax credit certificate issued under 4734
division (G) of this section to an insurance company that 4735
contributed capital to the project shall equal the lesser of the 4736
following: 4737

(a) Ten per cent of the insurance company's actual capital 4738
contribution; 4739

(b) Five per cent of such capital contribution plus any 4740
amount by which the insurance company's share of the increase in 4741
tax collections since the date the project was certified exceeds 4742
five per cent of the insurance company's capital contribution; 4743

(c) The estimated credit amount specified in the tax credit 4744
authority's statement certifying the project and preliminarily 4745
approving the tax credit under division (C) of this section. 4746

(I) If the tax credit authority granted a request by the 4747
property owner under division (F) of this section, the value of 4748

the tax credit certificates issued in connection with the 4749
transformational mixed use development project shall be computed 4750
as follows: 4751

(1) For the property owner or any person to which the 4752
property owner sold or transferred the rights to the credit, ten 4753
per cent of the actual development costs attributed to the 4754
project. If the amount of the credit is less than the credit 4755
amount estimated under division (C) of this section and the 4756
property owner sold or transferred the rights to the credit to 4757
more than one person, the authority shall reduce the amount of 4758
each tax credit certificate on a pro rata basis unless the 4759
property owner requests an alternative allocation of the credit. 4760

(2) For an insurance company that contributed capital to the 4761
project, ten per cent of the insurance company's actual capital 4762
contribution. 4763

(J) If the value of a tax credit certificate was computed 4764
under division (H) of this section for a project, the property 4765
owner, on or before the thirtieth day following the first, second, 4766
third, fourth, and fifth anniversaries of the date the certified 4767
transformational mixed use development project is completed, may 4768
request in writing that the tax credit authority update the 4769
increase in tax collections during the completion period. Upon 4770
receiving such a request, the tax credit authority shall update 4771
the increase in tax collections in the same manner described by 4772
division (G) of this section. If the tax credit authority 4773
determines that the value of the tax credit certificates computed 4774
under division (H) of this section would be greater if computed 4775
based on the updated increase in tax collections, the authority 4776
shall issue an additional tax credit certificate to each person 4777
that previously received a certificate for the project under those 4778
divisions. The value of each additional tax credit certificate 4779
shall equal the amount by which the tax credit certificate 4780

computed under division (H) of this section upon completion of the 4781
project would have been greater had the value of such certificate 4782
been computed based on the updated increase in tax collections, 4783
less the value of any additional tax credit certificates 4784
previously issued under this division to the same person 4785
respecting the same project. 4786

(K) The aggregate value of all tax credit certificates issued 4787
under this section for the same transformational mixed use 4788
development project shall not exceed (1) ten per cent of the 4789
actual development costs of that project or (2) the sum of all 4790
estimated credit amounts preliminarily approved by the tax credit 4791
authority in connection with the project. 4792

(L) Issuance of a tax credit certificate under this section 4793
does not represent a verification or certification by the tax 4794
credit authority of the actual development costs of the project or 4795
the capital contributions to the project by an insurance company. 4796
Such amounts are subject to inspection and examination by the 4797
superintendent of insurance. 4798

(M) Upon the issuance of a tax credit certificate under 4799
division (G) or (J) of this section, the tax credit authority 4800
shall certify to the superintendent of insurance (1) the name of 4801
each person that was issued a tax credit certificate, (2) whether 4802
the person is the property owner, an insurance company that 4803
contributed capital to the development, or a person that acquired 4804
the rights to the tax credit certificate from the property owner, 4805
(3) the credit amount shown on each tax credit certificate, and 4806
(4) any other information required by the rules adopted under this 4807
section. A person that holds the rights to a tax credit 4808
certificate issued under this section and that is an insurance 4809
company may claim a tax credit under section 5725.35 or 5729.18 of 4810
the Revised Code. 4811

(N) The tax credit authority shall publish information about 4812

each transformational mixed use development on the web site of the 4813
department of development ~~services~~ ~~agency~~ not later than the first 4814
day of August following certification of the project. The tax 4815
credit authority shall update the published information annually 4816
until the project is complete and the credit or credits are fully 4817
claimed. The published information shall include all of the 4818
following: 4819

(1) The location of the transformational mixed use 4820
development and the name by which it is known; 4821

(2) The estimated schedule for progression and completion of 4822
the project included in the development plan pursuant to division 4823
(B) (4) of this section; 4824

(3) The assessment of the projected economic impact of the 4825
project included in the development plan pursuant to division 4826
(B) (5) of this section; 4827

(4) The evidence supporting the estimated increase in tax 4828
collections included in the development plan pursuant to division 4829
(B) (6) of this section, except that the tax credit authority may 4830
omit any proprietary or sensitive information included in such 4831
evidence; 4832

(5) The estimated development costs that have been or will be 4833
incurred in completion of the project and, if applicable, the 4834
amount of the insurance company's capital contribution to the 4835
development and the date on which it was made, as reported in the 4836
development plan pursuant to divisions (B) (3) and (7) of this 4837
section; 4838

(6) A copy of each report submitted to the tax credit 4839
authority by the applicant under division (D) of this section. 4840

(O) The director, in accordance with Chapter 119. of the 4841
Revised Code, shall adopt rules that establish all of the 4842
following: 4843

(1) Forms and procedures by which applicants may apply for a transformational investment tax credit, and any deadlines for applying;	4844 4845 4846
(2) Criteria and procedures for reviewing, evaluating, ranking, and approving applications within the limitations prescribed by this section, including rules prescribing the timing and frequency by which the tax credit authority must rank applications and preliminarily approve tax credits under division (C) of this section;	4847 4848 4849 4850 4851 4852
(3) Eligibility requirements for obtaining a tax credit certificate under this section;	4853 4854
(4) The form of the tax credit certificate;	4855
(5) Reporting requirements and monitoring procedures;	4856
(6) Procedures for computing the increase in tax collections within the project site and the surrounding area;	4857 4858
(7) Forms and procedures by which property owners may request the alternative method of computing the value of tax credit certificates under division (I) of this section that are awarded in connection with a project and criteria for evaluating and making a determination on such requests;	4859 4860 4861 4862 4863
(8) Any other rules necessary to implement and administer this section.	4864 4865
Sec. 122.15. As used in this section and sections 122.151 to 122.156 of the Revised Code:	4866 4867
(A) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with another person. For the purposes of this division, a person is "controlled by" another person if the controlling person holds, directly or indirectly, the majority voting or ownership interest in the controlled person or has	4868 4869 4870 4871 4872 4873

control over the day-to-day operations of the controlled person by 4874
contract or by law. 4875

(B) "Border county" means a county in this state that borders 4876
another state. 4877

(C) "Closing date" means the date on which a rural business 4878
growth fund has collected all of the amounts specified by 4879
divisions (G) (1) and (2) of section 122.151 of the Revised Code. 4880

~~(C)~~(D) "Credit-eligible capital contribution" means an 4881
investment of cash by a person subject to the tax imposed by 4882
section 3901.86, 5725.18, 5729.03, or 5729.06 of the Revised Code 4883
in a rural business growth fund that equals the amount specified 4884
on a notice of tax credit allocation issued by the department of 4885
development services agency under division (I) (1) of section 4886
122.151 of the Revised Code. The investment shall purchase an 4887
equity interest in the fund or purchase, at par value or premium, 4888
a debt instrument issued by the fund that meets all of the 4889
following criteria: 4890

(1) The debt instrument has an original maturity date of at 4891
least five years after the date of issuance. 4892

(2) The debt instrument has a repayment schedule that is not 4893
faster than a level principal amortization over five years. 4894

(3) The debt instrument has no interest, distribution, or 4895
payment features dependent on the fund's profitability or the 4896
success of the fund's growth investments. 4897

~~(D)~~(E) "Eligible investment authority" means the amount 4898
stated on the notice issued under division (F) of section 122.151 4899
of the Revised Code certifying the rural business growth fund. 4900
Sixty per cent of a fund's eligible investment authority shall be 4901
comprised of credit-eligible capital contributions. 4902

~~(E)~~(F) "Full-time equivalent employee" means the quotient 4903

obtained by dividing the total number of hours for which employees 4904
were compensated for employment over the preceding twelve-month 4905
period by two thousand eighty. 4906

~~(F)~~(G) "Growth investment" means any capital or equity 4907
investment in a rural business concern or any loan to a rural 4908
business concern with a stated maturity of at least one year. A 4909
secured loan or the provision of a revolving line of credit to a 4910
rural business concern is a growth investment only if the rural 4911
business growth fund obtains an affidavit from the president or 4912
chief executive officer of the rural business concern attesting 4913
that the rural business concern sought and was denied similar 4914
financing from a commercial bank. 4915

~~(G)~~(H) "Operating company" means any business that has its 4916
principal business operations in this state, has fewer than two 4917
hundred fifty employees and not more than fifteen million dollars 4918
in net income for the preceding taxable year, and that is none of 4919
the following: 4920

- (1) A country club; 4921
- (2) A racetrack or other facility used for gambling; 4922
- (3) A store the principal purpose of which is the sale of 4923
alcoholic beverages for consumption off premises; 4924
- (4) A massage parlor; 4925
- (5) A hot tub facility; 4926
- (6) A suntan facility; 4927
- (7) A business engaged in the development or holding of 4928
intangibles for sale; 4929
- (8) A private or commercial golf course; 4930
- (9) A business that derives or projects to derive fifteen per 4931
cent or more of its net income from the rental or sale of real 4932
property, except any business that is a special purpose entity 4933

principally owned by a principal user of that property formed 4934
solely for the purpose of renting, either directly or indirectly, 4935
or selling real property back to such principal user if such 4936
principal user does not derive fifteen per cent or more of its 4937
gross annual revenue from the rental or sale of real property; 4938

(10) A publicly traded business. 4939

For the purposes of this division, "net income" means federal 4940
gross income as required to be reported under the Internal Revenue 4941
Code less federal and state taxes imposed on or measured by 4942
income. 4943

~~(H)~~(I) "Population" means that shown by the most recent 4944
decennial census or the most recent annual population estimate 4945
published or released by the United States census bureau, 4946
whichever is more recent. 4947

(J) A business's "principal business operations" are in this 4948
state if at least eighty per cent of the business's employees 4949
reside in this state, the individuals who receive eighty per cent 4950
of the business's payroll reside in this state, or the business 4951
has agreed to use the proceeds of a growth investment to relocate 4952
at least eighty per cent of its employees to this state or pay at 4953
least eighty per cent of its payroll to individuals residing in 4954
this state. For the purpose of growth investments by a program two 4955
rural business growth fund, a business's "principal business 4956
operations" are also in this state if it is headquartered in a 4957
border county and at least sixty-five per cent of the business's 4958
employees reside in this state, the individuals who receive 4959
sixty-five per cent of the business's payroll reside in this 4960
state, or the business has agreed to use the proceeds of a growth 4961
investment to relocate at least sixty-five per cent of its 4962
employees to this state or pay at least sixty-five per cent of its 4963
payroll to individuals residing in this state. 4964

(K) "Program one" refers to rural business growth funds certified by the department of development under section 122.151 of the Revised Code before the effective date of this amendment. 4965
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(L) "Program two" refers to rural business growth funds certified by the department of development under section 122.151 of the Revised Code on or after the effective date of this amendment. 4968
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~~(I)(M)~~ "Rural area" means any county in this state having a population less than two hundred thousand ~~as of the most recent decennial census or the most recent annual population estimate published or released by the United States census bureau.~~ 4972
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~~(J)(N)~~ "Rural business concern" means an operating company that has its principal business operations located in a rural area. 4976
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~~(K)~~ (O) "Rural business growth fund" and "fund" mean an entity certified by the department of development ~~services agency~~ under section 122.151 of the Revised Code. 4979
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~~(L)~~ (P) "Taxable year" means the calendar year ending on the thirty-first day of December next preceding the day the annual statement is required to be returned under section 5725.18 or 5729.02 of the Revised Code. 4982
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(Q) "Tier one rural area" means any county in this state having a population less than two hundred thousand and more than one hundred fifty thousand. 4986
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(R) "Tier two rural area" means any county in this state having a population of more than seventy-five thousand but not more than one hundred fifty thousand. 4989
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(S) "Tier three rural area" means any county in this state having a population of not more than seventy-five thousand. 4992
4993

Sec. 122.151. ~~(A) On and after the effective date of the~~ 4994

~~enactment of this section,~~ a A person that has developed a 4995
business plan to invest in rural business concerns in this state 4996
and has successfully solicited private investors to make 4997
credit-eligible capital contributions in support of the plan may 4998
apply to the department of development ~~services agency~~ for 4999
certification as a rural business growth fund. The application 5000
shall include all of the following: 5001

(1) The total eligible investment authority sought by the 5002
applicant under the business plan; 5003

(2) Documents and other evidence sufficient to prove, to the 5004
satisfaction of the agency, that the applicant meets all of the 5005
following criteria: 5006

(a) The applicant or an affiliate of the applicant is 5007
licensed as a rural business investment company under 7 U.S.C. 5008
2009cc, or as a small business investment company under 15 U.S.C. 5009
681. 5010

(b) As of the date the application is submitted, the 5011
applicant has invested more than one hundred million dollars in 5012
operating companies, including at least fifty million dollars in 5013
operating companies located in rural areas. In computing 5014
investments under this division, the applicant may include 5015
investments made by affiliates of the applicant and investments 5016
made in businesses that are not operating companies but would 5017
qualify as operating companies if the principal business 5018
operations were located in this state. 5019

(3) The industries in which the applicant proposes to make 5020
growth investments and the percentage of the growth investments 5021
that will be made in each industry. The applicant shall identify 5022
each industry by using the codes utilized by the north American 5023
industry classification system. 5024

(4) An estimate of the number of new full-time equivalent 5025
employees and retained full-time equivalent employees that will 5026
result from the applicant's growth investments; 5027

(5) A revenue impact assessment for the applicant's proposed 5028
growth investments prepared by a nationally recognized third-party 5029
independent economic forecasting firm using a dynamic economic 5030
forecasting model. The revenue impact assessment shall analyze the 5031
applicant's business plan over the ten years following the date 5032
the application is submitted to the agency. 5033

(6) A signed affidavit from each investor successfully 5034
solicited by the applicant to make a credit eligible capital 5035
contribution in support of the business plan. Each affidavit shall 5036
include information sufficient for the agency and the 5037
superintendent of insurance to identify the investor and shall 5038
state the amount of the investor's credit-eligible capital 5039
contribution. 5040

(7) A nonrefundable application fee of five thousand dollars. 5041

(B) (1) Except as provided in division (B) (2) of this section, 5042
the agency shall review and make a determination with respect to 5043
each application submitted under division (A) of this section 5044
within sixty days of receipt. The agency shall review and make 5045
determinations on the applications in the order in which the 5046
applications are received by the agency. Applications received by 5047
the agency on the same day shall be deemed to have been received 5048
simultaneously. The agency shall approve not more than 5049
seventy-five million dollars in eligible investment authority and 5050
not more than forty-five million dollars in credit-eligible 5051
capital contributions under this section for program one rural 5052
business growth funds. The agency shall approve not more than 5053
seventy-five million dollars in eligible investment authority and 5054
not more than forty-five million dollars in credit-eligible 5055
contributions under this section for program two rural business 5056

growth funds. 5057

(2) If the agency denies an application for certification as a fund, and approving a subsequently submitted application would result in exceeding the dollar limitation on eligible investment authority or credit-eligible contributions prescribed by division (B) (1) of this section assuming the previously denied application were completed, clarified, or cured under division (D) of this section, the agency shall refrain from making a determination on the subsequently submitted application until the previously denied application is reconsidered or the fifteen-day period for submitting additional information respecting that application has passed, whichever comes first. 5058
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(C) The agency shall deny an application submitted under this section if any of the following are true: 5069
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(1) The application is incomplete. 5071

(2) The application fee is not paid in full. 5072

(3) The applicant does not satisfy all the criteria described in division (A) (2) of this section. 5073
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(4) The revenue impact assessment submitted under division (A) (5) of this section does not demonstrate that the applicant's business plan will result in a positive economic impact on this state over a ten-year period that exceeds the cumulative amount of tax credits that would be issued under section 122.152 of the Revised Code if the application were approved. 5075
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(5) The credit-eligible capital contributions described in affidavits submitted under division (A) (6) of this section do not equal sixty per cent of the total amount of eligible investment authority sought under the applicant's business plan. 5081
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(6) The agency has already approved the maximum total eligible investment authority and credit-eligible capital 5085
5086

contributions allowed under division (B) of this section. 5087

(D) If the agency denies an application under division (C) of 5088
this section, the agency shall send notice of its determination to 5089
the applicant. The notice shall include the reason or reasons that 5090
the application was denied. If the application was denied for any 5091
reason other than the reason specified in division (C)(6) of this 5092
section, the applicant may provide additional information to the 5093
agency to complete, clarify, or cure defects in the application. 5094
The additional information must be submitted within fifteen days 5095
after the date the notice of denial was dispatched by the agency. 5096
If the person submits additional information within fifteen days, 5097
the agency shall reconsider the application within thirty days 5098
after receiving the additional information. The application shall 5099
be reviewed and considered before any pending application 5100
submitted after the original submission date of the reconsidered 5101
application. If the person does not submit additional information 5102
within fifteen days after dispatch of the notice of denial, the 5103
person may submit a new application with a new submission date at 5104
any time. 5105

(E) If approving multiple simultaneously submitted 5106
applications would result in exceeding the overall eligible 5107
investment limit prescribed by division (B) of this section, the 5108
agency shall proportionally reduce the eligible investment 5109
authority and the credit-eligible capital contributions for each 5110
approved application as necessary to avoid exceeding the limit. 5111

(F) The agency shall not deny a rural business growth fund 5112
application or reduce the requested eligible investment authority 5113
for reasons other than those described in divisions (C) and (E) of 5114
this section. If the agency approves such an application, the 5115
agency shall issue a written notice to the applicant certifying 5116
that the applicant qualifies as a rural business growth fund and 5117
specifying the amount of the applicant's eligible investment 5118

authority. 5119

(G) A fund shall do all of the following within sixty days 5120
after receiving the certification issued under division (F) of 5121
this section: 5122

(1) Collect the credit-eligible capital contributions from 5123
each investor whose affidavit was included in the application. If 5124
the rural business growth fund's requested eligible investment 5125
authority is proportionally reduced under division (E) of this 5126
section, the investor's required credit-eligible capital 5127
contribution shall be reduced by the same proportion. 5128

(2) Collect one or more investments of cash that, when added 5129
to the contributions collected under division (G) (1) of this 5130
section, equal the fund's eligible investment authority. At least 5131
ten per cent of the fund's eligible investment authority shall be 5132
comprised of equity investments contributed directly or indirectly 5133
by affiliates of the fund, including employees, officers, and 5134
directors of such affiliates. 5135

(H) Within sixty-five days after receiving the certification 5136
issued under division (F) (1) of this section, the fund shall send 5137
to the agency documentation sufficient to prove that the amounts 5138
described in divisions (G) (1) and (2) of this section have been 5139
collected. The fund shall identify any affiliate of an investor 5140
described in division (G) (1) of this section that will seek to 5141
claim the credit allowed by section 122.152 of the Revised Code. 5142
If the fund fails to fully comply with division (G) of this 5143
section, the fund's certification shall lapse. 5144

Eligible investment authority and corresponding 5145
credit-eligible capital contributions that lapse under this 5146
division do not count toward limits on total eligible investment 5147
authority and credit-eligible capital contributions prescribed by 5148
division (B) of this section. Once eligible investment authority 5149

has lapsed, the agency shall first award lapsed authority pro rata 5150
to each fund that was awarded less than the requested eligible 5151
investment authority because of the operation of division (E) of 5152
this section. Any remaining eligible investment authority may be 5153
awarded by the agency to new applicants. 5154

(I) After receiving documentation sufficient to prove that 5155
the amounts described in divisions (G) (1) and (2) of this section 5156
have been collected, the agency shall issue the following notices: 5157

(1) To each investor or affiliate identified in division (H) 5158
of this section, a notice of the amount and utilization schedule 5159
of the tax credits allocated to that investor or affiliate as a 5160
result of its credit-eligible capital contribution; 5161

(2) To the superintendent of insurance, a notice of the 5162
amount and utilization schedule of the tax credits allocated to 5163
each investor described in division (G) (1) of this section and any 5164
affiliate of such investor who will seek to claim the credit 5165
allowed by section 122.152 of the Revised Code. 5166

(J) Application fees submitted to the agency pursuant to 5167
division (A) (7) of this section shall be credited to the tax 5168
incentives operating fund created under section 122.174 of the 5169
Revised Code, and shall be used by the agency to administer 5170
sections 122.15 to 122.156 of the Revised Code. 5171

Sec. 122.153. (A) The department of development services 5172
~~agency~~ shall not be required to issue a tax credit certificate 5173
under section 122.152 of the Revised Code if either of the fund in 5174
~~which the following applies:~~ 5175

(1) The credit-eligible capital contribution was made does 5176
~~not invest in a program one rural business growth fund that fails~~ 5177
to: 5178

(a) Invest fifty per cent of its eligible investment 5179

authority in growth investments within one year of the closing 5180
date; and 5181

(b) Invest one hundred per cent of its eligible investment 5182
authority in growth investments in this state within two years of 5183
the closing date. 5184

(2) The credit eligible contribution was made in a program 5185
two rural business growth fund that fails to: 5186

(a) Invest twenty-five per cent of its eligible investment 5187
authority in growth investments within one year of the closing 5188
date; 5189

(b) Invest fifty per cent of its eligible investment 5190
authority in growth investments within two years of the closing 5191
date; and 5192

(c) Invest one hundred per cent of its eligible investment 5193
authority in growth investments within three years of the closing 5194
date, including seventy-five per cent of its eligible investment 5195
authority in rural business concerns that have their principal 5196
business operations in tier two or tier three rural areas, and 5197
twenty-five per cent of its eligible investment authority in rural 5198
business concerns that have their principal business operations in 5199
tier three rural areas. The amount by which a rural business 5200
growth fund's growth investments in rural business concerns that 5201
have their principal business operations in tier one rural areas 5202
exceeds twenty-five per cent of the fund's eligible investment 5203
authority shall not count towards the satisfaction of the 5204
requirements prescribed by division (A)(2)(c) of this section. 5205

(B) The agency shall recapture tax credits claimed under 5206
section 122.152 of the Revised Code if any of the following occur 5207
with respect to the rural business growth fund: 5208

(1) The fund, after investing one hundred per cent of its 5209
eligible investment authority in growth investments in this state, 5210

fails to maintain that investment until the sixth anniversary of 5211
the closing date. For the purposes of this division, an investment 5212
is maintained even if the investment is sold or repaid so long as 5213
the fund reinvests an amount equal to the capital returned or 5214
recovered by the fund from the original investment, exclusive of 5215
any profits realized, in other growth investments in this state 5216
within one year of the receipt of such capital. 5217

(2) The fund makes a distribution or payment after the fund 5218
complies with division (G) of section 122.151 of the Revised Code 5219
and before the fund decertifies under division (D) of this section 5220
that results in the fund having less than one hundred per cent of 5221
its eligible investment authority invested in growth investments 5222
in this state. 5223

(3) The fund makes a growth investment in a rural business 5224
concern that directly or indirectly through an affiliate owns, has 5225
the right to acquire an ownership interest, makes a loan to, or 5226
makes an investment in the fund, an affiliate of the fund, or an 5227
investor in the fund. Division (A) (3) of this section does not 5228
apply to investments in publicly traded securities by a rural 5229
business concern or an owner or affiliate of a rural business 5230
concern. 5231

Before recapturing one or more tax credits under this 5232
division, the agency shall notify the fund of the reasons for the 5233
pending recapture. If the fund corrects the violations outlined in 5234
the notice to the satisfaction of the agency within thirty days of 5235
the date the notice was dispatched, the agency shall not recapture 5236
the tax credits. 5237

~~(C)~~ (C) (1) The amount by which one or more growth investments 5238
by a ~~fund~~ program one rural business growth fund in the same rural 5239
business concern exceeds twenty per cent of the fund's eligible 5240
investment authority shall not be counted as a growth investment 5241
for the purposes of this section. The amount by which one or more 5242

growth investments by a program two rural business growth fund in 5243
the same business concern exceeds five million dollars shall not 5244
be counted as a growth investment for the purposes of this 5245
section. A growth investment returned or repaid by a rural 5246
business concern to a program one or program two rural business 5247
growth fund and then reinvested by the fund in the same rural 5248
business concern does not count as an investment in the same rural 5249
business concern for the purposes of the limitations prescribed by 5250
division (C)(1) of this section. 5251

(2) The aggregate amount of growth investments by all rural 5252
business growth funds in the same rural business concern, 5253
including amounts reinvested in a rural business concern following 5254
a returned or repayment of a growth investment, shall not exceed 5255
fifteen million dollars. 5256

(3) A growth investment in an affiliate of a rural business 5257
concern shall be treated as a growth investment in that rural 5258
business concern for the purposes of ~~this~~ division (C) of this 5259
section. 5260

(D) If the agency recaptures a tax credit under this section, 5261
the agency shall notify the superintendent of insurance of the 5262
recapture. The superintendent shall make an assessment under 5263
Chapter 5725. or 5729. of the Revised Code for the amount of the 5264
credit claimed by each certificate owner associated with the fund 5265
before the recapture was finalized. The time limitations on 5266
assessments under those chapters do not apply to an assessment 5267
under this division, but the superintendent shall make the 5268
assessment within one year after the date the agency notifies the 5269
superintendent of the recapture. Following the recapture of a tax 5270
credit under this section, no tax credit certificate associated 5271
with the fund may be utilized. Notwithstanding division (B) of 5272
section 122.152 of the Revised Code, if a tax credit is recaptured 5273
under this section the agency shall not issue future tax credit 5274

certificates to taxpayers that made credit-eligible capital 5275
contributions to the fund. 5276

(E) (1) On or after the sixth anniversary of the closing date, 5277
a fund that has not committed any of the acts described in 5278
division (B) of this section may apply to the agency to decertify 5279
as a rural business growth fund. The agency shall respond to the 5280
application within sixty days after receiving the application. In 5281
evaluating the application, the fact that no tax credit has been 5282
recaptured with respect to the fund shall be sufficient evidence 5283
to prove that the fund is eligible for decertification. The agency 5284
shall not unreasonably deny an application submitted under this 5285
division. 5286

(2) The agency shall send notice of its determination with 5287
respect to an application submitted under division (E) (1) of this 5288
section to the fund. If the application is denied, the notice 5289
shall include the reason or reasons for the determination. 5290

(3) The agency shall not recapture a tax credit due to any 5291
actions of a fund that occur after the date the fund's application 5292
for decertification is approved. Division (E) (3) of this section 5293
does not prohibit the agency from recapturing a tax credit due to 5294
the actions of a fund that occur before the date the fund's 5295
application for decertification is approved, even if those actions 5296
are discovered after that date. 5297

Sec. 122.154. (A) Each rural business growth fund shall 5298
submit a report to the department of development ~~services agency~~ 5299
on or before the first day of each March following the end of the 5300
calendar year that includes the closing date until the calendar 5301
year after the fund has decertified. The report shall provide an 5302
itemization of the fund's growth investments and shall include the 5303
following documents and information: 5304

(1) A bank statement evidencing each growth investment; 5305

(2) The name, location, and industry class of each business 5306
that received a growth investment from the fund and evidence that 5307
the business qualified as a rural business concern at the time the 5308
investment was made. If the fund obtained a written opinion from 5309
the agency on the business's status as a rural business concern 5310
under section 122.156 of the Revised Code, or if the fund makes a 5311
written request for such an opinion and the agency failed to 5312
respond within thirty days as required by that section, a copy of 5313
the agency's favorable opinion or a dated copy of the fund's 5314
unanswered request, as applicable, shall be sufficient evidence 5315
that the business qualified as a rural business concern at the 5316
time the investment was made. 5317

(3) The number of employment positions that existed at each 5318
business described in division (A)(2) of this section on the date 5319
the business received the growth investment; 5320

(4) The number of new full-time equivalent employees 5321
resulting from each of the fund's growth investments made or 5322
maintained in the preceding calendar year; 5323

(5) Any other information required by the agency. 5324

(B) Each fund shall submit a report to the agency on or 5325
before the fifth business day after the first ~~and~~, second, and for 5326
program two funds, third anniversaries of the closing date that 5327
provides documentation sufficient to prove that the fund has met 5328
the investment thresholds described in division (A) of section 5329
122.153 of the Revised Code and has not implicated any of the 5330
other recapture provisions described in division (B) of that 5331
section. 5332

(C) Each certified rural business growth fund shall pay the 5333
agency an annual fee of twenty thousand dollars. The initial 5334
annual fee required of a fund shall be due and payable to the 5335
agency along with the submission of documentation required under 5336

division (H) of section 122.151 of the Revised Code. Each 5337
subsequent annual fee is due and payable on the last day of 5338
February following the first and each ensuing anniversary of the 5339
closing date. If the fund is required to submit an annual report 5340
under division (A) of this section, the annual fee shall be 5341
submitted along with the report. No fund shall be required to pay 5342
an annual fee after the fund has decertified under section 122.153 5343
of the Revised Code. Annual fees paid to the agency under this 5344
section shall be credited to the tax incentives operating fund 5345
created under section 122.174 of the Revised Code. 5346

(D) The director of development ~~services~~, after consultation 5347
with the superintendent of insurance and in accordance with 5348
Chapter 119. of the Revised Code, may adopt rules necessary to 5349
implement sections 122.15 to 122.156 of the Revised Code. 5350

Sec. 122.156. A rural business growth fund, before investing 5351
in a business, may request a written opinion from the department 5352
of development ~~services~~ ~~agency~~ as to whether the business 5353
qualifies as a rural business concern based on the criteria 5354
prescribed by section 122.15 of the Revised Code. The request 5355
shall be submitted in a form prescribed by rule of the agency. The 5356
agency shall issue a written opinion to the fund within thirty 5357
business days of receiving such a request. Notwithstanding 5358
division ~~(H)~~ (J) of section 122.15 of the Revised Code, if the 5359
agency determines that the business qualifies as a rural business 5360
concern or if the agency fails to timely issue the written opinion 5361
as required under this section, the business shall be considered a 5362
rural business concern for the purposes of sections 122.15 to 5363
122.156 of the Revised Code. 5364

Sec. 122.17. (A) As used in this section: 5365

(1) "Payroll" means the total taxable income paid by the 5366

employer during the employer's taxable year, or during the 5367
calendar year that includes the employer's tax period, to each 5368
employee or each home-based employee employed in the project to 5369
the extent such payroll is not used to determine the credit under 5370
section 122.171 of the Revised Code. "Payroll" excludes amounts 5371
paid before the day the taxpayer becomes eligible for the credit 5372
and retirement or other benefits paid or contributed by the 5373
employer to or on behalf of employees. 5374

(2) "Baseline payroll" means Ohio employee payroll, except 5375
that the applicable measurement period is the twelve months 5376
immediately preceding the date the tax credit authority approves 5377
the taxpayer's application or the date the tax credit authority 5378
receives the recommendation described in division (C)(2)(a) of 5379
this section, whichever occurs first, multiplied by the sum of one 5380
plus an annual pay increase factor to be determined by the tax 5381
credit authority. 5382

(3) "Ohio employee payroll" means the amount of compensation 5383
used to determine the withholding obligations in division (A) of 5384
section 5747.06 of the Revised Code and paid by the employer 5385
during the employer's taxable year, or during the calendar year 5386
that includes the employer's tax period, to the following: 5387

(a) An employee employed in the project who is a resident of 5388
this state including a qualifying work-from-home employee not 5389
designated as a home-based employee by an applicant under division 5390
(C)(1) of this section; 5391

(b) An employee employed at the project location who is not a 5392
resident and whose compensation is not exempt from the tax imposed 5393
under section 5747.02 of the Revised Code pursuant to a 5394
reciprocity agreement with another state under division (A)(3) of 5395
section 5747.05 of the Revised Code; 5396

(c) A home-based employee employed in the project. 5397

"Ohio employee payroll" excludes any such compensation to the extent it is used to determine the credit under section 122.171 of the Revised Code, and excludes amounts paid before the day the taxpayer becomes eligible for the credit under this section.

(4) "Excess payroll" means Ohio employee payroll minus baseline payroll.

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

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

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

(8) "Qualifying work-from-home employee" means an employee who is a resident of this state and whose services are supervised from the employer's project location and performed primarily from a residence of the employee located in this state.

(9) "Resident" or "resident of this state" means an individual who is a resident as defined in section 5747.01 of the Revised Code.

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

(B) The tax credit authority may make grants under this section to foster job creation in this state. Such a grant shall

take the form of a refundable credit allowed against the tax 5428
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 5429
5747.02 or levied under Chapter 5751. of the Revised Code. The 5430
credit shall be claimed for the taxable years or tax periods 5431
specified in the taxpayer's agreement with the tax credit 5432
authority under division (D) of this section. With respect to 5433
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 5434
Chapter 5751. of the Revised Code, the credit shall be claimed in 5435
the order required under section 5726.98, 5733.98, 5747.98, or 5436
5751.98 of the Revised Code. The amount of the credit available 5437
for a taxable year or for a calendar year that includes a tax 5438
period equals the excess payroll for that year multiplied by the 5439
percentage specified in the agreement with the tax credit 5440
authority. 5441

(C) (1) A taxpayer or potential taxpayer who proposes a 5442
project to create new jobs in this state may apply to the tax 5443
credit authority to enter into an agreement for a tax credit under 5444
this section. 5445

An application shall not propose to include both home-based 5446
employees and employees who are not home-based employees in the 5447
computation of Ohio employee payroll for the purposes of the same 5448
tax credit agreement, except that a qualifying work-from-home 5449
employee shall not be considered to be a home-based employee 5450
unless so designated by the applicant. If a taxpayer or potential 5451
taxpayer employs both home-based employees and employees who are 5452
not home-based employees in a project, the taxpayer shall submit 5453
separate applications for separate tax credit agreements for the 5454
project, one of which shall include home-based employees in the 5455
computation of Ohio employee payroll and one of which shall 5456
include all other employees in the computation of Ohio employee 5457
payroll. 5458

The director of development ~~services~~ shall prescribe the form 5459

of the application. After receipt of an application, the authority 5460
may enter into an agreement with the taxpayer for a credit under 5461
this section if it determines all of the following: 5462

(a) The taxpayer's project will increase payroll; 5463

(b) The taxpayer's project is economically sound and will 5464
benefit the people of this state by increasing opportunities for 5465
employment and strengthening the economy of this state; 5466

(c) Receiving the tax credit is a major factor in the 5467
taxpayer's decision to go forward with the project. 5468

(2) (a) A taxpayer that chooses to begin the project prior to 5469
receiving the determination of the authority may, upon submitting 5470
the taxpayer's application to the authority, request that the 5471
chief investment officer of the nonprofit corporation formed under 5472
section 187.01 of the Revised Code and the director review the 5473
taxpayer's application and recommend to the authority that the 5474
taxpayer's application be considered. As soon as possible after 5475
receiving such a request, the chief investment officer and the 5476
director shall review the taxpayer's application and, if they 5477
determine that the application warrants consideration by the 5478
authority, make that recommendation to the authority not later 5479
than six months after the application is received by the 5480
authority. 5481

(b) The authority shall consider any taxpayer's application 5482
for which it receives a recommendation under division (C) (2) (a) of 5483
this section. If the authority determines that the taxpayer does 5484
not meet all of the criteria set forth in division (C) (1) of this 5485
section, the authority and the department of development services 5486
~~agency~~ shall proceed in accordance with rules adopted by the 5487
director pursuant to division (I) of this section. 5488

(D) An agreement under this section shall include all of the 5489
following: 5490

(1) A detailed description of the project that is the subject of the agreement; 5491
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(2) (a) The term of the tax credit, which, except as provided in division (D) (2) (b) of this section, shall not exceed fifteen years, and the first taxable year, or first calendar year that includes a tax period, for which the credit may be claimed; 5493
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(b) If the tax credit is computed on the basis of home-based employees, the term of the credit shall expire on or before the last day of the taxable or calendar year ending before the beginning of the seventh year after September 6, 2012, the effective date of H.B. 327 of the 129th general assembly. 5497
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(3) A requirement that the taxpayer shall maintain operations at the project location for at least the greater of seven years or the term of the credit plus three years; 5502
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(4) The percentage, as determined by the tax credit authority, of excess payroll that will be allowed as the amount of the credit for each taxable year or for each calendar year that includes a tax period; 5505
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(5) The pay increase factor to be applied to the taxpayer's baseline payroll; 5509
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(6) A requirement that the taxpayer annually shall report to the director of development ~~services~~ full-time equivalent employees, payroll, Ohio employee payroll, investment, the provision of health care benefits and tuition reimbursement if required in the agreement, and other information the director needs to perform the director's duties under this section; 5511
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(7) A requirement that the director of development ~~services~~ annually review the information reported under division (D) (6) of this section and verify compliance with the agreement; if the taxpayer is in compliance, a requirement that the director issue a certificate to the taxpayer stating that the information has been 5517
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verified and identifying the amount of the credit that may be 5522
claimed for the taxable or calendar year; 5523

(8) A provision providing that the taxpayer may not relocate 5524
a substantial number of employment positions from elsewhere in 5525
this state to the project location unless the director of 5526
development ~~services~~ determines that the legislative authority of 5527
the county, township, or municipal corporation from which the 5528
employment positions would be relocated has been notified by the 5529
taxpayer of the relocation. 5530

For purposes of this section, the movement of an employment 5531
position from one political subdivision to another political 5532
subdivision shall be considered a relocation of an employment 5533
position unless the employment position in the first political 5534
subdivision is replaced. The movement of a qualifying 5535
work-from-home employee to a different residence located in this 5536
state or to the project location shall not be considered a 5537
relocation of an employment position. 5538

(9) If the tax credit is computed on the basis of home-based 5539
employees, that the tax credit may not be claimed by the taxpayer 5540
until the taxable year or tax period in which the taxpayer employs 5541
at least two hundred employees more than the number of employees 5542
the taxpayer employed on June 30, 2011. 5543

(E) If a taxpayer fails to meet or comply with any condition 5544
or requirement set forth in a tax credit agreement, the tax credit 5545
authority may amend the agreement to reduce the percentage or term 5546
of the tax credit. The reduction of the percentage or term may 5547
take effect in the current taxable or calendar year. 5548

(F) Projects that consist solely of point-of-final-purchase 5549
retail facilities are not eligible for a tax credit under this 5550
section. If a project consists of both point-of-final-purchase 5551
retail facilities and nonretail facilities, only the portion of 5552

the project consisting of the nonretail facilities is eligible for 5553
a tax credit and only the excess payroll from the nonretail 5554
facilities shall be considered when computing the amount of the 5555
tax credit. If a warehouse facility is part of a 5556
point-of-final-purchase retail facility and supplies only that 5557
facility, the warehouse facility is not eligible for a tax credit. 5558
Catalog distribution centers are not considered 5559
point-of-final-purchase retail facilities for the purposes of this 5560
division, and are eligible for tax credits under this section. 5561

(G) Financial statements and other information submitted to 5562
the department of development services ~~agency~~ or the tax credit 5563
authority by an applicant or recipient of a tax credit under this 5564
section, and any information taken for any purpose from such 5565
statements or information, are not public records subject to 5566
section 149.43 of the Revised Code. However, the chairperson of 5567
the authority may make use of the statements and other information 5568
for purposes of issuing public reports or in connection with court 5569
proceedings concerning tax credit agreements under this section. 5570
Upon the request of the tax commissioner or, if the applicant or 5571
recipient is an insurance company, upon the request of the 5572
superintendent of insurance, the chairperson of the authority 5573
shall provide to the commissioner or superintendent any statement 5574
or information submitted by an applicant or recipient of a tax 5575
credit in connection with the credit. The commissioner or 5576
superintendent shall preserve the confidentiality of the statement 5577
or information. 5578

(H) A taxpayer claiming a credit under this section shall 5579
submit to the tax commissioner or, if the taxpayer is an insurance 5580
company, to the superintendent of insurance, a copy of the 5581
director of ~~development services~~ development's certificate of 5582
verification under division (D) (7) of this section with the 5583
taxpayer's tax report or return for the taxable year or for the 5584

calendar year that includes the tax period. Failure to submit a 5585
copy of the certificate with the report or return does not 5586
invalidate a claim for a credit if the taxpayer submits a copy of 5587
the certificate to the commissioner or superintendent within the 5588
time prescribed by section 5703.0510 of the Revised Code or within 5589
thirty days after the commissioner or superintendent requests it. 5590

(I) The director of development ~~services~~, after consultation 5591
with the tax commissioner and the superintendent of insurance and 5592
in accordance with Chapter 119. of the Revised Code, shall adopt 5593
rules necessary to implement this section, including rules that 5594
establish a procedure to be followed by the tax credit authority 5595
and the department of development ~~services~~ ~~agency~~ in the event the 5596
authority considers a taxpayer's application for which it receives 5597
a recommendation under division (C) (2) (a) of this section but does 5598
not approve it. The rules may provide for recipients of tax 5599
credits under this section to be charged fees to cover 5600
administrative costs of the tax credit program. For the purposes 5601
of these rules, a qualifying work-from-home employee shall be 5602
considered to be an employee employed at the applicant's project 5603
location. The fees collected shall be credited to the tax 5604
incentives operating fund created in section 122.174 of the 5605
Revised Code. At the time the director gives public notice under 5606
division (A) of section 119.03 of the Revised Code of the adoption 5607
of the rules, the director shall submit copies of the proposed 5608
rules to the chairpersons of the standing committees on economic 5609
development in the senate and the house of representatives. 5610

(J) For the purposes of this section, a taxpayer may include 5611
a partnership, a corporation that has made an election under 5612
subchapter S of chapter one of subtitle A of the Internal Revenue 5613
Code, or any other business entity through which income flows as a 5614
distributive share to its owners. A partnership, S-corporation, or 5615
other such business entity may elect to pass the credit received 5616

under this section through to the persons to whom the income or 5617
profit of the partnership, S-corporation, or other entity is 5618
distributed. The election shall be made on the annual report 5619
required under division (D)(6) of this section. The election 5620
applies to and is irrevocable for the credit for which the report 5621
is submitted. If the election is made, the credit shall be 5622
apportioned among those persons in the same proportions as those 5623
in which the income or profit is distributed. 5624

(K) (1) If the director of development ~~services~~ determines 5625
that a taxpayer who has received a credit under this section is 5626
not complying with the requirements of the agreement, the director 5627
shall notify the tax credit authority of the noncompliance. After 5628
receiving such a notice, and after giving the taxpayer an 5629
opportunity to explain the noncompliance, the tax credit authority 5630
may require the taxpayer to refund to this state a portion of the 5631
credit in accordance with the following: 5632

(a) If the taxpayer fails to comply with the requirement 5633
under division (D)(3) of this section, an amount determined in 5634
accordance with the following: 5635

(i) If the taxpayer maintained operations at the project 5636
location for a period less than or equal to the term of the 5637
credit, an amount not exceeding one hundred per cent of the sum of 5638
any credits allowed and received under this section; 5639

(ii) If the taxpayer maintained operations at the project 5640
location for a period longer than the term of the credit, but less 5641
than the greater of seven years or the term of the credit plus 5642
three years, an amount not exceeding seventy-five per cent of the 5643
sum of any credits allowed and received under this section. 5644

(b) If, on the metric evaluation date, the taxpayer fails to 5645
substantially meet the job creation, payroll, or investment 5646
requirements included in the agreement, an amount determined at 5647

the discretion of the authority; 5648

(c) If the taxpayer fails to substantially maintain the 5649
number of new full-time equivalent employees or amount of payroll 5650
required under the agreement at any time during the term of the 5651
agreement after the metric evaluation date, an amount determined 5652
at the discretion of the authority. 5653

(2) If a taxpayer files for bankruptcy and fails as described 5654
in division (K)(1)(a), (b), or (c) of this section, the director 5655
may immediately commence an action to recoup an amount not 5656
exceeding one hundred per cent of the sum of any credits received 5657
by the taxpayer under this section. 5658

(3) In determining the portion of the tax credit to be 5659
refunded to this state, the tax credit authority shall consider 5660
the effect of market conditions on the taxpayer's project and 5661
whether the taxpayer continues to maintain other operations in 5662
this state. After making the determination, the authority shall 5663
certify the amount to be refunded to the tax commissioner or 5664
superintendent of insurance, as appropriate. If the amount is 5665
certified to the commissioner, the commissioner shall make an 5666
assessment for that amount against the taxpayer under Chapter 5667
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 5668
amount is certified to the superintendent, the superintendent 5669
shall make an assessment for that amount against the taxpayer 5670
under Chapter 5725. or 5729. of the Revised Code. The time 5671
limitations on assessments under those chapters do not apply to an 5672
assessment under this division, but the commissioner or 5673
superintendent, as appropriate, shall make the assessment within 5674
one year after the date the authority certifies to the 5675
commissioner or superintendent the amount to be refunded. 5676

(L) On or before the first day of August each year, the 5677
director of development ~~services~~ shall submit a report to the 5678
governor, the president of the senate, and the speaker of the 5679

house of representatives on the tax credit program under this 5680
section. The report shall include information on the number of 5681
agreements that were entered into under this section during the 5682
preceding calendar year, a description of the project that is the 5683
subject of each such agreement, and an update on the status of 5684
projects under agreements entered into before the preceding 5685
calendar year. 5686

(M) There is hereby created the tax credit authority, which 5687
consists of the director of development ~~services~~ and four other 5688
members appointed as follows: the governor, the president of the 5689
senate, and the speaker of the house of representatives each shall 5690
appoint one member who shall be a specialist in economic 5691
development; the governor also shall appoint a member who is a 5692
specialist in taxation. Terms of office shall be for four years. 5693
Each member shall serve on the authority until the end of the term 5694
for which the member was appointed. Vacancies shall be filled in 5695
the same manner provided for original appointments. Any member 5696
appointed to fill a vacancy occurring prior to the expiration of 5697
the term for which the member's predecessor was appointed shall 5698
hold office for the remainder of that term. Members may be 5699
reappointed to the authority. Members of the authority shall 5700
receive their necessary and actual expenses while engaged in the 5701
business of the authority. The director of development ~~services~~ 5702
shall serve as chairperson of the authority, and the members 5703
annually shall elect a vice-chairperson from among themselves. 5704
Three members of the authority constitute a quorum to transact and 5705
vote on the business of the authority. The majority vote of the 5706
membership of the authority is necessary to approve any such 5707
business, including the election of the vice-chairperson. 5708

The director of development ~~services~~ may appoint a 5709
professional employee of the department of development services 5710
~~agency~~ to serve as the director's substitute at a meeting of the 5711

authority. The director shall make the appointment in writing. In 5712
the absence of the director from a meeting of the authority, the 5713
appointed substitute shall serve as chairperson. In the absence of 5714
both the director and the director's substitute from a meeting, 5715
the vice-chairperson shall serve as chairperson. 5716

(N) For purposes of the credits granted by this section 5717
against the taxes imposed under sections 5725.18 and 5729.03 of 5718
the Revised Code, "taxable year" means the period covered by the 5719
taxpayer's annual statement to the superintendent of insurance. 5720

(O) On or before the first day of March of each of the five 5721
calendar years beginning with 2014, each taxpayer subject to an 5722
agreement with the tax credit authority under this section on the 5723
basis of home-based employees shall report the number of 5724
home-based employees and other employees employed by the taxpayer 5725
in this state to the department of development ~~services agency~~. 5726

(P) On or before the first day of January of 2019, the 5727
director of development ~~services~~ shall submit a report to the 5728
governor, the president of the senate, and the speaker of the 5729
house of representatives on the effect of agreements entered into 5730
under this section in which the taxpayer included home-based 5731
employees in the computation of income tax revenue, as that term 5732
was defined in this section prior to the amendment of this section 5733
by H.B. 64 of the 131st general assembly. The report shall include 5734
information on the number of such agreements that were entered 5735
into in the preceding six years, a description of the projects 5736
that were the subjects of such agreements, and an analysis of 5737
nationwide home-based employment trends, including the number of 5738
home-based jobs created from July 1, 2011, through June 30, 2017, 5739
and a description of any home-based employment tax incentives 5740
provided by other states during that time. 5741

(Q) The director of development ~~services~~ may require any 5742
agreement entered into under this section for a tax credit 5743

computed on the basis of home-based employees to contain a 5744
provision that the taxpayer makes available health care benefits 5745
and tuition reimbursement to all employees. 5746

(R) Original agreements approved by the tax credit authority 5747
under this section in 2014 or 2015 before September 29, 2015, may 5748
be revised at the request of the taxpayer to conform with the 5749
amendments to this section and sections 5733.0610, 5736.50, 5750
5747.058, and 5751.50 of the Revised Code by H.B. 64 of the 131st 5751
general assembly, upon mutual agreement of the taxpayer and the 5752
department of development services agency, and approval by the tax 5753
credit authority. 5754

(S) (1) As used in division (S) of this section: 5755

(a) "Eligible agreement" means an agreement approved by the 5756
tax credit authority under this section on or before December 31, 5757
2013. 5758

~~(b) "Reporting period" means a period corresponding to the 5759
annual report required under division (D) (6) of this section. 5760~~

~~(e) "Income tax revenue" has the same meaning as under this 5761
section as it existed before September 29, 2015, the effective 5762
date of the amendment of this section by H.B. 64 of the 131st 5763
general assembly. 5764~~

(2) In calendar year 2016 and thereafter, the tax credit 5765
authority shall annually determine a withholding adjustment factor 5766
to be used in the computation of income tax revenue for eligible 5767
agreements. The withholding adjustment factor shall be a numerical 5768
percentage that equals the percentage that employer income tax 5769
withholding rates have been increased or decreased as a result of 5770
changes in the income tax rates prescribed by section 5747.02 of 5771
the Revised Code by amendment of that section taking effect on or 5772
after June 29, 2013. 5773

(3) Except as provided in division (S) (4) of this section, 5774

for reporting periods ending in 2015 and thereafter for taxpayers 5775
subject to eligible agreements, the tax credit authority shall 5776
adjust the income tax revenue reported on the taxpayer's annual 5777
report by multiplying the withholding adjustment factor by the 5778
taxpayer's income tax revenue and doing one of the following: 5779

(a) If the income tax rates prescribed by section 5747.02 of 5780
the Revised Code have decreased by amendment of that section 5781
taking effect on or after June 29, 2013, add the product to the 5782
taxpayer's income tax revenue. 5783

(b) If the income tax rates prescribed by section 5747.02 of 5784
the Revised Code have increased by amendment of that section 5785
taking effect on or after June 29, 2013, subtract the product from 5786
the taxpayer's income tax revenue. 5787

(4) Division (S) (3) of this section shall not apply unless 5788
all of the following apply for the reporting period with respect 5789
to the eligible agreement: 5790

(a) The taxpayer has achieved one hundred per cent of the new 5791
employment commitment identified in the agreement. 5792

(b) If applicable, the taxpayer has achieved one hundred per 5793
cent of the new payroll commitment identified in the agreement. 5794

(c) If applicable, the taxpayer has achieved one hundred per 5795
cent of the investment commitment identified in the agreement. 5796

(5) Failure by a taxpayer to have achieved any of the 5797
applicable commitments described in divisions (S) (4) (a) to (c) of 5798
this section in a reporting period does not disqualify the 5799
taxpayer for the adjustment under division (S) of this section for 5800
an ensuing reporting period. 5801

(T) For reporting periods ending in calendar year 2020 or 5802
thereafter, any taxpayer may include qualifying work-from-home 5803
employees in its report required under division (D) (6) of this 5804

section, and the compensation of such employees shall qualify as 5805
Ohio employee payroll under division (A)(3)(a) of this section, 5806
even if the taxpayer's application to the tax credit authority to 5807
enter into an agreement for a tax credit under this section was 5808
approved before September 29, 2017, the effective date of the 5809
amendment of this section by H.B. 49 of the 132nd general 5810
assembly. 5811

Sec. 122.171. (A) As used in this section: 5812

(1) "Capital investment project" means a plan of investment 5813
at a project site for the acquisition, construction, renovation, 5814
or repair of buildings, machinery, or equipment, or for 5815
capitalized costs of basic research and new product development 5816
determined in accordance with generally accepted accounting 5817
principles, but does not include any of the following: 5818

(a) Payments made for the acquisition of personal property 5819
through operating leases; 5820

(b) Project costs paid before January 1, 2002; 5821

(c) Payments made to a related member as defined in section 5822
5733.042 of the Revised Code or to a consolidated elected taxpayer 5823
or a combined taxpayer as defined in section 5751.01 of the 5824
Revised Code. 5825

(2) "Eligible business" means a taxpayer and its related 5826
members with Ohio operations that had a capital investment project 5827
reviewed and approved by the tax credit authority as provided in 5828
divisions (C), (D), and (E) of this section and that satisfies 5829
either of the following requirements: 5830

(a) If engaged at the project site primarily in significant 5831
corporate administrative functions, as defined by the director of 5832
development ~~services~~ by rule, the taxpayer meets both of the 5833
following criteria: 5834

(i) The taxpayer either is located in a foreign trade zone, 5835
employs at least five hundred full-time equivalent employees, or 5836
has an annual Ohio employee payroll of at least thirty-five 5837
million dollars at the time the tax credit authority grants the 5838
tax credit under this section; 5839

(ii) The taxpayer makes or causes to be made payments for the 5840
capital investment project of at least twenty million dollars in 5841
the aggregate at the project site during a period of three 5842
consecutive calendar years including the calendar year that 5843
includes a day of the taxpayer's taxable year or tax period with 5844
respect to which the credit is granted. 5845

(b) If engaged at the project site primarily as a 5846
manufacturer, the taxpayer makes or causes to be made payments for 5847
the capital investment project at the project site during a period 5848
of three consecutive calendar years, including the calendar year 5849
that includes a day of the taxpayer's taxable year or tax period 5850
with respect to which the credit is granted, in an amount that in 5851
the aggregate equals or exceeds the lesser of the following: 5852

(i) Fifty million dollars; 5853

(ii) Five per cent of the net book value of all tangible 5854
personal property used at the project site as of the last day of 5855
the three-year period in which the capital investment payments are 5856
made. 5857

(3) "Full-time equivalent employees" means the quotient 5858
obtained by dividing the total number of hours for which employees 5859
were compensated for employment in the project by two thousand 5860
eighty. "Full-time equivalent employees" shall exclude hours that 5861
are counted for a credit under section 122.17 of the Revised Code. 5862

(4) "Ohio employee payroll" has the same meaning as in 5863
section 122.17 of the Revised Code. 5864

(5) "Manufacturer" has the same meaning as in section 5865

5739.011 of the Revised Code. 5866

(6) "Project site" means an integrated complex of facilities 5867
in this state, as specified by the tax credit authority under this 5868
section, within a fifteen-mile radius where a taxpayer is 5869
primarily operating as an eligible business. 5870

(7) "Related member" has the same meaning as in section 5871
5733.042 of the Revised Code as that section existed on the 5872
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 5873
general assembly, September 29, 1997. 5874

(8) "Taxable year" includes, in the case of a domestic or 5875
foreign insurance company, the calendar year ending on the 5876
thirty-first day of December preceding the day the superintendent 5877
of insurance is required to certify to the treasurer of state 5878
under section 5725.20 or 5729.05 of the Revised Code the amount of 5879
taxes due from insurance companies. 5880

(9) "Foreign trade zone" means a general purpose foreign 5881
trade zone or a special purpose subzone for which, pursuant to 19 5882
U.S.C. 81a, as amended, a permit for foreign trade zone status has 5883
been granted and remains active, including special purpose 5884
subzones for which a permit has been granted and remains active. 5885

(B) The tax credit authority created under section 122.17 of 5886
the Revised Code may grant a nonrefundable tax credit to an 5887
eligible business under this section for the purpose of fostering 5888
job retention in this state. Upon application by an eligible 5889
business and upon consideration of the determination of the 5890
director of budget and management, tax commissioner, and the 5891
superintendent of insurance in the case of an insurance company, 5892
~~and~~ the recommendation and determination of the director of 5893
development ~~services~~ under division (C) (1) of this section, and a 5894
review of the criteria described in division (C) (2) of this 5895
section, the tax credit authority may grant the credit against the 5896

tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5897
5736.02, 5747.02, or 5751.02 of the Revised Code. 5898

The credit authorized in this section may be granted for a 5899
period up to fifteen taxable years or, in the case of the tax 5900
levied by section 5736.02 or 5751.02 of the Revised Code, for a 5901
period of up to fifteen calendar years. The credit amount for a 5902
taxable year or a calendar year that includes the tax period for 5903
which a credit may be claimed equals the Ohio employee payroll for 5904
that year multiplied by the percentage specified in the agreement 5905
with the tax credit authority. The credit shall be claimed in the 5906
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 5907
5747.98, or 5751.98 of the Revised Code. In determining the 5908
percentage and term of the credit, the tax credit authority shall 5909
consider both the number of full-time equivalent employees and the 5910
value of the capital investment project. The credit amount may not 5911
be based on the Ohio employee payroll for a calendar year before 5912
the calendar year in which the tax credit authority specifies the 5913
tax credit is to begin, and the credit shall be claimed only for 5914
the taxable years or tax periods specified in the eligible 5915
business' agreement with the tax credit authority. In no event 5916
shall the credit be claimed for a taxable year or tax period 5917
terminating before the date specified in the agreement. 5918

If a credit allowed under this section for a taxable year or 5919
tax period exceeds the taxpayer's tax liability for that year or 5920
period, the excess may be carried forward for the three succeeding 5921
taxable or calendar years, but the amount of any excess credit 5922
allowed in any taxable year or tax period shall be deducted from 5923
the balance carried forward to the succeeding year or period. 5924

(C) (1) A taxpayer that proposes a capital investment project 5925
to retain jobs in this state may apply to the tax credit authority 5926
to enter into an agreement for a tax credit under this section. 5927
The director of development ~~services~~ shall prescribe the form of 5928

the application. After receipt of an application, the authority 5929
shall forward copies of the application to the director of budget 5930
and management, the tax commissioner, and the superintendent of 5931
insurance in the case of an insurance company, each of whom shall 5932
review the application to determine the economic impact the 5933
proposed project would have on the state and the affected 5934
political subdivisions and shall submit a summary of their 5935
determinations to the authority. The authority shall also forward 5936
a copy of the application to the director of development ~~services~~, 5937
who shall review the application to determine the economic impact 5938
the proposed project would have on the state and the affected 5939
political subdivisions and shall submit a summary of the 5940
director's determinations and recommendations to the authority. 5941

(2) The director of development, in reviewing applications 5942
and making recommendations to the tax credit authority, and the 5943
authority, in selecting taxpayers with which to enter into an 5944
agreement under division (D) of this section, shall give priority 5945
to applications that meet one or more of the following criteria, 5946
with greater priority given to applications that meet more of the 5947
criteria: 5948

(a) Within the preceding five years, the applicant has not 5949
received a credit under this section or section 122.17 of the 5950
Revised Code for a project at the same project site as that 5951
proposed in the application. 5952

(b) The applicant is not currently receiving a credit under 5953
this section or section 122.17 of the Revised Code. 5954

(c) The applicant has operated at the project site for at 5955
least the preceding ten years. 5956

(d) The project involves a significant upgrade of the project 5957
site, rather than only routine maintenance of existing facilities, 5958
such as an increase in capacity of a facility, new product 5959

development, or technology upgrades or other facility 5960
modernization. 5961

(e) The applicant intends to use machinery, equipment, and 5962
materials supplied by Ohio businesses in the project when 5963
possible. 5964

(D) Upon review and consideration of the determinations ~~and~~, 5965
recommendations, and criteria described in division (C) of this 5966
section, the tax credit authority may enter into an agreement with 5967
the taxpayer for a credit under this section if the authority 5968
determines all of the following: 5969

(1) The taxpayer's capital investment project will result in 5970
the retention of employment in this state. 5971

(2) The taxpayer is economically sound and has the ability to 5972
complete the proposed capital investment project. 5973

(3) The taxpayer intends to and has the ability to maintain 5974
operations at the project site for at least the greater of (a) the 5975
term of the credit plus three years, or (b) seven years. 5976

(4) Receiving the credit is a major factor in the taxpayer's 5977
decision to begin, continue with, or complete the project. 5978

(E) An agreement under this section shall include all of the 5979
following: 5980

(1) A detailed description of the project that is the subject 5981
of the agreement, including the amount of the investment, the 5982
period over which the investment has been or is being made, the 5983
number of full-time equivalent employees at the project site, and 5984
the anticipated Ohio employee payroll to be generated. 5985

(2) The term of the credit, the percentage of the tax credit, 5986
the maximum annual value of tax credits that may be allowed each 5987
year, and the first year for which the credit may be claimed. 5988

(3) A requirement that the taxpayer maintain operations at 5989

the project site for at least the greater of (a) the term of the 5990
credit plus three years, or (b) seven years. 5991

(4) (a) If the taxpayer is engaged at the project site 5992
primarily in significant corporate administrative functions, a 5993
requirement that the taxpayer either retain at least five hundred 5994
full-time equivalent employees at the project site and within this 5995
state for the entire term of the credit, maintain an annual Ohio 5996
employee payroll of at least thirty-five million dollars for the 5997
entire term of the credit, or remain located in a foreign trade 5998
zone for the entire term of the credit; 5999

(b) If the taxpayer is engaged at the project site primarily 6000
as a manufacturer, a requirement that the taxpayer maintain at 6001
least the number of full-time equivalent employees specified in 6002
the agreement pursuant to division (E) (1) of this section at the 6003
project site and within this state for the entire term of the 6004
credit. 6005

(5) A requirement that the taxpayer annually report to the 6006
director of development ~~services~~ full-time equivalent employees, 6007
Ohio employee payroll, capital investment, and other information 6008
the director needs to perform the director's duties under this 6009
section. 6010

(6) A requirement that the director of development ~~services~~ 6011
annually review the annual reports of the taxpayer to verify the 6012
information reported under division (E) (5) of this section and 6013
compliance with the agreement. Upon verification, the director 6014
shall issue a certificate to the taxpayer stating that the 6015
information has been verified and identifying the amount of the 6016
credit for the taxable year or calendar year that includes the tax 6017
period. In determining the number of full-time equivalent 6018
employees, no position shall be counted that is filled by an 6019
employee who is included in the calculation of a tax credit under 6020
section 122.17 of the Revised Code. 6021

(7) A provision providing that the taxpayer may not relocate 6022
a substantial number of employment positions from elsewhere in 6023
this state to the project site unless the director of development 6024
~~services~~ determines that the taxpayer notified the legislative 6025
authority of the county, township, or municipal corporation from 6026
which the employment positions would be relocated. 6027

For purposes of this section, the movement of an employment 6028
position from one political subdivision to another political 6029
subdivision shall be considered a relocation of an employment 6030
position unless the movement is confined to the project site. The 6031
transfer of an employment position from one political subdivision 6032
to another political subdivision shall not be considered a 6033
relocation of an employment position if the employment position in 6034
the first political subdivision is replaced by another employment 6035
position. 6036

(8) A waiver by the taxpayer of any limitations periods 6037
relating to assessments or adjustments resulting from the 6038
taxpayer's failure to comply with the agreement. 6039

(F) If a taxpayer fails to meet or comply with any condition 6040
or requirement set forth in a tax credit agreement, the tax credit 6041
authority may amend the agreement to reduce the percentage or term 6042
of the credit. The reduction of the percentage or term may take 6043
effect in the current taxable or calendar year. 6044

(G) Financial statements and other information submitted to 6045
the department of development ~~services~~ or the tax credit authority 6046
by an applicant for or recipient of a tax credit under this 6047
section, and any information taken for any purpose from such 6048
statements or information, are not public records subject to 6049
section 149.43 of the Revised Code. However, the chairperson of 6050
the authority may make use of the statements and other information 6051
for purposes of issuing public reports or in connection with court 6052
proceedings concerning tax credit agreements under this section. 6053

Upon the request of the tax commissioner, or the superintendent of insurance in the case of an insurance company, the chairperson of the authority shall provide to the commissioner or superintendent any statement or other information submitted by an applicant for or recipient of a tax credit in connection with the credit. The commissioner or superintendent shall preserve the confidentiality of the statement or other information.

(H) A taxpayer claiming a tax credit under this section shall submit to the tax commissioner or, in the case of an insurance company, to the superintendent of insurance, a copy of the director of ~~development services~~ development's certificate of verification under division (E)(6) of this section with the taxpayer's tax report or return for the taxable year or for the calendar year that includes the tax period. Failure to submit a copy of the certificate with the report or return does not invalidate a claim for a credit if the taxpayer submits a copy of the certificate to the commissioner or superintendent within the time prescribed by section 5703.0510 of the Revised Code or within thirty days after the commissioner or superintendent requests it.

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

in which the income or profit is distributed. 6086

(J) (1) If the director of development ~~services~~ determines 6087
that a taxpayer that received a certificate under division (E) (6) 6088
of this section is not complying with the requirements of the 6089
agreement, the director shall notify the tax credit authority of 6090
the noncompliance. After receiving such a notice, and after giving 6091
the taxpayer an opportunity to explain the noncompliance, the 6092
authority may terminate the agreement and require the taxpayer, or 6093
any related member or members that claimed the tax credit under 6094
division (N) of this section, to refund to the state all or a 6095
portion of the credit claimed in previous years, as follows: 6096

(a) If the taxpayer fails to comply with the requirement 6097
under division (E) (3) of this section, an amount determined in 6098
accordance with the following: 6099

(i) If the taxpayer maintained operations at the project site 6100
for less than or equal to the term of the credit, an amount not to 6101
exceed one hundred per cent of the sum of any tax credits allowed 6102
and received under this section. 6103

(ii) If the taxpayer maintained operations at the project 6104
site longer than the term of the credit, but less than the greater 6105
of seven years or the term of the credit plus three years, the 6106
amount required to be refunded shall not exceed seventy-five per 6107
cent of the sum of any tax credits allowed and received under this 6108
section. 6109

(b) If the taxpayer fails to substantially, satisfy the 6110
employment, payroll, or location requirements required under the 6111
agreement, as prescribed under division (E) (4) (a) or (b), as 6112
applicable to the taxpayer, at any time during the term of the 6113
agreement or during the post-term reporting period, an amount 6114
determined at the discretion of the authority. 6115

(2) If a taxpayer files for bankruptcy and fails as described 6116

in division (J) (1) (a) or (b) of this section, the director may 6117
immediately commence an action to recoup an amount not exceeding 6118
one hundred per cent of the sum of any credits received by the 6119
taxpayer under this section. 6120

(3) In determining the portion of the credit to be refunded 6121
to this state, the authority shall consider the effect of market 6122
conditions on the taxpayer's project and whether the taxpayer 6123
continues to maintain other operations in this state. After making 6124
the determination, the authority shall certify the amount to be 6125
refunded to the tax commissioner or the superintendent of 6126
insurance. If the taxpayer, or any related member or members who 6127
claimed the tax credit under division (N) of this section, is not 6128
an insurance company, the commissioner shall make an assessment 6129
for that amount against the taxpayer under Chapter 5726., 5733., 6130
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 6131
any related member or members that claimed the tax credit under 6132
division (N) of this section, is an insurance company, the 6133
superintendent of insurance shall make an assessment under section 6134
5725.222 or 5729.102 of the Revised Code. The time limitations on 6135
assessments under those chapters and sections do not apply to an 6136
assessment under this division, but the commissioner or 6137
superintendent shall make the assessment within one year after the 6138
date the authority certifies to the commissioner or superintendent 6139
the amount to be refunded. 6140

(K) The director of development ~~services~~, after consultation 6141
with the tax commissioner and the superintendent of insurance and 6142
in accordance with Chapter 119. of the Revised Code, shall adopt 6143
rules necessary to implement this section. The rules may provide 6144
for recipients of tax credits under this section to be charged 6145
fees to cover administrative costs of the tax credit program. The 6146
fees collected shall be credited to the tax incentives operating 6147
fund created in section 122.174 of the Revised Code. At the time 6148

the director gives public notice under division (A) of section 6149
119.03 of the Revised Code of the adoption of the rules, the 6150
director shall submit copies of the proposed rules to the 6151
chairpersons of the standing committees on economic development in 6152
the senate and the house of representatives. 6153

(L) On or before the first day of August of each year, the 6154
director of development ~~services~~ shall submit a report to the 6155
governor, the president of the senate, and the speaker of the 6156
house of representatives on the tax credit program under this 6157
section. The report shall include information on the number of 6158
agreements that were entered into under this section during the 6159
preceding calendar year, a description of the project that is the 6160
subject of each such agreement, and an update on the status of 6161
projects under agreements entered into before the preceding 6162
calendar year. 6163

(M) The aggregate amount of nonrefundable tax credits issued 6164
under this section during any calendar year for capital investment 6165
projects reviewed and approved by the tax credit authority may not 6166
exceed the following amounts: 6167

(1) For 2010, thirteen million dollars; 6168

(2) For 2011 through 2023, the amount of the limit for the 6169
preceding calendar year plus thirteen million dollars; 6170

(3) For 2024 and each year thereafter, one hundred 6171
ninety-five million dollars. 6172

The limitations in division (M) of this section do not apply 6173
to credits for capital investment projects approved by the tax 6174
credit authority before July 1, 2009. 6175

(N) This division applies only to an eligible business that 6176
is part of an affiliated group that includes a diversified savings 6177
and loan holding company or a grandfathered unitary savings and 6178
loan holding company, as those terms are defined in section 6179

5726.01 of the Revised Code. Notwithstanding any contrary 6180
provision of the agreement between such an eligible business and 6181
the tax credit authority, any credit granted under this section 6182
against the tax imposed by section 5725.18, 5729.03, 5733.06, 6183
5747.02, or 5751.02 of the Revised Code to the eligible business, 6184
at the election of the eligible business and without any action by 6185
the tax credit authority, may be shared with any member or members 6186
of the affiliated group that includes the eligible business, which 6187
member or members may claim the credit against the taxes imposed 6188
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 6189
of the Revised Code. Credits shall be claimed by the eligible 6190
business in sequential order, as applicable, first claiming the 6191
credits to the fullest extent possible against the tax that the 6192
certificate holder is subject to, then against the tax imposed by, 6193
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 6194
lastly 5726.02 of the Revised Code. The credits may be allocated 6195
among the members of the affiliated group in such manner as the 6196
eligible business elects, but subject to the sequential order 6197
required under this division. This division applies to credits 6198
granted before, on, or after March 27, 2013, the effective date of 6199
H.B. 510 of the 129th general assembly. Credits granted before 6200
that effective date that are shared and allocated under this 6201
division may be claimed in those calendar years in which the 6202
remaining taxable years specified in the agreement end. 6203

As used in this division, "affiliated group" means a group of 6204
two or more persons with fifty per cent or greater of the value of 6205
each person's ownership interests owned or controlled directly, 6206
indirectly, or constructively through related interests by common 6207
owners during all or any portion of the taxable year, and the 6208
common owners. "Affiliated group" includes, but is not limited to, 6209
any person eligible to be included in a consolidated elected 6210
taxpayer group under section 5751.011 of the Revised Code or a 6211
combined taxpayer group under section 5751.012 of the Revised 6212

Code.	6213
(O) (1) As used in division (O) of this section:	6214
(a) "Eligible agreement" means an agreement approved by the tax credit authority under this section on or before December 31, 2013.	6215 6216 6217
(b) "Reporting period" means a period corresponding to the annual report required under division (E) (5) of this section.	6218 6219
(c) "Income tax revenue" has the same meaning as under division (S) of section 122.17 of the Revised Code.	6220 6221
(2) In calendar year 2016 and thereafter, the tax credit authority shall annually determine a withholding adjustment factor to be used in the computation of income tax revenue for eligible agreements. The withholding adjustment factor shall be a numerical percentage that equals the percentage that employer income tax withholding rates have been increased or decreased as a result of changes in the income tax rates prescribed by section 5747.02 of the Revised Code by amendment of that section taking effect on or after June 29, 2013.	6222 6223 6224 6225 6226 6227 6228 6229 6230
(3) Except as provided in division (O) (4) of this section, for reporting periods ending in 2015 and thereafter for taxpayers subject to eligible agreements, the tax credit authority shall adjust the income tax revenue reported on the taxpayer's annual report by multiplying the withholding adjustment factor by the taxpayer's income tax revenue and doing one of the following:	6231 6232 6233 6234 6235 6236
(a) If the income tax rates prescribed by section 5747.02 of the Revised Code have decreased by amendment of this section taking effect on or after June 29, 2013, add the product to the taxpayer's income tax revenue.	6237 6238 6239 6240
(b) If the income tax rates prescribed by section 5747.02 of the Revised Code have increased by amendment of this section	6241 6242

taking effect on or after June 29, 2013, subtract the product from 6243
the taxpayer's income tax revenue. 6244

(4) Division (O)(3) of this section shall not apply unless 6245
all of the following apply with respect to the eligible agreement: 6246

(a) If applicable, the taxpayer has achieved one hundred per 6247
cent of the job retention commitment identified in the agreement. 6248

(b) If applicable, the taxpayer has achieved one hundred per 6249
cent of the payroll retention commitment identified in the 6250
agreement." 6251

(c) If applicable, the taxpayer has achieved one hundred per 6252
cent of the investment commitment identified in the agreement. 6253

(5) Failure by a taxpayer to have achieved any of the 6254
applicable commitments described in divisions (O)(4)(a) to (c) of 6255
this section in a reporting period does not disqualify the 6256
taxpayer for the adjustment under division (O) of this section for 6257
an ensuing reporting period. 6258

Sec. 122.178. (A) As used in this section, "microcredential" 6259
means an industry-recognized credential or certificate that an 6260
applicant may complete in not more than one year and that is 6261
approved by the chancellor of higher education. 6262

(B) There is hereby created the TechCred program to reimburse 6263
employers from appropriations made for that purpose for training 6264
costs for prospective and incumbent employees to earn a 6265
microcredential. The department of development services agency, in 6266
consultation with the governor's office of workforce 6267
transformation and the department of higher education, shall 6268
develop the program. 6269

(C) (1) An employer seeking to participate in the program 6270
shall submit an application to the director of development 6271
~~services~~ during an application period established by the director. 6272

The employer shall include in the application all of the following information:	6273 6274
(a) Proof that the employer is registered to do business in this state;	6275 6276
(b) Proof that the employer is current on all tax obligations to the state;	6277 6278
(c) Proof that the employer is in compliance with all environmental regulations applicable to the employer;	6279 6280
(d) The name of the training provider from which a prospective or incumbent employee will receive the training and earn the microcredential;	6281 6282 6283
(e) The cost of the training;	6284
(f) The positions for which earning the microcredential will make a prospective or incumbent employee qualified or the occupational skill set that the prospective or incumbent employee will acquire on completing the training;	6285 6286 6287 6288
(g) The address of the facility or location at which the prospective or incumbent employee is expected to be employed after completing the training;	6289 6290 6291
(h) Any other information the director requires.	6292
(2) In addition to the information required under division (C) (1) of this section, an employer seeking to participate in the program also may submit any of the following information the employer wishes to provide to the director:	6293 6294 6295 6296
(a) The estimated wage after completing the training and earning the microcredential;	6297 6298
(b) The employer's certification as a minority business enterprise under section 123.151 <u>122.921</u> of the Revised Code or certification as an EDGE business enterprise under section 123.152 <u>122.922</u> of the Revised Code if applicable;	6299 6300 6301 6302

(c) The demographic information of the employer, including 6303
race and gender; 6304

(d) Any demographic information of a prospective or incumbent 6305
employee that the employee provides to the employer, including 6306
race and gender; 6307

(e) Any other information the employer wishes to provide to 6308
the director. 6309

(D) (1) The director shall consider all applications submitted 6310
during an application period after the application period ends. 6311
The director shall consider the following factors in determining 6312
whether to approve an application: 6313

(a) The duration of the training program; 6314

(b) The cost of the training; 6315

(c) A prospective or incumbent employee's estimated wage 6316
after completing the training and earning the microcredential; 6317

(d) Whether approving an application will promote regional 6318
diversity in apportioning reimbursements uniformly across the 6319
state; 6320

(e) Any other factors the director considers relevant in 6321
determining whether to approve an application. 6322

(2) The chancellor of higher education shall establish a list 6323
of approved microcredentials. The director shall not approve an 6324
application submitted under division (C) of this section unless 6325
the microcredentials identified in the application are included in 6326
the chancellor's list. Not later than ninety days after ~~the~~ 6327
~~effective date of this section~~ April 14, 2020, the director shall 6328
create a list of training providers that offer a microcredential 6329
included in the chancellor's list. Thereafter, the director shall 6330
annually update the list of training providers. 6331

(3) If the director approves an employer's application for 6332

participation in the program, the approval is valid as long as the 6333
employer maintains accurate application information under division 6334
(C) (1) of this section with the director. The employer shall 6335
submit the updated information to the director at the beginning of 6336
the third fiscal year the employer participates in the program and 6337
every other subsequent fiscal year thereafter. 6338

(4) The director shall not approve an application for 6339
participation in the program if the employer has violated Chapter 6340
4111. of the Revised Code within the four fiscal years immediately 6341
preceding the date of application. 6342

(E) (1) Each participating employer seeking reimbursement for 6343
training costs for a prospective or incumbent employee shall 6344
submit an application to the director that includes all of the 6345
following information for each prospective or incumbent employee: 6346

(a) The prospective or incumbent employee's name and 6347
position, if applicable, at the time of submitting the 6348
application; 6349

(b) The actual amount the employer paid to the training 6350
provider for the training; 6351

(c) Evidence that the prospective or incumbent employee 6352
earned a microcredential; 6353

(d) Evidence that the prospective or incumbent employee is a 6354
resident of this state. 6355

(2) The amount of the reimbursement shall be not more than 6356
two thousand dollars for each microcredential a prospective or 6357
incumbent employee receives. 6358

(F) No participating employer shall require a prospective or 6359
incumbent employee who receives a microcredential because the 6360
employer participated in and received a reimbursement through the 6361
employer's participation in the TechCred program to accept or 6362

continue employment with the employer. 6363

(G) For the purposes of determining regional diversity under 6364
this section, the following constitute the regions of the state: 6365

(1) The counties of Allen, Crawford, Defiance, Fulton, 6366
Hancock, Hardin, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky, 6367
Seneca, Van Wert, Williams, Wood, and Wyandot are one region; 6368

(2) The counties of Ashland, Ashtabula, Columbiana, Cuyahoga, 6369
Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Portage, 6370
Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne are one 6371
region; 6372

(3) The counties of Auglaize, Champaign, Clark, Clinton, 6373
Darke, Fayette, Greene, Mercer, Miami, Montgomery, Preble, and 6374
Shelby are one region; 6375

(4) The counties of Delaware, Fairfield, Franklin, Knox, 6376
Licking, Logan, Madison, Marion, Morrow, Pickaway, and Union are 6377
one region; 6378

(5) The counties of Adams, Athens, Gallia, Highland, Hocking, 6379
Jackson, Lawrence, Meigs, Pike, Ross, Scioto, and Vinton are one 6380
region; 6381

(6) The counties of Belmont, Carroll, Coshocton, Guernsey, 6382
Harrison, Holmes, Jefferson, Monroe, Morgan, Muskingum, Noble, 6383
Perry, and Washington are one region; 6384

(7) The counties of Brown, Butler, Clermont, Hamilton, and 6385
Warren are one region. 6386

(H) (1) The director shall do both of the following regarding 6387
the operation of the program: 6388

(a) Create an application to participate in the program and 6389
an application for reimbursement; 6390

(b) Create an internet web site with the applications for and 6391
information regarding the program created in this section. 6392

(2) The governor's office of workforce transformation shall 6393
include on the office's internet web site either of the following: 6394

(a) The applications for and information regarding the 6395
program created in this section; 6396

(b) An internet link to the internet web site created under 6397
division (H) (1) (b) of this section. 6398

(I) The director may adopt rules in accordance with Chapter 6399
119. of the Revised Code regarding the operation of the program as 6400
the director considers necessary to administer the program, 6401
including establishing priority guidelines for approving 6402
applications under division (D) of this section. 6403

Sec. 122.23. As used in sections 122.23 to 122.27 of the 6404
Revised Code: 6405

(A) "Distressed area" means a county with a population of 6406
less than one hundred twenty-five thousand that meets at least two 6407
of the following criteria of economic distress: 6408

(1) Its average rate of unemployment, during the most recent 6409
five-year period for which data are available, is equal to at 6410
least one hundred twenty-five per cent of the average rate of 6411
unemployment for the United States for the same period. 6412

(2) It has a per capita income equal to or below eighty per 6413
cent of the median county per capita income of the United States 6414
as determined by the most recently available figures from the 6415
United States census bureau. 6416

(3) In intercensal years, the county has a ratio of transfer 6417
payment income to total county income equal to or greater than 6418
twenty-five per cent. 6419

(B) "Eligible applicant" means any of the following that is 6420
designated by the governing body of an eligible area as provided 6421
in division (B) (1) of section 122.27 of the Revised Code: 6422

(1) A port authority as defined in division (A) of section 4582.01 or division (A) of section 4582.21 of the Revised Code; 6423
6424

(2) A community improvement corporation as defined in section 1724.01 of the Revised Code; 6425
6426

(3) A community-based organization or action group that provides social services and has experience in economic development; 6427
6428
6429

(4) Any other nonprofit economic development entity; 6430

(5) A private developer that previously has not received financial assistance under section 122.24 of the Revised Code and that has experience and a successful history in industrial development. 6431
6432
6433
6434

(C) "Eligible area" means a distressed area, a labor surplus area, a rural area, or a situational distress area, as designated annually by the director of development pursuant to division (A) of section 122.25 of the Revised Code. 6435
6436
6437
6438

(D) "Labor surplus area" means an area designated as a labor surplus area by the United States department of labor. 6439
6440

(E) "Official poverty line" has the same meaning as in division (A) of section 3923.51 of the Revised Code. 6441
6442

(F) "Situational distress area" means a county that has a population of less than one hundred twenty-five thousand, or a municipal corporation in such a county, that has experienced or is experiencing a closing or downsizing of a major employer that will adversely affect the county's or municipal corporation's economy. 6443
6444
6445
6446
6447
In order to be designated as a situational distress area for a 6448
period not to exceed thirty-six months, the county or municipal 6449
corporation may petition the director of development. The petition 6450
shall include documentation that demonstrates all of the 6451
following: 6452

(1) The number of jobs lost by the closing or downsizing;	6453
(2) The impact that the job loss has on the county's or municipal corporation's unemployment rate as measured by the director of job and family services;	6454 6455 6456
(3) The annual payroll associated with the job loss;	6457
(4) The amount of state and local taxes associated with the job loss;	6458 6459
(5) The impact that the closing or downsizing has on the suppliers located in the rural county or municipal corporation.	6460 6461
(G) "Governing body" means, in the case of a county, the board of county commissioners; in the case of a municipal corporation, the legislative authority; and in the case of a township, the board of township trustees.	6462 6463 6464 6465
(H) "Infrastructure improvements" includes site preparation, including building demolition and removal; retention ponds and flood and drainage improvements; streets, roads, bridges, and traffic control devices; parking lots and facilities; water and sewer lines and treatment plants; gas, electric, and telecommunications hook-ups; and waterway and railway access improvements.	6466 6467 6468 6469 6470 6471 6472
(I) "Private developer" means any individual, firm, corporation, or entity, other than a nonprofit entity, limited profit entity, or governmental entity.	6473 6474 6475
<u>(J) "Rural area" means any Ohio county that is not designated as part of a metropolitan statistical area by the United States office of management and budget.</u>	6476 6477 6478
Sec. 122.403. (A) (1) There is hereby created, within the development services agency, the broadband expansion program authority, which shall consist of the director of development services or the director's designee, the director of the office of	6479 6480 6481 6482

InnovateOhio or the director's designee, and three other members 6483
as follows: one member appointed by the president of the senate, 6484
one member appointed by the speaker of the house of 6485
representatives, and one member appointed by the governor. 6486

(2) Appointed members shall have expertise in broadband 6487
infrastructure and technology. Appointed members may not be 6488
affiliated with or employed by the broadband industry or in a 6489
position to benefit from a program grant. 6490

~~(3) The assignment of designees by the director of 6491
development services and the director of InnovateOhio shall be 6492
made in writing. 6493~~

(B) Appointed members shall serve four year terms and are 6494
eligible for reappointment. 6495

(C) Vacancies shall be filled in the same manner as provided 6496
for original appointments. Any member appointed to fill a vacancy 6497
occurring prior to the expiration of the term for which the 6498
member's predecessor was appointed shall hold office for the 6499
remainder of that term. 6500

~~(D) (1) (a) Appointed members shall receive a monthly stipend 6501
as calculated under section 145.016 of the Revised Code in an 6502
amount that will qualify each member for one year of retirement 6503
service credit under the Ohio public employees retirement system 6504
for each year of the member's term. 6505~~

~~(b) Notwithstanding the requirement of section 145.58 of the 6506
Revised Code that eligibility for health care coverage provided 6507
under that section be based on years and types of service credit 6508
in accordance with rules adopted by the public employees 6509
retirement board, if the board provides health care coverage under 6510
that section, no service credit earned for service as a member of 6511
the authority shall be considered for purposes of determining 6512~~

~~eligibility for coverage under that section.~~ 6513

~~(e)(D)~~ Members shall receive reimbursement for their 6514
necessary and actual expenses incurred in performing the business 6515
of the authority. The reimbursements constitute, as applicable, 6516
administrative costs of the Ohio residential broadband expansion 6517
grant program. 6518

~~(2) An appointed member of the authority who is currently 6519
serving as an administrative department head under section 121.03 6520
of the Revised Code is not eligible to receive a stipend under 6521
division (A) of this section.~~ 6522

~~(3) The agency shall be responsible for paying all 6523
reimbursements and stipends under this section.~~ 6524

(E) The director of development services, or the director's 6525
designee, shall serve as chairperson of the authority. The members 6526
of the authority annually shall elect a vice-chairperson from the 6527
members of the authority. Three members of the authority 6528
constitute a quorum to transact and vote on the business of the 6529
authority. An affirmative vote of three members is necessary to 6530
approve any business, including the election of the 6531
vice-chairperson. 6532

(F) The assignment of designees by the director of 6533
development services and the director of InnovateOhio shall be 6534
made in writing. If the director of development services assigns a 6535
designee to serve on the authority, the director of development 6536
services shall appoint a professional employee of the development 6537
services agency to serve as the director's designee at authority 6538
meetings. In the absence of the director of development services 6539
or the director's designee, the vice-chairperson of the authority 6540
shall serve as chairperson of authority meetings. 6541

(G) The authority is not an agency for purposes of sections 6542
101.82 to 101.87 of the Revised Code. 6543

Sec. 122.4090. As used in sections 122.4090 to 122.4098 of 6544
the Revised Code: 6545

"Broadband service" has the same meaning as "tier two 6546
broadband service" as defined in section 122.40 of the Revised 6547
Code. 6548

"Government-owned network" means a network owned or 6549
controlled by, or operated in partnership with, any political 6550
subdivision of the state that is constructed, operated, or used 6551
for the provision of broadband service on a wholesale or retail 6552
basis. 6553

"Political subdivision" has the same meaning as in section 6554
125.04 of the Revised Code. 6555

"Tier one broadband service" and "tier two broadband service" 6556
have the same meanings as in section 122.40 of the Revised Code. 6557

"Unserved area" has the same meaning as in section 122.40 of 6558
the Revised Code, but is limited to an unserved area located 6559
within the geographic boundaries of a political subdivision that 6560
has established a government-owned network. 6561

Sec. 122.4091. (A) A political subdivision that has 6562
established a government-owned network may provide broadband 6563
service within an unserved area in accordance with sections 6564
122.4091 to 122.4098 of the Revised Code. 6565

(B) No political subdivision that has established a 6566
government-owned network shall provide broadband service in any 6567
part of the state outside of an unserved area of that political 6568
subdivision. 6569

Sec. 122.4093. Prior to establishing a government-owned 6570
network, a political subdivision shall do the following: 6571

(A) Provide, in a newspaper of general circulation in the political subdivision at least once a week for two consecutive weeks, a formal public notice of its intent to provide broadband service in an unserved area; 6572
6573
6574
6575

(B) Obtain the same approvals and authorizations for the construction and deployment of broadband facilities in the public rights-of-way that are required for broadband service networks operated by private entities. 6576
6577
6578
6579

Sec. 122.4095. A political subdivision that has established a government-owned network may provide broadband service only to subscribers residing within unserved areas of the network. 6580
6581
6582

Sec. 122.4097. (A) Before proceeding with the construction or deployment of broadband facilities or the operation of broadband service, a political subdivision that establishes a government-owned network under sections 122.4090 to 122.4098 of the Revised Code shall do the following: 6583
6584
6585
6586
6587

(1) Establish adequate measures to protect the residents of the political subdivision from increases in any taxes or fees imposed by the political subdivision to offset losses in case of poor network performance of, or insufficient demand for, the network's broadband service; 6588
6589
6590
6591
6592

(2) Prepare a formal business plan that includes, at a minimum, the following: 6593
6594

(a) A cost-benefit analysis for the network; 6595

(b) Financially sound projections for the construction and operating costs for the network, and the number of broadband subscribers that will use the network; 6596
6597
6598

(c) Criteria measuring the continued viability and sustainability of the network; 6599
6600

(d) Deployment deadlines and performance metrics established 6601
for the network. 6602

(3) Provide information demonstrating that the proposed 6603
operation of the network and provision of broadband service do not 6604
adversely affect the political subdivision's credit rating; 6605

(4) Provide information demonstrating that the proposed 6606
operation of the network and provision of broadband service in 6607
partnership with a private entity will not adversely affect the 6608
finances of the political subdivision, if the private entity 6609
breaches the partnership contract with the political subdivision 6610
or fails to meet capital or operating cost obligations; 6611

(5) Conduct annual independent audits of the network's 6612
operation and the broadband service provided and provide a 6613
mechanism for making the audit results available for review by the 6614
public; 6615

(6) Establish a mechanism to equitably refund any profits to 6616
taxpayers of the political subdivision, if the provision of 6617
broadband service through the operation of the network generates a 6618
net profit. 6619

(B) The political subdivision shall submit, to the 6620
legislative authority of the political subdivision, the business 6621
plan and the information required under divisions (A) (2) to (4) of 6622
this section. 6623

Sec. 122.4098. (A) (1) A political subdivision shall fund a 6624
government-owned network solely with capital funds allocated 6625
specifically for the construction, deployment, purchase, lease, or 6626
operation of broadband facilities in the network. 6627

(2) The funds shall be allocated pursuant to a formal 6628
resolution adopted by the legislative authority of the political 6629
subdivision. 6630

(3) Capital budget funds shall not be allocated unless the 6631
legislative authority has reviewed the business plan and 6632
information provided pursuant to division (B) of section 122.4097 6633
of the Revised Code and approved the business plan. 6634

(B) A political subdivision shall not use revenues obtained 6635
from, or public monies allocated for, its provision of other 6636
residential or business services, including such services as 6637
electric, water, gas, street-lighting, pole attachment, and 6638
similar services, to fund or subsidize the construction, 6639
deployment, purchase, lease, or operation of broadband facilities 6640
or the provision of broadband service to subscribers. 6641

(C) A political subdivision shall not aggregate federal funds 6642
received at different times to fund or subsidize the construction, 6643
deployment, purchase, lease, or operation of broadband facilities, 6644
or the provision of broadband service to subscribers. 6645

Sec. 122.42. (A) The director of development ~~services~~ shall 6646
do all of the following: 6647

(1) Receive applications for assistance under sections 122.39 6648
and 122.41 to 122.62 of the Revised Code; 6649

(2) Make a final determination whether to approve the 6650
application for assistance; 6651

(3) Transmit determinations to approve assistance to the 6652
controlling board together with any information the controlling 6653
board requires for the board's review and decision as to whether 6654
to approve the assistance; 6655

(4) Issue revenue bonds of the state through the treasurer of 6656
state, as necessary, payable solely from revenues and other 6657
sources as provided in sections 122.39 and 122.41 to 122.62 of the 6658
Revised Code. 6659

(B) The director may do all of the following: 6660

(1) Fix the rate of interest and charges to be made upon or 6661
with respect to moneys loaned by the director and the terms upon 6662
which mortgages and lease rentals may be guaranteed and the rates 6663
of charges to be made for the loans and guarantees and to make 6664
provisions for the operation of the funds established by the 6665
director in accordance with this section and sections 122.54, 6666
122.55, 122.56, and 122.57 of the Revised Code; 6667

(2) Loan moneys from the fund established in accordance with 6668
section 122.54 of the Revised Code pursuant to and in compliance 6669
with sections 122.39 and 122.41 to 122.62 of the Revised Code; 6670

(3) Acquire in the name of the director any property of any 6671
kind or character in accordance with sections 122.39 and 122.41 to 6672
122.62 of the Revised Code, by purchase, purchase at foreclosure, 6673
or exchange on such terms and in such manner as the director 6674
considers proper; 6675

(4) Make and enter into all contracts and agreements 6676
necessary or incidental to the performance of the director's 6677
duties and the exercise of the director's powers under sections 6678
122.39 and 122.41 to 122.62 of the Revised Code; 6679

(5) Maintain, protect, repair, improve, and insure any 6680
property which the director has acquired and dispose of the same 6681
by sale, exchange, or lease for the consideration and on the terms 6682
and in the manner as the director considers proper, but is not 6683
authorized to operate any such property as a business except as 6684
the lessor of the property; 6685

(6) (a) When the cost of any contract for the maintenance, 6686
protection, repair, or improvement of any property held by the 6687
director other than compensation for personal services involves an 6688
expenditure of more than one thousand dollars, the director shall 6689
make a written contract with the lowest responsive and responsible 6690
bidder in accordance with section 9.312 of the Revised Code after 6691

advertisement for not less than two consecutive weeks in a 6692
newspaper of general circulation in the county where such 6693
contract, or some substantial part of it, is to be performed, and 6694
in such other publications as the director determines, which 6695
notice shall state the general character of the work and the 6696
general character of the materials to be furnished, the place 6697
where plans and specifications may be examined, and the time and 6698
place of receiving bids. 6699

(b) Each bid for a contract for the construction, demolition, 6700
alteration, repair, or reconstruction of an improvement shall 6701
contain the full name of every person interested in it and meet 6702
the requirements of section 153.54 of the Revised Code. 6703

(c) Each bid for a contract, except as provided in division 6704
(B) (6) (b) of this section, shall contain the full name of every 6705
person interested in it and shall be accompanied by bond or 6706
certified check on a solvent bank, in such amount as the director 6707
considers sufficient, that if the bid is accepted a contract will 6708
be entered into and the performance of the proposal secured. 6709

(d) The director may reject any and all bids. 6710

(e) A bond with good and sufficient surety, approved by the 6711
director, shall be required of every contractor awarded a contract 6712
except as provided in division (B) (6) (b) of this section, in an 6713
amount equal to at least fifty per cent of the contract price, 6714
conditioned upon faithful performance of the contract. 6715

(7) Employ financial consultants, appraisers, consulting 6716
engineers, superintendents, managers, construction and accounting 6717
experts, attorneys, and other employees and agents as are 6718
necessary in the director's judgment and fix their compensation; 6719

(8) Assist qualified persons in the coordination and 6720
formation of a small business development company, having a 6721
statewide area of operation, conditional upon the company's 6722

agreeing to seek to obtain certification from the federal small 6723
business administration as a certified statewide development 6724
company and participation in the guaranteed loan program 6725
administered by the small business administration pursuant to the 6726
Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During the 6727
initial period of formation of the statewide small business 6728
development company, the director shall provide technical and 6729
financial expertise, legal and managerial assistance, and other 6730
services as are necessary and proper to enable the company to 6731
obtain and maintain federal certification and participation in the 6732
federal guaranteed loan program. The director may charge a fee, in 6733
such amount and on such terms and conditions as the director 6734
determines necessary and proper, for assistance and services 6735
provided pursuant to division (B) (8) of this section. 6736

Persons chosen by the director to receive assistance in the 6737
formation of a statewide small business development company 6738
pursuant to division (B) (8) of this section shall make a special 6739
effort to use their participation in the federal guaranteed loan 6740
program to assist small businesses which are minority business 6741
enterprises as defined in division (E) of section 122.71 of the 6742
Revised Code. The director, with the assistance of the minority 6743
business development division of the department of development, 6744
shall provide technical and financial expertise, legal and 6745
managerial assistance, and other services in such a manner to 6746
enable the development company to provide assistance to small 6747
businesses which are minority business enterprises, and shall make 6748
available to the development company information pertaining to 6749
assistance available to minority business enterprises under 6750
programs established pursuant to sections 122.71 to 122.83, 122.87 6751
to 122.89, 122.92 to 122.94, ~~123.151~~ 122.921, and 125.081 of the 6752
Revised Code. 6753

(9) Receive and accept grants, gifts, and contributions of 6754

money, property, labor, and other things of value to be held, 6755
used, and applied only for the purpose for which such grants, 6756
gifts, and contributions are made, from individuals, private and 6757
public corporations, from the United States or any agency of the 6758
United States, from the state or any agency of the state, and from 6759
any political subdivision of the state, and may agree to repay any 6760
contribution of money or to return any property contributed or the 6761
value of the property at such times, in such amounts, and on such 6762
terms and conditions, excluding the payment of interest, as the 6763
director determines at the time such contribution is made, and may 6764
evidence such obligations by notes, bonds, or other written 6765
instruments; 6766

(10) Establish with the treasurer of state the funds provided 6767
in sections 122.54, 122.55, 122.56, and 122.57 of the Revised 6768
Code, in addition to such funds as the director determines are 6769
necessary or proper; 6770

(11) Do all acts and things necessary or proper to carry out 6771
the powers expressly granted and the duties imposed in sections 6772
122.39 and 122.41 to 122.62 and Chapter 163. of the Revised Code. 6773

(C) All expenses and obligations incurred by the director in 6774
carrying out the director's powers and in exercising the 6775
director's duties under sections 122.39 and 122.41 to 122.62 of 6776
the Revised Code, shall be payable solely from the proceeds of 6777
revenue bonds issued pursuant to those sections, from revenues or 6778
other receipts or income of the director, from grants, gifts, and 6779
contributions, or funds established in accordance with those 6780
sections. Those sections do not authorize the director to incur 6781
indebtedness or to impose liability on the state or any political 6782
subdivision of the state. 6783

(D) Financial statements and financial data submitted to the 6784
director by any corporation, partnership, or person in connection 6785
with a loan application, or any information taken from such 6786

statements or data for any purpose, shall not be open to public 6787
inspection. 6788

Sec. 122.60. As used in sections 122.60 to 122.605 of the 6789
Revised Code: 6790

(A) "Capital access loan" means a loan made by a 6791
participating financial institution to an eligible business that 6792
may be secured by a deposit of money from the fund into the 6793
participating financial institution's program reserve account. 6794

~~(B) "Department of development" means the development 6795
services agency. 6796~~

~~(C)~~ "Eligible business" means a for-profit business entity, 6797
or a nonprofit entity, that had total annual sales in its most 6798
recently completed fiscal year of less than ten million dollars 6799
and that has a principal place of for-profit business or nonprofit 6800
entity activity within the state, the operation of which, alone or 6801
in conjunction with other facilities, will create new jobs or 6802
preserve existing jobs and employment opportunities and will 6803
improve the economic welfare of the people of the state. As used 6804
in this division, "new jobs" does not include existing jobs 6805
transferred from another facility within the state, and "existing 6806
jobs" means only existing jobs at facilities within the same 6807
municipal corporation or township in which the project, activity, 6808
or enterprise that is the subject of a capital access loan is 6809
located. 6810

~~(D)~~(C) "Financial institution" means any bank, trust company, 6811
savings bank, or savings and loan association that is chartered by 6812
and has a significant presence in the state, or any national bank, 6813
federal savings and loan association, or federal savings bank that 6814
has a significant presence in the state. 6815

~~(E)~~(D) "Fund" means the capital access loan program fund. 6816

~~(F)~~(E) "Minority business supplier development council" has 6817
the same meaning as in section 122.71 of the Revised Code. 6818

~~(G)~~(F) "Participating financial institution" means a 6819
financial institution that has a valid, current participation 6820
agreement with the department of development services agency. 6821

~~(H)~~(G) "Participation agreement" means the agreement between 6822
a financial institution and the agency department under which a 6823
financial institution may participate in the program. 6824

~~(I)~~(H) "Passive real estate ownership" means the ownership of 6825
real estate for the sole purpose of deriving income from it by 6826
speculation, trade, or rental. 6827

~~(J)~~(I) "Program" means the capital access loan program 6828
created under section 122.602 of the Revised Code. 6829

~~(K)~~(J) "Program reserve account" means a dedicated account at 6830
each participating financial institution that is the property of 6831
the state and may be used by the participating financial 6832
institution only for the purpose of recovering a claim under 6833
section 122.604 of the Revised Code arising from a default on a 6834
loan made by the participating financial institution under the 6835
program. 6836

Sec. 122.601. There is hereby created in the state treasury 6837
the capital access loan program fund. The fund shall consist of 6838
money deposited into it from the minority business enterprise loan 6839
fund pursuant to section 122.80 of the Revised Code and the 6840
facilities establishment fund pursuant to section 166.03 of the 6841
Revised Code and all money deposited into it pursuant to section 6842
122.602 of the Revised Code. The total amount of money deposited 6843
into the fund from the minority business enterprise loan fund or 6844
the facilities establishment fund shall not exceed three million 6845
dollars during any particular fiscal year of the department of 6846

development ~~services~~ agency. 6847

The ~~agency~~ department shall disburse money from the fund only 6848
to pay the operating costs of the program, including the 6849
administrative costs incurred by the ~~agency~~ department in 6850
connection with the program, and only in keeping with the purposes 6851
specified in sections 122.60 to 122.605 of the Revised Code. 6852

Sec. 122.603. (A) (1) Upon approval by the director of 6853
development ~~services~~ and after entering into a participation 6854
agreement with the department of development ~~services~~ ~~agency~~, a 6855
participating financial institution making a capital access loan 6856
shall establish a program reserve account. The account shall be an 6857
interest-bearing account and shall contain only moneys deposited 6858
into it under the program and the interest payable on the moneys 6859
in the account. 6860

(2) All interest payable on the moneys in the program reserve 6861
account shall be added to the moneys and held as an additional 6862
loss reserve. The director may require that a portion or all of 6863
the accrued interest so held in the account be released to the 6864
~~agency~~ department. If the director causes a release of accrued 6865
interest, the director shall deposit the released amount into the 6866
capital access loan program fund created in section 122.601 of the 6867
Revised Code. The director shall not require the release of that 6868
accrued interest more than twice in a fiscal year. 6869

(B) When a participating financial institution makes a 6870
capital access loan, it shall require the eligible business to pay 6871
to the participating financial institution a fee in an amount that 6872
is not less than one and one-half per cent, and not more than 6873
three per cent, of the principal amount of the loan. The 6874
participating financial institution shall deposit the fee into its 6875
program reserve account, and it also shall deposit into the 6876

account an amount of its own funds equal to the amount of the fee. 6877
The participating financial institution may recover from the 6878
eligible business all or part of the amount that the participating 6879
financial institution is required to deposit into the account 6880
under this division in any manner agreed to by the participating 6881
financial institution and the eligible business. 6882

(C) For each capital access loan made by a participating 6883
financial institution, the participating financial institution 6884
shall certify to the director, within a period specified by the 6885
director, that the participating financial institution has made 6886
the loan. The certification shall include the amount of the loan, 6887
the amount of the fee received from the eligible business, the 6888
amount of its own funds that the participating financial 6889
institution deposited into its program reserve account to reflect 6890
that fee, and any other information specified by the director. The 6891
certification also shall indicate if the eligible business 6892
receiving the capital access loan is a minority business 6893
enterprise as defined in section 122.71 of the Revised Code or 6894
certified by the minority business supplier development council. 6895

(D) (1) (a) Upon receipt of each of the first three 6896
certifications from a participating financial institution made 6897
under division (C) of this section and subject to section 122.602 6898
of the Revised Code, the director shall disburse to the 6899
participating financial institution from the capital access loan 6900
program fund an amount not to exceed fifty per cent of the 6901
principal amount of the particular capital access loan for deposit 6902
into the participating financial institution's program reserve 6903
account. Thereafter, upon receipt of a certification from that 6904
participating financial institution made under division (C) of 6905
this section and subject to section 122.602 of the Revised Code, 6906
the director shall disburse to the participating financial 6907
institution from the capital access loan program fund an amount 6908

equal to ten per cent of the principal amount of the particular 6909
capital access loan for deposit into the participating financial 6910
institution's program reserve account. 6911

(b) Notwithstanding division (D) (1) (a) of this section, and 6912
subject to section 122.602 of the Revised Code, upon receipt of 6913
any certification from a participating financial institution made 6914
under division (C) of this section with respect to a capital 6915
access loan made to an eligible business that is a minority 6916
business enterprise, the director shall disburse to the 6917
participating financial institution from the capital access loan 6918
program fund an amount not to exceed eighty per cent of the 6919
principal amount of the particular capital access loan for deposit 6920
into the participating financial institution's program reserve 6921
account. 6922

(2) The disbursement of moneys from the fund to a 6923
participating financial institution does not require approval from 6924
the controlling board. 6925

(E) If the amount in a program reserve account exceeds an 6926
amount equal to thirty-three per cent of a participating financial 6927
institution's outstanding capital access loans, the ~~agency~~ 6928
department may cause the withdrawal of the excess amount and the 6929
deposit of the withdrawn amount into the capital access loan 6930
program fund. 6931

(F) (1) The ~~agency~~ department may cause the withdrawal of the 6932
total amount in a participating financial institution's program 6933
reserve account if any of the following applies: 6934

(a) The financial institution is no longer eligible to 6935
participate in the program. 6936

(b) The participation agreement expires without renewal by 6937
the ~~agency~~ department or the financial institution. 6938

(c) The financial institution has no outstanding capital 6939

access loans. 6940

(d) The financial institution has not made a capital access 6941
loan within the preceding twenty-four months. 6942

(2) If the ~~agency~~ department causes a withdrawal under 6943
division (F)(1) of this section, the ~~agency~~ department shall 6944
deposit the withdrawn amount into the capital access loan program 6945
fund. 6946

Sec. 122.65. As used in sections 122.65 to 122.659 of the 6947
Revised Code: 6948

(A) "Applicable cleanup standards" means either of the 6949
following: 6950

(1) For property to which Chapter 3734. of the Revised Code 6951
and rules adopted under it apply, the requirements for closure or 6952
corrective action established in rules adopted under section 6953
3734.12 of the Revised Code; 6954

(2) For property to which Chapter 3746. of the Revised Code 6955
and rules adopted under it apply, the cleanup standards that are 6956
established in rules adopted under section 3746.04 of the Revised 6957
Code. 6958

(B) "Applicant" means a county, township, municipal 6959
corporation, port authority, or conservancy district or a park 6960
district, other similar park authority, nonprofit organization, or 6961
organization for profit that has entered into an agreement with a 6962
county, township, municipal corporation, port authority, or 6963
conservancy district to work in conjunction with that county, 6964
township, municipal corporation, port authority, or conservancy 6965
district for the purposes of sections 122.65 to 122.658 of the 6966
Revised Code. 6967

(C) "Assessment" means a phase I and phase II property 6968
assessment conducted in accordance with section 3746.04 of the 6969

Revised Code and rules adopted under that section. 6970

(D) "Brownfield" means an abandoned, idled, or under-used 6971
industrial, commercial, or institutional property where expansion 6972
or redevelopment is complicated by known or potential releases of 6973
hazardous substances or petroleum. 6974

(E) "Certified professional," "hazardous substance," 6975
"petroleum," and "release" have the same meanings as in section 6976
3746.01 of the Revised Code. 6977

(F) "Cleanup or remediation" means any action to contain, 6978
remove, or dispose of hazardous substances or petroleum at a 6979
brownfield. "Cleanup or remediation" includes the acquisition of a 6980
brownfield, demolition performed at a brownfield, and the 6981
installation or upgrade of the minimum amount of infrastructure 6982
that is necessary to make a brownfield operational for economic 6983
development activity. 6984

(G) "Distressed area" means either a municipal corporation 6985
with a population of at least fifty thousand or a county that 6986
meets any two of the following criteria: 6987

(1) Its average rate of unemployment, during the most recent 6988
five-year period for which data are available, is equal to at 6989
least one hundred twenty-five per cent of the average rate of 6990
unemployment for the United States for the same period. 6991

(2) It has a per capita income equal to or below eighty per 6992
cent of the median county per capita income of the United States 6993
as determined by the most recently available figures from the 6994
United States census bureau. 6995

(3) (a) In the case of a municipal corporation, at least 6996
twenty per cent of the residents have a total income for the most 6997
recent census year that is below the official poverty line. 6998

(b) In the case of a county, in intercensal years, the county 6999

has a ratio of transfer payment income to total county income 7000
equal to or greater than twenty-five per cent. 7001

"Distressed area" includes a municipal corporation the 7002
majority of the population of which is situated in a county that 7003
is a distressed area. 7004

(H) "Eligible area" means a distressed area, an inner city 7005
area, a labor surplus area, or a situational distress area. 7006

(I) "Inner city area" means an area in a municipal 7007
corporation that has a population of at least one hundred 7008
thousand, is not a labor surplus area, and is a targeted 7009
investment area established by the municipal corporation that is 7010
comprised of block tracts identified in the most recently 7011
available figures from the United States census bureau in which at 7012
least twenty per cent of the population in the area is at or below 7013
the official poverty line or of contiguous block tracts meeting 7014
those criteria. 7015

(J) "Institutional property" means property currently or 7016
formerly owned or controlled by the state that is or was used for 7017
a public or charitable purpose. However, "institutional property" 7018
does not mean property that is or was used for educational 7019
purposes. 7020

(K) "Integrating committee" means a district public works 7021
integrating committee established under section 164.04 of the 7022
Revised Code. 7023

(L) "Labor surplus area" means an area designated as a labor 7024
surplus area by the United States department of labor. 7025

(M) "Loan" includes credit enhancement. 7026

(N) "No further action letter" means a letter that is 7027
prepared by a certified professional when, on the basis of the 7028
best knowledge, information, and belief of the certified 7029

professional, the certified professional concludes that the 7030
cleanup or remediation of a brownfield meets the applicable 7031
cleanup standards and that contains all of the information 7032
specified in rules adopted under division ~~(B) (7)~~ (B) (6) of section 7033
3746.04 of the Revised Code. 7034

(O) "Nonprofit organization" means a corporation, 7035
association, group, institution, society, or other organization 7036
that is exempt from federal income taxation under section 7037
501(c) (3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 7038
26 U.S.C. 501(c) (3), as amended. 7039

(P) "Property" means any parcel of real property, or portion 7040
of such a parcel, and any improvements to it. 7041

(Q) "Public health project" means the cleanup or remediation 7042
of a release or threatened release of hazardous substances or 7043
petroleum at a property where little or no economic redevelopment 7044
potential exists. 7045

(R) "Official poverty line" has the same meaning as in 7046
section 3923.51 of the Revised Code. 7047

(S) "Situational distress area" means a county or a municipal 7048
corporation that has experienced or is experiencing a closing or 7049
downsizing of a major employer that will adversely affect the 7050
county or municipal corporation's economy and that has applied to 7051
the director of development to be designated as a situational 7052
distress area for not more than thirty months by demonstrating all 7053
of the following: 7054

(1) The number of jobs lost by the closing or downsizing; 7055

(2) The impact that the job loss has on the county or 7056
municipal corporation's unemployment rate as measured by the 7057
director of job and family services; 7058

(3) The annual payroll associated with the job loss; 7059

(4) The amount of state and local taxes associated with the 7060
job loss; 7061

(5) The impact that the closing or downsizing has on 7062
suppliers located in the county or municipal corporation. 7063

Sec. 122.72. (A) There is hereby created the minority 7064
development financing advisory board to assist in carrying out the 7065
programs created pursuant to sections 122.71 to 122.83 and 122.87 7066
to 122.89 of the Revised Code. 7067

(B) The board shall consist of ten members. The director of 7068
development or the director's designee shall be a voting member on 7069
the board. Seven members shall be appointed by the governor with 7070
the advice and consent of the senate and selected because of their 7071
knowledge of and experience in industrial, business, and 7072
commercial financing, suretyship, construction, and their 7073
understanding of the problems of minority business enterprises; 7074
one member also shall be a member of the senate and appointed by 7075
the president of the senate, and one member also shall be a member 7076
of the house of representatives and appointed by the speaker of 7077
the house of representatives. With respect to the board, all of 7078
the following apply: 7079

(1) Not more than four of the members of the board appointed 7080
by the governor shall be of the same political party. 7081

(2) Each member shall hold office from the date of the 7082
member's appointment until the end of the term for which the 7083
member was appointed. 7084

(3) The terms of office for the seven members appointed by 7085
the governor shall be for seven years, commencing on the first day 7086
of October and ending on the thirtieth day of September of the 7087
seventh year, except that of the original seven members, three 7088
shall be appointed for three years and two shall be appointed for 7089

five years. 7090

(4) Any member of the board is eligible for reappointment. 7091

(5) Any member appointed to fill a vacancy occurring prior to 7092
the expiration of the term for which the member's predecessor was 7093
appointed shall hold office for the remainder of the predecessor's 7094
term. 7095

(6) Any member shall continue in office subsequent to the 7096
expiration date of the member's term until the member's successor 7097
takes office, or until a period of sixty days has elapsed, 7098
whichever occurs first. 7099

(7) Before entering upon official duties as a member of the 7100
board, each member shall take an oath as provided by Section 7 of 7101
Article XV, Ohio Constitution. 7102

(8) The governor may, at any time, remove any member 7103
appointed by the governor pursuant to section 3.04 of the Revised 7104
Code. 7105

(9) Notwithstanding section 101.26 of the Revised Code, 7106
members shall receive their necessary and actual expenses while 7107
engaged in the business of the board and shall be paid at the per 7108
diem rate of step 1 of pay range 31 of section 124.15 of the 7109
Revised Code. 7110

(10) Six members of the board constitute a quorum and the 7111
affirmative vote of six members is necessary for any action taken 7112
by the board. 7113

(11) In the event of the absence of a member appointed by the 7114
president of the senate or by the speaker of the house of 7115
representatives, either of the following persons may serve in the 7116
member's absence: 7117

(a) The president of the senate or the speaker of the house 7118
of representatives, whoever appointed the absent member; 7119

(b) A member of the senate or of the house of representatives 7120
of the same political party as the absent member, as designated by 7121
the president of the senate or the speaker of the house of 7122
representatives, whoever appointed the absent member. 7123

(12) The board shall annually elect one of its members as 7124
chairperson and another as vice-chairperson. 7125

Sec. 122.73. (A) The minority development financing advisory 7126
board and the director of development are invested with the powers 7127
and duties provided in sections 122.71 to 122.83 and 122.87 to 7128
122.89 of the Revised Code, in order to promote the welfare of the 7129
people of the state by encouraging the establishment and expansion 7130
of minority business enterprises; to stabilize the economy; to 7131
provide employment; to assist in the development within the state 7132
of industrial, commercial, distribution, and research activities 7133
required for the people of the state, and for their gainful 7134
employment; or otherwise to create or preserve jobs and employment 7135
opportunities, or improve the economic welfare of the people of 7136
the state. It is hereby determined that the accomplishment of 7137
those purposes is essential so that the people of the state may 7138
maintain their present high standards of living in comparison with 7139
the people of other states and so that opportunities for 7140
employment and for favorable markets for the products of the 7141
state's natural resources, agriculture, and manufacturing shall be 7142
improved. It further is determined that it is necessary for the 7143
state to establish the programs authorized under sections 122.71 7144
to 122.83 and 122.87 to 122.89 of the Revised Code to establish 7145
the minority development financing advisory board, and to invest 7146
it and the director of development with the powers and duties 7147
provided in those sections ~~122.71 to 122.89~~ of the Revised Code. 7148

(B) The minority development financing advisory board shall 7149
do all of the following: 7150

(1) Make recommendations to the director as to applications 7151
for assistance pursuant to sections 122.71 to 122.83 and 122.87 to 7152
122.89 of the Revised Code. The board may revise its 7153
recommendations to reflect any changes in the proposed assistance 7154
made by the director. 7155

(2) Advise the director in the administration of sections 7156
122.71 to 122.83 and 122.87 to 122.89 of the Revised Code. 7157

(3) Adopt bylaws to govern the conduct of the business of the 7158
board. 7159

Sec. 122.74. (A) (1) The director of development shall do all 7160
of the following: 7161

(a) Receive applications for assistance under sections 122.71 7162
to 122.83 and 122.87 to 122.89 of the Revised Code and 7163
applications from surety companies for bond guarantees under 7164
section 122.90 of the Revised Code, and, after processing but 7165
subject to division (A) (2) of this section, forward them to the 7166
minority development financing advisory board together with 7167
necessary supporting information; 7168

(b) Receive the recommendations of the board and make a final 7169
determination whether to approve the application for assistance; 7170

(c) Receive recommendations from a regional economic 7171
development entity for loans made under section 122.76 of the 7172
Revised Code and make a final determination, notwithstanding 7173
divisions (A) (1) and (2) of this section, whether to approve the 7174
proposed loan; 7175

(d) Transmit the director's determinations to approve 7176
assistance to the controlling board unless such assistance falls 7177
under section 122.90 of the Revised Code and has been previously 7178
approved by the controlling board, together with any information 7179
the controlling board requires for its review and decision as to 7180

whether to approve the assistance. 7181

(2) The director is not required to submit any determination, 7182
data, terms, or any other application materials or information to 7183
the minority development financing advisory board when provision 7184
of the assistance has been recommended to the director by a 7185
regional economic development entity or when an application for a 7186
surety company for bond guarantees under section 122.90 of the 7187
Revised Code has been previously approved by the controlling 7188
board. 7189

(B) The director may do all of the following: 7190

(1) Fix the rate of interest and charges to be made upon or 7191
with respect to moneys loaned or guaranteed by the director and 7192
the terms upon which mortgages and lease rentals may be guaranteed 7193
and the rates of charges to be made for them and make provisions 7194
for the operation of the funds established by the director in 7195
accordance with this section and sections 122.80, 122.88, and 7196
122.90 of the Revised Code; 7197

(2) Loan and guarantee moneys from the fund established in 7198
accordance with section 122.80 of the Revised Code pursuant to and 7199
in compliance with sections 122.71 to 122.83 and 122.87 to 122.90 7200
of the Revised Code. 7201

(3) Acquire in the name of the director any property of any 7202
kind or character in accordance with sections 122.71 to 122.83 and 7203
122.87 to 122.90 of the Revised Code, by purchase, purchase at 7204
foreclosure, or exchange on such terms and in such manner as the 7205
director considers proper; 7206

(4) Make and enter into all contracts and agreements 7207
necessary or incidental to the performance of the director's 7208
duties and the exercise of the director's powers under sections 7209
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code; 7210

(5) Maintain, protect, repair, improve, and insure any 7211

property that the director has acquired and dispose of it by sale, 7212
exchange, or lease for the consideration and on the terms and in 7213
the manner as the director considers proper, but the director 7214
shall not operate any such property as a business except as the 7215
lessor of it; 7216

(6) (a) When the cost of any contract for the maintenance, 7217
protection, repair, or improvement of any property held by the 7218
director, other than compensation for personal services, involves 7219
an expenditure of more than fifty thousand dollars, the director 7220
shall make a written contract with the lowest responsive and 7221
responsible bidder in accordance with section 9.312 of the Revised 7222
Code after advertisement for not less than two consecutive weeks 7223
in a newspaper of general circulation in the county where such 7224
contract, or some substantial part of it, is to be performed, and 7225
in such other publications as the director determines, which 7226
notice shall state the general character of the work and the 7227
general character of the materials to be furnished, the place 7228
where plans and specifications therefor may be examined, and the 7229
time and place of receiving bids. 7230

(b) Each bid for a contract for the construction, demolition, 7231
alteration, repair, or reconstruction of an improvement shall 7232
contain the full name of every person interested in it and meet 7233
the requirements of section 153.54 of the Revised Code. 7234

(c) Each bid for a contract, except as provided in division 7235
(B) (6) (b) of this section, shall contain the full name of every 7236
person interested in it and shall be accompanied by bond or 7237
certified check on a solvent bank, in such amount as the director 7238
considers sufficient, that if the bid is accepted a contract will 7239
be entered into and the performance of the proposal secured. 7240

(d) The director may reject any and all bids. 7241

(e) A bond with good and sufficient surety, approved by the 7242

director, shall be required of every contractor awarded a contract 7243
except as provided in division (B) (6) (b) of this section, in an 7244
amount equal to at least fifty per cent of the contract price, 7245
conditioned upon faithful performance of the contract. 7246

(7) Employ or contract with financial consultants, 7247
appraisers, consulting engineers, superintendents, managers, 7248
construction and accounting experts, attorneys, and other 7249
employees and agents as are necessary in the director's judgment 7250
and fix their compensation; 7251

(8) Receive and accept grants, gifts, and contributions of 7252
money, property, labor, and other things of value to be held, 7253
used, and applied only for the purpose for which the grants, 7254
gifts, and contributions are made, from individuals, private and 7255
public corporations, from the United States or any agency thereof, 7256
from the state or any agency thereof, and from any political 7257
subdivision of the state, and may agree to repay any contribution 7258
of money or to return any property contributed or the value 7259
thereof at such times, in amounts, and on terms and conditions, 7260
excluding the payment of interest, as the director determines at 7261
the time the contribution is made, and may evidence the 7262
obligations by notes, bonds, or other written instruments; 7263

(9) Establish with the treasurer of state the funds provided 7264
in sections 122.80 and 122.88 of the Revised Code in addition to 7265
such funds as the director determines are necessary or proper; 7266

(10) Adopt rules under Chapter 119. of the Revised Code 7267
necessary to implement sections 122.71 to 122.83 and 122.87 to 7268
122.90 of the Revised Code. 7269

(11) Do all acts and things necessary or proper to carry out 7270
the powers expressly granted and the duties imposed in sections 7271
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code. 7272

(C) (1) All expenses and obligations incurred by the director 7273

in carrying out the director's powers and in exercising the 7274
director's duties under sections 122.71 to 122.83 and 122.87 to 7275
122.90 of the Revised Code shall be payable solely from revenues 7276
or other receipts or income of the director, from grants, gifts, 7277
and contributions, or funds established in accordance with such 7278
sections. Such sections do not authorize the director to incur 7279
indebtedness or to impose liability on the state or any political 7280
subdivision of the state. 7281

(2) Financial statements and other data submitted to the 7282
director by any corporation, partnership, or person in connection 7283
with financial assistance provided under sections 122.71 to 122.83 7284
and 122.87 to 122.90 of the Revised Code, or any information taken 7285
from such statements or data for any purpose, shall not be open to 7286
public inspection. 7287

Sec. 122.751. The minority development financing advisory 7288
board or a regional economic development entity shall only 7289
consider an application for a loan from any applicant after a 7290
determination that the applicant is a community development 7291
corporation, or after a certification by the ~~equal employment~~ 7292
~~opportunity coordinator~~ director of the ~~department of~~ 7293
~~administrative services~~ development under division (B)(1) of 7294
section ~~122.151~~ 122.921 of the Revised Code that the applicant is 7295
a minority business enterprise, or after a certification by the 7296
minority business supplier development council that the applicant 7297
is a minority business, and that the applicant satisfies all 7298
criteria regarding eligibility for assistance pursuant to section 7299
122.76 of the Revised Code. 7300

Sec. 122.76. (A) The director of development ~~services~~, with 7301
controlling board approval, may lend funds to minority business 7302
enterprises and to community improvement corporations, Ohio 7303
development corporations, minority contractors business assistance 7304

organizations, and minority business supplier development councils 7305
for the purpose of loaning funds to minority business enterprises, 7306
for the purpose of procuring or improving real or personal 7307
property, or both, for the establishment, location, or expansion 7308
of industrial, distribution, commercial, or research facilities in 7309
the state, and for the purpose of contract financing, and to 7310
community development corporations that predominantly benefit 7311
minority business enterprises or are located in a census tract 7312
that has a population that is sixty per cent or more minority, if 7313
the director determines, in the director's sole discretion, that 7314
all of the following apply: 7315

(1) The project is economically sound and will benefit the 7316
people of the state by increasing opportunities for employment, by 7317
strengthening the economy of the state, or expanding minority 7318
business enterprises. 7319

(2) The proposed minority business enterprise borrower is 7320
unable to finance the proposed project through ordinary financial 7321
channels at comparable terms. 7322

(3) The value of the project is or, upon completion, will be 7323
at least equal to the total amount of the money expended in the 7324
procurement or improvement of the project. 7325

(4) The amount to be loaned by the director will not exceed 7326
seventy-five per cent of the total amount expended in the 7327
procurement or improvement of the project. 7328

(5) The amount to be loaned by the director will be 7329
adequately secured by a first or second mortgage upon the project 7330
or by mortgages, leases, liens, assignments, or pledges on or of 7331
other property or contracts as the director requires, and such 7332
mortgage will not be subordinate to any other liens or mortgages 7333
except the liens securing loans or investments made by financial 7334
institutions referred to in division (A)(3) of this section, and 7335

the liens securing loans previously made by any financial 7336
institution in connection with the procurement or expansion of all 7337
or part of a project. 7338

(B) Any proposed minority business enterprise borrower 7339
submitting an application for assistance under this section shall 7340
not have defaulted on a previous loan from the director, and no 7341
full or limited partner, major shareholder, or holder of an equity 7342
interest of the proposed minority business enterprise borrower 7343
shall have defaulted on a loan from the director. 7344

(C) The proposed minority business enterprise borrower shall 7345
demonstrate to the satisfaction of the director that it is able to 7346
successfully compete in the private sector if it obtains the 7347
necessary financial, technical, or managerial support and that 7348
support is available through the director, the minority business 7349
development ~~office~~ division of the department of development 7350
~~services agency~~, or other identified and acceptable sources. In 7351
determining whether a minority business enterprise borrower will 7352
be able to successfully compete, the director may give 7353
consideration to such factors as the successful completion of or 7354
participation in courses of study, recognized by the ~~board~~ 7355
department of regents higher education as providing financial, 7356
technical, or managerial skills related to the operation of the 7357
business, by the economically disadvantaged individual, owner, or 7358
partner, and the prior success of the individual, owner, or 7359
partner in personal, career, or business activities, as well as to 7360
other factors identified by the director. 7361

(D) The director shall not lend funds for the purpose of 7362
procuring or improving motor vehicles or accounts receivable. 7363

Sec. 122.77. (A) The director of development with controlling 7364
board approval may make loan guarantees to small businesses and 7365
corporations for the purpose of guaranteeing loans made to small 7366

businesses by financial institutions for the purpose of procuring 7367
or improving real or personal property, or both, for the 7368
establishment, location, or expansion of industrial, distribution, 7369
commercial, or research facilities in the state, if the director 7370
determines, in the director's sole discretion, that all of the 7371
following apply: 7372

(1) The project is economically sound and will benefit the 7373
people of the state by increasing opportunities for employment, by 7374
strengthening the economy of the state, or expanding minority 7375
business enterprises. 7376

(2) The proposed small business borrower is unable to finance 7377
the proposed project through ordinary financial channels at 7378
comparable terms. 7379

(3) The value of the project is, or upon completion of it 7380
will be, at least equal to the total amount of the money expended 7381
in the procurement or improvement of the project and of which 7382
amount one or more financial institutions or other governmental 7383
entities have loaned not less than thirty per cent. 7384

(4) The amount to be guaranteed by the director will not 7385
exceed eighty per cent of the total amount expended in the 7386
procurement or improvement of the project. 7387

(5) The amount to be guaranteed by the director will be 7388
adequately secured by a first or second mortgage upon the project, 7389
or by mortgages, leases, liens, assignments, or pledges on or of 7390
other property or contracts as the director shall require and that 7391
such mortgage will not be subordinate to any other liens or 7392
mortgages except the liens securing loans or investments made by 7393
financial institutions referred to in division (A) (3) of this 7394
section, and the liens securing loans previously made by any 7395
financial institution in connection with the procurement or 7396
expansion of all or part of a project. 7397

(B) The proposed small business borrower shall not have 7398
defaulted on a previous loan or guarantee from the director, and 7399
no full or limited partner, or major shareholder, or holder of any 7400
equity interest of the proposed minority business enterprise 7401
borrower shall have defaulted on a loan or guarantee from the 7402
director. 7403

(C) The proposed small business borrower shall demonstrate to 7404
the satisfaction of the director that it is able to successfully 7405
compete in the private sector if it obtains the necessary 7406
financial, technical, or managerial support and that support is 7407
available through the director, the minority business development 7408
~~office~~ division of the department of development, or other 7409
identified and acceptable sources. In determining whether a small 7410
business borrower will be able to successfully compete, the 7411
director may give consideration to such factors as the successful 7412
completion of or participation in courses of study, recognized by 7413
the ~~board~~ department of ~~regents~~ higher education as providing 7414
financial, technical, or managerial skills related to the 7415
operation of the business, by the economically disadvantaged 7416
individual, owner, or partner, and the prior success of the 7417
individual, owner, or partner in personal, career, or business 7418
activities, as well as to other factors identified by the 7419
director. 7420

(D) The director shall not guarantee funds for the purpose of 7421
procuring or improving motor vehicles or accounts receivable. 7422

Sec. 122.78. Fees, charges, rates of interest, times of 7423
payment of interest and principal, and other terms, conditions, 7424
and provisions of the loans and guarantees made by the director of 7425
development pursuant to sections 122.71 to 122.83 and 122.87 to 7426
122.90 of the Revised Code shall be such as the director 7427
determines to be appropriate and in furtherance of the purpose for 7428

which the loans and guarantees are made, but the mortgage lien 7429
securing any money loaned or guaranteed by the director may be 7430
subordinate to the mortgage lien securing any money loaned or 7431
invested by a financial institution, but shall be superior to that 7432
securing any money loaned or expended by any other corporation or 7433
person. The funds used in making these loans or guarantees shall 7434
be disbursed upon order of the director. 7435

Sec. 122.79. The exercise of the powers granted by sections 7436
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code, will be 7437
in all respects for the benefit of the people of the state, for 7438
the increase of their commerce and prosperity, for the increase 7439
and expansion of minority business enterprises, and for the 7440
improvement of conditions of employment, and will constitute the 7441
performance of essential governmental functions; therefore, the 7442
director of development shall not be required to pay any taxes 7443
upon any property or assets held by the director, or upon any 7444
property acquired or used by the director under sections 122.71 to 7445
122.83 and 122.87 to 122.90 of the Revised Code, or upon the 7446
income from it, provided that this exemption shall not apply to 7447
any property held by the director while it is in the possession of 7448
a private person, partnership, or corporation and used for private 7449
purposes for profit, in which case such tax liability shall accrue 7450
to the private person, partnership, or corporation. 7451

Sec. 122.82. All moneys, funds, properties, and assets 7452
acquired by the director of development shall be held by the 7453
director in trust to carry out the director's powers and duties, 7454
shall be used as provided in sections 122.71 to 122.83 and 122.87 7455
to 122.90 of the Revised Code, and shall at no time be part of 7456
other public funds. 7457

Sec. 122.84. (A) As used in this section: 7458

(1) "Ohio qualified opportunity fund" means a qualified opportunity fund that holds one hundred per cent of its invested assets in qualified opportunity zone property situated in an Ohio opportunity zone.

In the case of qualified opportunity zone property that is qualified opportunity zone stock or qualified opportunity zone partnership interest, the stock or interest is situated in an Ohio opportunity zone only if, during all of the qualified opportunity fund's holding period for such stock or interest, all of the use of the corporation's or partnership's tangible property was in an Ohio opportunity zone. In the case of qualified opportunity zone property that is qualified opportunity zone business property, the property is situated in an Ohio opportunity zone only if, during all of the fund's holding period for such property, all of the use of the property was in an Ohio opportunity zone.

All terms used in division (A) of this section have the same meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be substituted for "substantially all" wherever "substantially all" appears in the definition of those terms or in the definition of terms used in those terms.

(2) "Ohio opportunity zone" means a qualified opportunity zone designated in this state under 26 U.S.C. 1400Z-1 before, on, or after the effective date of the enactment of this section by H.B. 166 of the 133rd general assembly.

(3) "Taxpayer" and "taxable year" have the same meanings as in section 5747.01 of the Revised Code.

(4) "Qualifying taxable year" means a one of the following, as applicable:

(a) For a taxpayer, the taxpayer's taxable year that includes the first day of a calendar year during which an Ohio qualified opportunity fund in which the taxpayer invests makes an investment

in a project located in an Ohio opportunity zone; 7490

(b) For a person that is not a taxpayer but is subject to 7491
federal income taxation, the person's federal taxable year that 7492
includes the first day of a calendar year during which an Ohio 7493
qualified opportunity fund in which the person invests makes an 7494
investment in a project located in an Ohio opportunity zone; 7495

(c) For any other person, the calendar year during which an 7496
Ohio qualified opportunity fund in which the person invests makes 7497
an investment in a project located in an Ohio opportunity zone. 7498

(B) A ~~taxpayer~~ person that invests in one or more Ohio 7499
qualified opportunity funds may apply to the director of 7500
development ~~services~~ for a nonrefundable credit against the tax 7501
levied under section 5747.02 of the Revised Code. The application 7502
shall be made on forms prescribed by the director on or after the 7503
first day of January and on or before the first day of February of 7504
each year. The credit shall equal ten per cent of the amount of 7505
the ~~taxpayer's~~ person's investment in the fund that the fund 7506
invested during the preceding calendar year in projects located in 7507
Ohio opportunity zones. 7508

The ~~taxpayer~~ person shall include the following information 7509
with the ~~taxpayer's~~ person's application: 7510

(1) The amount of the ~~taxpayer's~~ person's investment in Ohio 7511
qualified opportunity funds during the ~~taxpayer's~~ person's 7512
qualifying taxable year, arranged according to the amount invested 7513
in each such fund if the ~~taxpayer~~ person invested in more than one 7514
such fund; 7515

(2) A statement from an employee or officer of each Ohio 7516
qualified opportunity fund identified by the ~~taxpayer~~ person under 7517
division (B)(1) of this section certifying the amount of the 7518
~~taxpayer's~~ person's investment in the fund and the amount of that 7519
investment the fund invested in projects located in Ohio 7520

opportunity zones during the preceding calendar year. The 7521
statement shall describe each project funded by the investment and 7522
state each project's location and the portion of the ~~taxpayer's~~ 7523
person's investment invested in each such project. Unless the fund 7524
demonstrates otherwise to the director's satisfaction, the amount 7525
of a ~~taxpayer's~~ person's investment that the fund invested in a 7526
project located in an Ohio opportunity zone equals the same 7527
proportion of the amount of the fund's investment in the project 7528
as the ~~taxpayer's~~ person's investment in the fund bears to the 7529
total investment by all investors in that fund on the date the 7530
fund makes the investment in the project. 7531

The director shall review applications in the order in which 7532
applications are received. 7533

(C) (1) Subject to division (C) (2) of this section, if the 7534
director determines that the applicant qualifies for a credit 7535
under this section, the director shall issue, within sixty days 7536
after the receipt of a complete application under division (B) of 7537
this section, a tax credit certificate to the ~~taxpayer~~ person 7538
identified with a unique number and listing the amount of credit 7539
the director determines ~~the taxpayer~~ is eligible to ~~claim~~ be 7540
claimed. 7541

(2) The director shall not issue certificates in a total 7542
amount that would cause the tax credits claimed in any fiscal 7543
biennium to exceed fifty million dollars. The director shall not 7544
issue certificates to a single ~~applicant in an amount that would~~ 7545
~~cause the tax credits claimed~~ person in any fiscal biennium ~~by~~ 7546
~~that applicant, and any person to whom the applicant transfers the~~ 7547
~~certificate under division (E) of this section, to exceed one in~~ 7548
an amount that exceeds two million dollars. 7549

The director may not issue a certificate under this section 7550
on the basis of any investment for which a small business 7551
investment certificate has been issued under section 122.86 of the 7552

Revised Code. 7553

(3) The credit may be claimed for the taxpayer's qualifying 7554
taxable year or the next ensuing taxable year. The taxpayer shall 7555
claim the credit in the order prescribed by section 5747.98 of the 7556
Revised Code. Any unused amount may be carried forward for the 7557
following five taxable years. If the certificate is issued to a 7558
pass-through entity for an investment by the entity, any taxpayer 7559
that is a direct or indirect investor in the pass-through entity 7560
on the last day of the entity's qualifying taxable year may claim 7561
the taxpayer's proportionate or distributive share of the credit 7562
against the taxpayer's aggregate amount of tax levied under that 7563
section. 7564

(D) A taxpayer claiming a credit under this section shall 7565
submit a copy of the certificate with the taxpayer's return or 7566
report. 7567

(E) A ~~taxpayer~~ person that holds an unclaimed certificate 7568
issued under this section may notify the tax commissioner, in 7569
writing, that the ~~taxpayer~~ transferor is transferring the right to 7570
claim the credit stated on the certificate. The ~~taxpayer~~ 7571
transferor shall identify in that notification the certificate's 7572
number and the name and the tax identification number of the 7573
transferee. Pursuant to division (D) of this section, the 7574
transferee may claim the credit stated on the certificate, subject 7575
to the limitations of this section. A transferee may not transfer 7576
the right to claim the credit amount to any other person. 7577

(F) On or before the first day of August each year, the 7578
director of development ~~services~~ shall submit a report to the 7579
governor, the president and minority leader of the senate, and the 7580
speaker and minority leader of the house of representatives on the 7581
tax credit program authorized under this section. The report shall 7582
include the following information: 7583

(1) The number of projects funded by investments for which a tax credit application was submitted under this section during the preceding year, the Ohio opportunity zone in which each such project is located, the number of projects funded by investments for which certificates were allocated during the preceding year, a description of each such project, and the composition of an Ohio qualified opportunity fund's investments in each project funded by investments for which a tax credit application was submitted under this section;

(2) The number of ~~taxpayers~~ persons that invested in an Ohio qualified opportunity fund and applied for a tax credit based on the fund's investment in a project during the preceding year, the name of the fund in which each such investment was made, the number of ~~taxpayers~~ persons allocated a credit for such investments under this section, and the dollar amount of those credits;

(3) A map that shows the location of each Ohio opportunity zone and that indicates which zones include existing or pending projects that are, or will be, funded by tax credit-eligible investments.

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

(1) "Tax credit-eligible production" means a motion picture or Broadway theatrical production certified by the director of development ~~services~~ under division (B) of this section as qualifying the production company ~~and its production contractors~~ for a tax credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code.

(2) "Certificate owner" means a production company ~~or production contractor~~ to which a tax credit certificate is issued.

(3) "Production company" means an individual, corporation, partnership, limited liability company, or other form of business association that is registered with the secretary of state and that is producing a motion picture or Broadway theatrical production.

(4) "Eligible expenditures" means expenditures made after June 30, 2009, for goods or services purchased and consumed in this state by a production company directly for the production of a tax credit-eligible production ~~or~~ for postproduction activities, or for advertising and promotion of the production.

"Eligible expenditures" ~~includes, but is not limited to,~~ include expenditures for cast and crew wages, accommodations, costs of set construction and operations, editing and related services, photography, sound synchronization, lighting, wardrobe, makeup and accessories, film processing, transfer, sound mixing, special and visual effects, music, location fees, and the purchase or rental of facilities and equipment.

(5) "Motion picture" means entertainment content created in whole or in part within this state for distribution or exhibition to the general public, including, but not limited to, feature-length films; documentaries; long-form, specials, miniseries, series, and interstitial television programming; interactive web sites; sound recordings; videos; music videos; interactive television; interactive games; video games; commercials; any format of digital media; and any trailer, pilot, video teaser, or demo created primarily to stimulate the sale, marketing, promotion, or exploitation of future investment in either a product or a motion picture by any means and media in any digital media format, film, or videotape, provided the motion picture qualifies as a motion picture. "Motion picture" does not include any television program created primarily as news, weather, or financial market reports, a production featuring current events

or sporting events, an awards show or other gala event, a 7646
production whose sole purpose is fundraising, a long-form 7647
production that primarily markets a product or service or in-house 7648
corporate advertising or other similar productions, a production 7649
for purposes of political advocacy, or any production for which 7650
records are required to be maintained under 18 U.S.C. 2257 with 7651
respect to sexually explicit content. 7652

(6) "Broadway theatrical production" means a prebroadway 7653
production, long run production, or tour launch that is directed, 7654
managed, and performed by a professional cast and crew and that is 7655
directly associated with New York city's Broadway theater 7656
district. 7657

(7) "Prebroadway production" means a live stage production 7658
that is scheduled for presentation in New York city's Broadway 7659
theater district after the original or adaptive version is 7660
performed in a qualified production facility. 7661

(8) "Long run production" means a live stage production that 7662
is scheduled to be performed at a qualified production facility 7663
for more than five weeks, with an average of at least six 7664
performances per week. 7665

(9) "Tour launch" means a live stage production for which the 7666
activities comprising the technical period are conducted at a 7667
qualified production facility before a tour of the original or 7668
adaptive version of the production begins. 7669

(10) "Qualified production facility" means a facility located 7670
in this state that is used in the development or presentation to 7671
the public of theater productions. 7672

~~(11) "Production contractor" means an individual, 7673
corporation, partnership, limited liability company, or other form 7674
of business association that is registered with the secretary of 7675
state and that, pursuant to a contract with a production company 7676~~

~~producing a motion picture in this state, provides any of the 7677
following services to the production company with respect to that 7678
production: editing, postproduction, photography, lighting, 7679
cinematography, sound design, catering, special effects, 7680
production coordination, hair styling or makeup, art design, or 7681
distribution. 7682~~

(B) For the purpose of encouraging and developing strong film 7683
and theater industries in this state, the director of development 7684
~~services~~ may certify a motion picture or Broadway theatrical 7685
production produced by a production company as a tax 7686
credit-eligible production. In the case of a television series, 7687
the director may certify the production of each episode of the 7688
series as a separate tax credit-eligible production. A production 7689
company shall apply for certification of a motion picture or 7690
Broadway theatrical production as a tax credit-eligible production 7691
on a form and in the manner prescribed by the director. Each 7692
application shall include the following information: 7693

(1) The name and telephone number of the production company; 7694

(2) The name and telephone number of the company's contact 7695
person; 7696

(3) A list of the first preproduction date through the last 7697
production and postproduction dates in Ohio and, in the case of a 7698
Broadway theatrical production, a list of each scheduled 7699
performance in a qualified production facility; 7700

(4) The Ohio production office or qualified production 7701
facility address and telephone number; 7702

(5) The total production budget; 7703

(6) The total budgeted eligible expenditures and the 7704
percentage that amount is of the total production budget of the 7705
motion picture or Broadway theatrical production; 7706

(7) In the case of a motion picture, the total percentage of the production being shot in Ohio;	7707 7708
(8) The level of employment of cast and crew who reside in Ohio;	7709 7710
(9) A synopsis of the script;	7711
(10) In the case of a motion picture, the shooting script;	7712
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	7713 7714
(12) Documentation of financial ability to undertake and complete the motion picture or Broadway theatrical production, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget;	7715 7716 7717 7718 7719
(13) Estimated value of the tax credit based upon total budgeted eligible expenditures;	7720 7721
(14) Estimated amount of state and local taxes to be generated in this state from the production;	7722 7723
(15) Estimated economic impact of the production in this state;	7724 7725
(16) Any other information considered necessary by the director.	7726 7727
Within ninety days after certification of a motion picture or Broadway theatrical production as a tax credit-eligible production, and any time thereafter upon the request of the director of development services , the production company shall present to the director sufficient evidence of reviewable progress. If the production company fails to present sufficient evidence, the director may rescind the certification. If the production of a motion picture or Broadway theatrical production does not begin within ninety days after the date it is certified	7728 7729 7730 7731 7732 7733 7734 7735 7736

as a tax credit-eligible production, the director shall rescind 7737
the certification unless the director finds that the production 7738
company shows good cause for the delay, meaning that the 7739
production was delayed due to unforeseeable circumstances beyond 7740
the production company's control or due to action or inaction by a 7741
government agency. Upon rescission, the director shall notify the 7742
applicant that the certification has been rescinded. Nothing in 7743
this section prohibits an applicant whose tax credit-eligible 7744
production certification has been rescinded from submitting a 7745
subsequent application for certification. 7746

(C) (1) A production company whose motion picture or Broadway 7747
theatrical production has been certified as a tax credit-eligible 7748
production may apply to the director of development ~~services~~ on or 7749
after July 1, 2009, for a refundable credit against the tax 7750
imposed by section 5726.02, 5733.06, 5747.02, or 5751.02 of the 7751
Revised Code. The director in consultation with the tax 7752
commissioner shall prescribe the form and manner of the 7753
application and the information or documentation required to be 7754
submitted with the application. ~~The application shall state the~~ 7755
~~name and address of each production contractor with which the~~ 7756
~~production company contracted for services and the amount of~~ 7757
~~eligible expenditures paid or incurred under the contract with~~ 7758
~~respect to the production.~~ 7759

The credit is determined as follows: 7760

(a) If the total budgeted eligible expenditures stated in the 7761
application submitted under division (B) of this section or the 7762
actual eligible expenditures as finally determined under division 7763
(D) of this section, whichever is least, is less than or equal to 7764
three hundred thousand dollars, no credit is allowed; 7765

(b) If the total budgeted eligible expenditures stated in the 7766
application submitted under division (B) of this section or the 7767
actual eligible expenditures as finally determined under division 7768

(D) of this section, whichever is least, is greater than three 7769
hundred thousand dollars, the credit ~~for the production company~~ 7770
equals thirty per cent of the least of such budgeted or actual 7771
eligible expenditure amounts ~~and the credit for each production~~ 7772
~~contractor equals thirty per cent of the amount of eligible~~ 7773
~~expenditures paid or incurred under the contract with respect to~~ 7774
~~the production.~~ 7775

(2) Except as provided in division (C) (4) of this section, if 7776
the director of development ~~services~~ approves a production 7777
company's application for a credit, the director shall issue a tax 7778
credit certificate to the company ~~and to each of the company's~~ 7779
~~production contractors identified in the application.~~ The director 7780
in consultation with the tax commissioner shall prescribe the form 7781
and manner of issuing certificates. The director shall assign a 7782
unique identifying number to each tax credit certificate and shall 7783
record the certificate in a register devised and maintained by the 7784
director for that purpose. The certificate shall state the amount 7785
of the eligible expenditures on which the credit is based and the 7786
amount of the credit. Upon the issuance of a certificate, the 7787
director shall certify to the tax commissioner the name of the 7788
production company ~~or contractor~~ to which the certificate was 7789
issued, the amount of eligible expenditures shown on the 7790
certificate, the amount of the credit, and any other information 7791
required by the rules adopted to administer this section. 7792

(3) The amount of eligible expenditures for which a tax 7793
credit may be claimed is subject to inspection and examination by 7794
the tax commissioner or employees of the commissioner under 7795
section 5703.19 of the Revised Code and any other applicable law. 7796
Once the eligible expenditures are finally determined under 7797
section 5703.19 of the Revised Code and division (D) of this 7798
section, the credit amount is not subject to adjustment unless the 7799
director determines an error was committed in the computation of 7800

the credit amount. 7801

(4) No tax credit certificate may be issued before the 7802
completion of the tax credit-eligible production. Not more than 7803
forty million dollars of tax credit may be allowed per fiscal year 7804
provided that, for any fiscal year in which the amount of tax 7805
credits allowed under this section is less than that maximum 7806
annual amount, the amount not allowed for that fiscal year shall 7807
be added to the maximum annual amount that may be allowed for the 7808
following fiscal year. 7809

(5) The director shall review and approve applications for 7810
tax credits in two rounds each fiscal year. The first round of 7811
credits shall be awarded not later than the last day of July of 7812
the fiscal year, and the second round of credits shall be awarded 7813
not later than the last day of the ensuing January. The amount of 7814
credits awarded in the first round of applications each fiscal 7815
year shall not exceed twenty million dollars plus any credit 7816
allotment that was not awarded in the preceding fiscal year and 7817
carried over under division (C)(4) of this section. For each 7818
round, the director shall rank applications on the basis of the 7819
extent of positive economic impact each tax credit-eligible 7820
production is likely to have in this state and the effect on 7821
developing a permanent workforce in motion picture or theatrical 7822
production industries in the state. For the purpose of such 7823
ranking, the director shall give priority to tax-credit eligible 7824
productions that are television series or miniseries due to the 7825
long-term commitment typically associated with such productions. 7826
The economic impact ranking shall be based on the production 7827
company's total expenditures in this state directly associated 7828
with the tax credit-eligible production. The effect on developing 7829
a permanent workforce in the motion picture or theatrical 7830
production industries shall be evaluated first by the number of 7831
new jobs created and second by amount of payroll added with 7832

respect to employees in this state. 7833

The director shall approve productions in the order of their 7834
ranking, from those with the greatest positive economic impact and 7835
workforce development effect to those with the least positive 7836
economic impact and workforce development effect. 7837

(D) A production company whose motion picture or Broadway 7838
theatrical production has been certified as a tax credit-eligible 7839
production shall engage, at the company's expense, an independent 7840
certified public accountant to examine the company's production, 7841
postproduction, and advertising and promotion expenditures to 7842
identify the expenditures that qualify as eligible expenditures. 7843
The certified public accountant shall issue a report to the 7844
company and to the director of development ~~services~~ certifying the 7845
company's eligible expenditures and any other information required 7846
by the director. Upon receiving and examining the report, the 7847
director may disallow any expenditure the director determines is 7848
not an eligible expenditure. ~~If any expenditure disallowed under~~ 7849
~~this division was included in the expenditure for a contract with~~ 7850
~~a production contractor, the contractor's credit amount shall be~~ 7851
~~reduced in proportion to such disallowed expenditure.~~ If the 7852
director disallows an expenditure, the director shall issue a 7853
written notice to the production company ~~or affected production~~ 7854
~~contractor~~ stating that the expenditure is disallowed and the 7855
reason for the disallowance. Upon examination of the report and 7856
disallowance of any expenditures, the director shall determine 7857
finally the lesser of the total budgeted eligible expenditures 7858
stated in the application submitted under division (B) of this 7859
section or the actual eligible expenditures for the purpose of 7860
computing the amount of the credit. 7861

(E) No credit shall be allowed under section 5726.55, 7862
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 7863
director has reviewed the report and made the determination 7864

prescribed by division (D) of this section. 7865

(F) This state reserves the right to refuse the use of this 7866
state's name in the credits of any tax credit-eligible motion 7867
picture production or program of any Broadway theatrical 7868
production. 7869

(G) (1) The director of development ~~services~~ in consultation 7870
with the tax commissioner shall adopt rules for the administration 7871
of this section, including rules setting forth and governing the 7872
criteria for determining whether a motion picture or Broadway 7873
theatrical production is a tax credit-eligible production; 7874
activities that constitute the production or postproduction of a 7875
motion picture or Broadway theatrical production; reporting 7876
sufficient evidence of reviewable progress; expenditures that 7877
qualify as eligible expenditures; a schedule and deadlines for 7878
applications to be submitted and reviewed; a competitive process 7879
for approving credits based on likely economic impact in this 7880
state and development of a permanent workforce in motion picture 7881
or theatrical production industries in this state; consideration 7882
of geographic distribution of credits; and implementation of the 7883
program described in division (H) of this section. The rules shall 7884
be adopted under Chapter 119. of the Revised Code. 7885

(2) To cover the administrative costs of the program, the 7886
director shall require each applicant to pay an application fee 7887
equal to the lesser of ten thousand dollars or one per cent of the 7888
estimated value of the tax credit as stated in the application. 7889
The fees collected shall be credited to the tax incentives 7890
operating fund created in section 122.174 of the Revised Code. All 7891
grants, gifts, fees, and contributions made to the director for 7892
marketing and promotion of the motion picture industry within this 7893
state shall also be credited to the fund. 7894

(H) The director of development ~~services~~ shall establish a 7895
program for the training of Ohio residents who are or wish to be 7896

employed in the film or multimedia industry. Under the program, 7897
the director shall: 7898

(1) Certify individuals as film and multimedia trainees. In 7899
order to receive such a certification, an individual must be an 7900
Ohio resident, have participated in relevant on-the-job training 7901
or have completed a relevant training course approved by the 7902
director, and have met any other requirements established by the 7903
director. 7904

(2) Accept applications from production companies that intend 7905
to hire and provide on-the-job training to one or more certified 7906
film and multimedia trainees who will be employed in the company's 7907
tax credit-eligible production. 7908

(3) Upon completion of a tax-credit eligible production, and 7909
upon the receipt of any salary information and other documentation 7910
required by the director, authorize a reimbursement payment to 7911
each production company whose application was approved under 7912
division (H)(2) of this section. The payment shall equal fifty per 7913
cent of the salaries paid to film and multimedia trainees employed 7914
in the production. 7915

Sec. 122.87. As used in sections 122.87 to 122.90 of the 7916
Revised Code: 7917

(A) "Surety company" means a company that is authorized by 7918
the department of insurance to issue bonds as surety. 7919

(B) "Minority business" means any of the following 7920
occupations: 7921

(1) Minority construction contractor; 7922

(2) Minority seller; 7923

(3) Minority service vendor. 7924

(C) "Minority construction contractor" means a person who is 7925

both a construction contractor and an owner of a minority business 7926
enterprise certified under division (B) of section ~~123.151~~ 122.921 7927
of the Revised Code. 7928

(D) "Minority seller" means a person who is both a seller of 7929
goods and an owner of a minority business enterprise listed on the 7930
special minority business enterprise bid notification list under 7931
section 125.08 of the Revised Code. 7932

(E) "Minority service vendor" means a person who is both a 7933
vendor of services and an owner of a minority business enterprise 7934
listed on the special minority business enterprise bid 7935
notification list under section 125.08 of the Revised Code. 7936

(F) "Minority business enterprise" has the meaning given in 7937
section 122.71 of the Revised Code. 7938

(G) "EDGE business enterprise" means a sole proprietorship, 7939
association, partnership, corporation, limited liability 7940
corporation, or joint venture certified as a participant in the 7941
encouraging diversity, growth, and equity program by the director 7942
of administrative services under section ~~123.152~~ 122.922 of the 7943
Revised Code. 7944

Sec. 122.89. (A) The director of development ~~services~~ may 7945
execute bonds as surety for minority businesses as principals, on 7946
contracts with the state, any political subdivision or 7947
instrumentality thereof, or any person as the obligee. The 7948
director as surety may exercise all the rights and powers of a 7949
company authorized by the department of insurance to execute bonds 7950
as surety but shall not be subject to any requirements of a surety 7951
company under Title XXXIX of the Revised Code nor to any rules of 7952
the department of insurance. 7953

(B) The director, with the advice of the minority development 7954
financing advisory board, shall adopt rules under Chapter 119. of 7955

the Revised Code establishing procedures for application for 7956
surety bonds by minority businesses and for review and approval of 7957
applications. The board shall review each application in 7958
accordance with the rules and, based on the bond worthiness of 7959
each applicant, shall refer all qualified applicants to the 7960
director. Based on the recommendation of the board, the director 7961
shall determine whether or not the applicant shall receive 7962
bonding. 7963

(C) The rules of the board shall require the minority 7964
business to pay a premium in advance for the bond to be 7965
established by the director, with the advice of the board after 7966
the director receives advice from the superintendent of insurance 7967
regarding the standard market rates for premiums for similar 7968
bonds. All premiums paid by minority businesses shall be paid into 7969
the minority business bonding program administrative and loss 7970
reserve fund. 7971

(D) The rules of the board shall provide for a retainage of 7972
money paid to the minority business or EDGE business enterprise of 7973
fifteen per cent for a contract valued at more than fifty thousand 7974
dollars and for a retainage of twelve per cent for a contract 7975
valued at fifty thousand dollars or less. 7976

(E) The penal sum amounts of all outstanding bonds issued by 7977
the director shall not exceed the amount of moneys in the minority 7978
business bonding fund and available to the fund under division (B) 7979
of section 169.05 of the Revised Code. 7980

(F) The superintendent of insurance shall provide such 7981
technical and professional assistance as is considered necessary 7982
by the director, including providing advice regarding the standard 7983
market rates for bond premiums as described under division (C) of 7984
this section. 7985

(G) Notwithstanding any provision of the Revised Code to the 7986

contrary, a minority business or EDGE business enterprise may bid 7987
or enter into a contract with the state or with any 7988
instrumentality of the state without being required to provide a 7989
bond as follows: 7990

(1) For the first contract that a minority business or EDGE 7991
business enterprise enters into with the state or with any 7992
particular instrumentality of the state, the minority business or 7993
EDGE business enterprise may bid or enter into a contract valued 7994
at twenty-five thousand dollars or less without being required to 7995
provide a bond, but only if the minority business or EDGE business 7996
enterprise is participating in a qualified contractor assistance 7997
program or has successfully completed a qualified contractor 7998
assistance program after October 16, 2009; 7999

(2) After the state or any particular instrumentality of the 8000
state has accepted the first contract as completed and all 8001
subcontractors and suppliers on the contract have been paid, the 8002
minority business or EDGE business enterprise may bid or enter 8003
into a second contract with the state or with that particular 8004
instrumentality of the state valued at fifty thousand dollars or 8005
less without being required to provide a bond, but only if the 8006
minority business or EDGE business enterprise is participating in 8007
a qualified contractor assistance program or has successfully 8008
completed a qualified contractor assistance program after October 8009
16, 2009; 8010

(3) After the state or any particular instrumentality of the 8011
state has accepted the second contract as completed and all 8012
subcontractors and suppliers on the contract have been paid, the 8013
minority business or EDGE business enterprise may bid or enter 8014
into a third contract with the state or with that particular 8015
instrumentality of the state valued at one hundred thousand 8016
dollars or less without being required to provide a bond, but only 8017
if the minority business or EDGE business enterprise has 8018

successfully completed a qualified contractor assistance program 8019
after October 16, 2009; 8020

(4) After the state or any particular instrumentality of the 8021
state has accepted the third contract as completed and all 8022
subcontractors and suppliers on the contract have been paid, the 8023
minority business or EDGE business enterprise may bid or enter 8024
into a fourth contract with the state or with that particular 8025
instrumentality of the state valued at three hundred thousand 8026
dollars or less without being required to provide a bond, but only 8027
if the minority business or EDGE business enterprise has 8028
successfully completed a qualified contractor assistance program 8029
after October 16, 2009; 8030

(5) After the state or any instrumentality of the state has 8031
accepted the fourth contract as completed and all subcontractors 8032
and suppliers on the contract have been paid, upon a showing that 8033
with respect to a contract valued at four hundred thousand dollars 8034
or less with the state or with any particular instrumentality of 8035
the state, that the minority business or EDGE business enterprise 8036
either has been denied a bond by two surety companies or that the 8037
minority business or EDGE business enterprise has applied to two 8038
surety companies for a bond and, at the expiration of sixty days 8039
after making the application, has neither received nor been denied 8040
a bond, the minority business or EDGE business enterprise may 8041
repeat its participation in the unbonded state contractor program. 8042
Under no circumstances shall a minority business or EDGE business 8043
enterprise be permitted to participate in the unbonded state 8044
contractor program more than twice. 8045

(H) Notwithstanding any provision of the Revised Code to the 8046
contrary, a minority business or EDGE business enterprise may bid 8047
or enter into a contract with any political subdivision of the 8048
state or with any instrumentality of a political subdivision 8049
without being required to provide a bond as follows: 8050

(1) For the first contract that the minority business or EDGE
business enterprise enters into with any particular political
subdivision of the state or with any particular instrumentality of
a political subdivision, the minority business or EDGE business
enterprise may bid or enter into a contract valued at twenty-five
thousand dollars or less without being required to provide a bond,
but only if the minority business or EDGE business enterprise is
participating in a qualified contractor assistance program or has
successfully completed a qualified contractor assistance program
after October 16, 2009;

(2) After any political subdivision of the state or any
instrumentality of a political subdivision has accepted the first
contract as completed and all subcontractors and suppliers on the
contract have been paid, the minority business or EDGE business
enterprise may bid or enter into a second contract with that
particular political subdivision of the state or with that
particular instrumentality of a political subdivision valued at
fifty thousand dollars or less without being required to provide a
bond, but only if the minority business or EDGE business
enterprise is participating in a qualified contractor assistance
program or has successfully completed a qualified contractor
assistance program after October 16, 2009;

(3) After any political subdivision of the state or any
instrumentality of a political subdivision has accepted the second
contract as completed and all subcontractors and suppliers on the
contract have been paid, the minority business or EDGE business
enterprise may bid or enter into a third contract with that
particular political subdivision of the state or with that
particular instrumentality of a political subdivision valued at
one hundred thousand dollars or less without being required to
provide a bond, but only if the minority business or EDGE business
enterprise has successfully completed a qualified contractor

assistance program after October 16, 2009; 8083

(4) After any political subdivision of the state or any 8084
instrumentality of a political subdivision has accepted the third 8085
contract as completed and all subcontractors and suppliers on the 8086
contract have been paid, the minority business or EDGE business 8087
enterprise may bid or enter into a fourth contract with that 8088
particular political subdivision of the state or with that 8089
particular instrumentality of a political subdivision valued at 8090
two hundred thousand dollars or less without being required to 8091
provide a bond, but only if the minority business or EDGE business 8092
enterprise has successfully completed a qualified contractor 8093
assistance program after October 16, 2009; 8094

(5) After any political subdivision of the state or any 8095
instrumentality of a political subdivision has accepted the fourth 8096
contract as completed and all subcontractors and suppliers on the 8097
contract have been paid, upon a showing that with respect to a 8098
contract valued at three hundred thousand dollars or less with any 8099
political subdivision of the state or any instrumentality of a 8100
political subdivision, that the minority business or EDGE business 8101
enterprise either has been denied a bond by two surety companies 8102
or that the minority business or EDGE business enterprise has 8103
applied to two surety companies for a bond and, at the expiration 8104
of sixty days after making the application, has neither received 8105
nor been denied a bond, the minority business or EDGE business 8106
enterprise may repeat its participation in the unbonded political 8107
subdivision contractor program. Under no circumstances shall a 8108
minority business or EDGE business enterprise be permitted to 8109
participate in the unbonded political subdivision contractor 8110
program more than twice. 8111

(I) Notwithstanding any provision of the Revised Code to the 8112
contrary, if a minority business or EDGE business enterprise has 8113
entered into two or more contracts with the state or with any 8114

instrumentality of the state, the minority business or EDGE 8115
business enterprise may bid or enter into a contract with a 8116
political subdivision of the state or with any instrumentality of 8117
a political subdivision valued at the level at which the minority 8118
business or EDGE business enterprise would qualify if entering 8119
into an additional contract with the state. 8120

(J) The director of development ~~services~~ shall coordinate and 8121
oversee the unbonded state contractor program described in 8122
division (G) of this section, the unbonded political subdivision 8123
contractor program described in division (H) of this section, and 8124
the approval of a qualified contractor assistance program. The 8125
director shall prepare an annual report and submit it to the 8126
governor and the general assembly on or before the first day of 8127
August that includes the following: information on the director's 8128
activities for the preceding calendar year regarding the unbonded 8129
state contractor program, the unbonded political subdivision 8130
contractor program, and the qualified contractor assistance 8131
program; a summary and description of the operations and 8132
activities of these programs; an assessment of the achievements of 8133
these programs; and a recommendation as to whether these programs 8134
need to continue. 8135

(K) As used in this section: 8136

(1) "EDGE business enterprise" means an EDGE business 8137
enterprise certified under section ~~123.152~~ 122.922 of the Revised 8138
Code. 8139

(2) "Qualified contractor assistance program" means an 8140
educational program or technical assistance program for business 8141
development that is designed to assist a minority business or EDGE 8142
business enterprise in becoming eligible for bonding and has been 8143
approved by the director of development ~~services~~ for use as 8144
required under this section. 8145

(3) "Successfully completed a qualified contractor assistance program" means the minority business or EDGE business enterprise completed such a program on or after October 16, 2009.

(4) "Unbonded state contractor program" means the program described in division (G) of this section.

(5) "Unbonded political subdivision contractor program" means the program described in division (H) of this section.

Sec. 122.90. (A) The director of development may guarantee bonds executed by sureties for minority businesses and EDGE business enterprises certified under section ~~123.152~~ 122.922 of the Revised Code as principals on contracts with the state, any political subdivision or instrumentality, or any person as the obligee. The director, as guarantor, may exercise all the rights and powers of a company authorized by the department of insurance to guarantee bonds under Chapter 3929. of the Revised Code but otherwise is not subject to any laws related to a guaranty company under Title XXXIX of the Revised Code nor to any rules of the department of insurance.

(B) The director shall adopt rules under Chapter 119. of the Revised Code to establish procedures for the application for bond guarantees and the review and approval of applications for bond guarantees submitted by sureties that execute bonds eligible for guarantees under division (A) of this section.

(C) In accordance with rules adopted pursuant to this section, the director may guarantee up to ninety per cent of the loss incurred and paid by sureties on bonds guaranteed under division (A) of this section.

(D) The penal sum amounts of all outstanding guarantees made by the director under this section shall not exceed three times the difference between the amount of moneys in the minority

business bonding fund and available to the fund under division (B) 8176
of section 169.05 of the Revised Code and the amount of all 8177
outstanding bonds issued by the director in accordance with 8178
division (A) of section 122.89 of the Revised Code. 8179

(E) The director of development, with controlling board 8180
approval, may approve one application per fiscal year from each 8181
surety bond company for bond guarantees in an amount requested to 8182
support one fiscal year of that company's activity under this 8183
section. A surety bond company that applies for a bond guarantee 8184
under this division, whether or not the guarantee is approved, is 8185
not restricted from also applying for individual bond guarantees 8186
under division (A) of this section. 8187

Sec. 122.92. There is hereby created in the department of 8188
development a minority business development division. The division 8189
shall do all of the following: 8190

(A) Provide technical, managerial, and counseling services 8191
and assistance to minority business enterprises; 8192

(B) Provide procurement and bid packaging assistance to 8193
minority business enterprises; 8194

(C) Provide bonding technical assistance to minority business 8195
enterprises; 8196

(D) Participate with other state departments and agencies as 8197
appropriate in developing specific plans and specific program 8198
goals for programs to assist in the establishment and development 8199
of minority business enterprises and establish regular performance 8200
monitoring and reporting systems to ensure that those goals are 8201
being achieved; 8202

(E) Implement state law and policy supporting minority 8203
business enterprise development, and assist in the coordination of 8204
plans, programs, and operations of state government which affect 8205

or may contribute to the establishment, preservation, and 8206
strengthening of minority business enterprises; 8207

(F) Assist in the coordination of activities and resources of 8208
state agencies and local governments, business and trade 8209
associations, universities, foundations, professional 8210
organizations, and volunteer and other groups, to promote the 8211
growth of minority business enterprises; 8212

(G) Establish a center for the development, collection, and 8213
dissemination of information that will be helpful to persons in 8214
establishing or expanding minority business enterprises in this 8215
state; 8216

(H) Design, implement, and assist in experimental and 8217
demonstration projects designed to overcome the special problems 8218
of minority business enterprises; 8219

(I) Coordinate reviews of all proposed state training and 8220
technical assistance activities in direct support of minority 8221
business enterprise programs to ensure consistency with program 8222
goals and to preclude duplication of efforts by other state 8223
agencies; 8224

(J) Recommend appropriate legislative or executive actions to 8225
enhance minority business enterprise opportunities in the state; 8226

(K) Assist minority business enterprises in obtaining 8227
governmental or commercial financing for business expansion, 8228
establishment of new businesses, or industrial development 8229
projects; 8230

(L) Assist minority business enterprises in contract 8231
procurement from government and commercial sources; 8232

(M) Establish procedures to identify groups who have been 8233
disadvantaged because of racial, cultural, or ethnic circumstances 8234
without regard to the individual qualities of the members of the 8235

group; 8236

(N) Establish procedures to identify persons who have been 8237
economically disadvantaged; 8238

(O) Provide grant assistance to nonprofit entities that 8239
promote economic development, development corporations, community 8240
improvement corporations, and incubator business entities, if the 8241
entities or corporations focus on business, technical, and 8242
financial assistance to minority business enterprises to assist 8243
the enterprises with fixed asset financing; 8244

(P) Implement the minority business enterprise program 8245
described in section 122.921 of the Revised Code, the encouraging 8246
diversity, growth, and equity program described in section 122.922 8247
of the Revised Code, the women-owned business enterprise program 8248
described in section 122.924 of the Revised Code, and the 8249
veteran-friendly business enterprise program described in section 8250
122.925 of the Revised Code. 8251

(Q) Do all acts and things necessary or proper to carry out 8252
the powers expressly granted and duties imposed by sections 122.92 8253
to 122.94 of the Revised Code. 8254

Sec. ~~123.151~~ 122.921. (A) As used in this section, "minority 8255
business enterprise" has the same meaning as in division (E)(1) of 8256
section 122.71 of the Revised Code. 8257

(B) (1) The director of ~~administrative services~~ development 8258
shall make rules in accordance with Chapter 119. of the Revised 8259
Code establishing procedures by which minority businesses may 8260
apply to the ~~equal employment opportunity coordinator~~ department 8261
of development for certification as minority business enterprises. 8262

(2) The ~~coordinator~~ director shall approve the application of 8263
any minority business enterprise that complies with the rules 8264
adopted under this division. Any person adversely affected by an 8265

order of the ~~coordinator~~ director denying certification as a 8266
minority business enterprise may appeal as provided in Chapter 8267
119. of the Revised Code. The ~~coordinator~~ director shall prepare 8268
and maintain a list of certified minority business enterprises. 8269

(C) ~~The department of administrative services, every other~~ 8270
Every state agency authorized to enter into contracts for 8271
construction or contracts for purchases of equipment, materials, 8272
supplies, insurance, or services, and every port authority shall 8273
file a report every ninety days with the ~~equal employment~~ 8274
~~opportunity coordinator~~ department of development. The report 8275
shall be filed at a time and in a form prescribed by the 8276
~~coordinator~~ director of development. The report shall include the 8277
name of each minority business enterprise that the state agency or 8278
port authority entered into a contract with during the preceding 8279
ninety-day period and the total value and type of each such 8280
contract. No later than thirty days after the end of each fiscal 8281
year, the ~~coordinator~~ director shall notify in writing each state 8282
agency and port authority that has not complied with the reporting 8283
requirements of this division for the prior fiscal year. A copy of 8284
this notification regarding a state agency shall be submitted to 8285
the director of budget and management. No later than thirty days 8286
after the notification, the state agency or port authority shall 8287
submit to the ~~coordinator~~ director the information necessary to 8288
comply with the reporting requirements of this division. 8289

If, after the expiration of this thirty-day period, a state 8290
agency has not complied with the reporting requirements of this 8291
division, the ~~coordinator~~ director of development shall certify to 8292
the director of budget and management that the state agency has 8293
not complied with the reporting requirements. A copy of this 8294
certification shall be submitted to the state agency. Thereafter, 8295
no funds of the state agency shall be expended during the fiscal 8296
year for construction or purchases of equipment, materials, 8297

supplies, contracts of insurance, or services until the 8298
~~coordinator~~ director of development certifies to the director of 8299
budget and management that the state agency has complied with the 8300
reporting requirements of this division for the prior fiscal year. 8301

If any port authority has not complied with the reporting 8302
requirement after the expiration of the thirty-day period, the 8303
~~coordinator~~ director of development shall certify to the speaker 8304
of the house of representatives and the president of the senate 8305
that the port authority has not complied with the reporting 8306
requirements of this division. A copy of this certification shall 8307
be submitted to the port authority. Upon receipt of the 8308
certification, the speaker of the house of representatives and the 8309
president of the senate shall take such action or make such 8310
recommendations to the members of the general assembly as they 8311
consider necessary to correct the situation. 8312

Sec. ~~123.152~~ 122.922. (A) As used in this section, "EDGE 8313
business enterprise" means a sole proprietorship, association, 8314
partnership, corporation, limited liability corporation, or joint 8315
venture certified as a participant in the encouraging diversity, 8316
growth, and equity program by the director of ~~administrative~~ 8317
~~services~~ development under this section of the Revised Code. 8318

(B) The director of ~~administrative services~~ development shall 8319
establish a business assistance program known as the encouraging 8320
diversity, growth, and equity program and shall adopt rules in 8321
accordance with Chapter 119. of the Revised Code to administer the 8322
program that do all of the following: 8323

(1) Establish procedures by which a sole proprietorship, 8324
association, partnership, corporation, limited liability 8325
corporation, or joint venture may apply for certification as an 8326
EDGE business enterprise; 8327

(2) Except as provided in division (B)(14) of this section, 8328

establish agency procurement goals for contracting with EDGE 8329
business enterprises in the award of contracts under Chapters 8330
123., 125., and 153. of the Revised Code based on the availability 8331
of eligible program participants by region or geographic area, as 8332
determined by the director, and by standard industrial code or 8333
equivalent code classification. 8334

(a) Goals established under division (B)(2) of this section 8335
shall be based on a percentage level of participation and a 8336
percentage of contractor availability. 8337

(b) Goals established under division (B)(2) of this section 8338
shall be applied at the contract level, relative to an overall 8339
dollar goal for each state agency, in accordance with the 8340
following certification categories: construction, architecture, 8341
and engineering; professional services; goods and services; and 8342
information technology services. 8343

(3) Establish a system of certifying EDGE business 8344
enterprises based on a requirement that the business owner or 8345
owners show both social and economic disadvantage based on the 8346
following, as determined to be sufficient by the director: 8347

(a) Relative wealth of the business seeking certification as 8348
well as the personal wealth of the owner or owners of the 8349
business; 8350

(b) Social disadvantage based on any of the following: 8351

(i) A rebuttable presumption when the business owner or 8352
owners demonstrate membership in a racial minority group or show 8353
personal disadvantage due to color, ethnic origin, gender, 8354
physical disability, long-term residence in an environment 8355
isolated from the mainstream of American society, location in an 8356
area of high unemployment; 8357

(ii) Some other demonstration of personal disadvantage not 8358
common to other small businesses; 8359

(iii) By business location in a qualified census tract.	8360
(c) Economic disadvantage based on economic and business size thresholds and eligibility criteria designed to stimulate economic development through contract awards to businesses located in qualified census tracts.	8361 8362 8363 8364
(4) Establish standards to determine when an EDGE business enterprise no longer qualifies for EDGE business enterprise certification;	8365 8366 8367
(5) Develop a process for evaluating and adjusting goals established by this section to determine what adjustments are necessary to achieve participation goals established by the director;	8368 8369 8370 8371
(6) Establish a point system or comparable system to evaluate bid proposals to encourage EDGE business enterprises to participate in the procurement of professional design and information technology services;	8372 8373 8374 8375
(7) Establish a system to track data and analyze each certification category established under division (B) (2) (b) of this section;	8376 8377 8378
(8) Establish a process to mediate complaints and to review EDGE business enterprise certification appeals;	8379 8380
(9) Implement an outreach program to educate potential participants about the encouraging diversity, growth, and equity program;	8381 8382 8383
(10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes;	8384 8385 8386
(11) Implement a system of self-reporting by EDGE business enterprises as well as an on-site inspection process to validate the qualifications of an EDGE business enterprise;	8387 8388 8389

(12) Establish a waiver mechanism to waive program goals or participation requirements for those companies that, despite their best-documented efforts, are unable to contract with certified EDGE business enterprises;

(13) Establish a process for monitoring overall program compliance in which equal employment opportunity officers primarily are responsible for monitoring their respective agencies;

(14) Establish guidelines for state universities as defined in section 3345.011 of the Revised Code and the Ohio facilities construction commission created in section 123.20 of the Revised Code for awarding contracts pursuant to Chapters 153., 3318., and 3345. of the Revised Code to allow the universities and commission to establish agency procurement goals for contracting with EDGE business enterprises.

(C) Business and personal financial information and trade secrets submitted by encouraging diversity, growth, and equity program applicants to the director pursuant to this section are not public records for purposes of section 149.43 of the Revised Code, unless the director presents the financial information or trade secrets at a public hearing or public proceeding regarding the applicant's eligibility to participate in the program.

Sec. ~~123.153~~ 122.923. (A) As used in this section:

(1) "Minority business enterprise" has the same meaning as in section ~~123.151~~ 122.921 of the Revised Code.

(2) "EDGE business enterprise" has the same meaning as in section ~~123.152~~ 122.922 of the Revised Code.

(3) "Women-owned business enterprise" has the same meaning as in section ~~123.154~~ 122.924 of the Revised Code.

"Veteran-friendly business enterprise" has the same meaning

as in section 122.925 of the Revised Code. 8420

(B) Not later than the first day of October in each year, the 8421
director of ~~administrative services~~ development shall submit a 8422
written report to the governor and to each member of the general 8423
assembly describing the progress made by state agencies in 8424
advancing the minority business enterprise program, the 8425
encouraging diversity, growth, and equity program, ~~and~~ the 8426
women-owned business enterprise program, and the veteran-friendly 8427
business enterprise program. The report shall highlight the 8428
initiatives implemented to encourage participation of 8429
minority-owned, socially and economically disadvantaged, ~~and~~ 8430
women-owned businesses, and veteran-friendly businesses in 8431
programs funded by state money or federal money received by the 8432
state. The report shall also include the total number of 8433
procurement contracts each agency has entered into with certified 8434
minority business enterprises, EDGE business enterprises, ~~and~~ 8435
women-owned business enterprises, and veteran-friendly business 8436
enterprises. 8437

Sec. ~~123.154~~ 122.924. (A) As used in this section: 8438

"Women-owned business enterprise" means any individual, 8439
partnership, corporation, or joint venture of any kind that is 8440
owned and controlled by women who are United States citizens and 8441
residents of this state or of a reciprocal state. 8442

"Owned and controlled" means that at least fifty-one per cent 8443
of the business, including corporate stock if it is a corporation, 8444
is owned by women and that such owners have control over the 8445
day-to-day operations of the business and an interest in the 8446
capital, assets, and profits and losses of the business 8447
proportionate to their percentage of ownership. In order to 8448
qualify as a women-owned business, a business shall have been 8449
owned by such owners at least one year. 8450

(B) The director of ~~administrative services~~development shall 8451
establish a business assistance program known as the women-owned 8452
business enterprise program and shall adopt rules in accordance 8453
with Chapter 119. of the Revised Code to administer the program 8454
that do all of the following: 8455

(1) Establish procedures by which a business enterprise may 8456
apply for certification as a women-owned business enterprise; 8457

(2) Establish standards to determine when a women-owned 8458
business enterprise no longer qualifies for women-owned business 8459
enterprise certification; 8460

(3) Establish a system to make publicly available a list of 8461
women-owned business enterprises certified under this section; 8462

(4) Establish a process to mediate complaints and to review 8463
women-owned business enterprise certification appeals; 8464

(5) Implement an outreach program to educate potential 8465
participants about the women-owned business enterprise program; 8466

(6) Establish a system to assist state agencies in 8467
identifying and utilizing women-owned business enterprises in 8468
their contracting processes; 8469

(7) Implement a system of self-reporting by women-owned 8470
business enterprises as well as an on-site inspection process to 8471
validate the qualifications of women-owned business enterprises. 8472

(C) Business and personal financial information and trade 8473
secrets submitted by women-owned business enterprise applicants to 8474
the director pursuant to this section are not public records for 8475
purposes of section 149.43 of the Revised Code, unless the 8476
director presents the financial information or trade secrets at a 8477
public hearing or public proceeding regarding the applicant's 8478
eligibility to participate in the program. 8479

(D) The director of ~~administrative services~~development, upon 8480

approval of the attorney general, may enter into a reciprocal 8481
agreement with the appropriate officials of one or more states, 8482
when the other state has a business assistance program or programs 8483
substantially similar to the women-owned business enterprise 8484
program of this state. The agreement shall provide that a business 8485
certified by the other state as a women-owned business enterprise, 8486
which is owned and controlled by a resident or residents of that 8487
other state, shall be considered a women-owned business enterprise 8488
in this state under this section. The agreement shall provide that 8489
a women-owned business enterprise certified under this section, 8490
which is owned and controlled by a resident or residents of this 8491
state, shall be considered certified in the other state and 8492
eligible for programs of that state that provide an advantage or 8493
benefit to such businesses. 8494

Sec. ~~9-318~~ 122.925. (A) As used in this section: 8495

"Armed forces" means the armed forces of the United States, 8496
including the army, navy, air force, marine corps, coast guard, or 8497
any reserve component of those forces; the national guard of any 8498
state; the commissioned corps of the United States public health 8499
service; the merchant marine service during wartime; such other 8500
service as may be designated by congress; and the Ohio organized 8501
militia when engaged in full-time national guard duty for a period 8502
of more than thirty days. 8503

"State agency" has the meaning defined in section 1.60 of the 8504
Revised Code. 8505

"Veteran" means any person who has completed service in the 8506
armed forces, including the national guard of any state, or a 8507
reserve component of the armed forces, who has been honorably 8508
discharged or discharged under honorable conditions from the armed 8509
forces or who has been transferred to the reserve with evidence of 8510
satisfactory service. 8511

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

(B) The director of ~~administrative services~~development and the director of transportation shall establish and maintain the veteran-friendly business procurement program. The director of ~~administrative services~~development shall adopt rules to administer the program for all state agencies except the department of transportation, and the director of transportation shall adopt rules to administer the program for the department of transportation. The rules shall be adopted under Chapter 119. of the Revised Code. The rules, as adopted separately by but with the greatest degree of consistency possible between the two directors, shall do all of the following:

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

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

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

(4) Establish standards for determining when a veteran-friendly business enterprise no longer qualifies for

certification as a veteran-friendly business enterprise; 8543

(5) Establish procedures, to be used by state agencies or the 8544
department of transportation, for the evaluation and ranking of 8545
proposals, which provide preference or bonus points to each 8546
certified veteran-friendly business enterprise that submits a bid 8547
or other proposal for a contract with the state or an agency of 8548
the state other than the department of transportation, or with the 8549
department of transportation, for the rendering of services, or 8550
the supplying of materials, or for the construction, demolition, 8551
alteration, repair, or reconstruction of any public building, 8552
structure, highway, or other improvement; 8553

(6) Implement an outreach program to educate potential 8554
participants about the veteran-friendly business procurement 8555
program; and 8556

(7) Establish a process for monitoring overall performance of 8557
the veteran-friendly business procurement program. 8558

Sec. 123.01. (A) The department of administrative services, 8559
in addition to those powers enumerated in Chapters 124. and 125. 8560
of the Revised Code and provided elsewhere by law, shall exercise 8561
the following powers: 8562

(1) To prepare and suggest comprehensive plans for the 8563
development of grounds and buildings under the control of a state 8564
agency; 8565

(2) To acquire, by purchase, gift, devise, lease, or grant, 8566
all real estate required by a state agency, in the exercise of 8567
which power the department may exercise the power of eminent 8568
domain, in the manner provided by sections 163.01 to 163.22 of the 8569
Revised Code; 8570

(3) To erect, supervise, and maintain all public monuments 8571
and memorials erected by the state, except where the supervision 8572

and maintenance is otherwise provided by law; 8573

(4) To procure, by lease, storage accommodations for a state 8574
agency; 8575

(5) To lease or grant easements or licenses for unproductive 8576
and unused lands or other property under the control of a state 8577
agency. Such leases, easements, or licenses may be granted to any 8578
person or entity, shall be for a period not to exceed fifteen 8579
years, unless a longer period is authorized by division (A)(5) of 8580
this section, and shall be executed for the state by the director 8581
of administrative services, ~~provided that the~~. The director shall 8582
grant leases, easements, or licenses of university land for 8583
periods not to exceed twenty-five years for purposes approved by 8584
the respective university's board of trustees wherein the uses are 8585
compatible with the uses and needs of the university and may grant 8586
leases of university land for periods not to exceed forty years 8587
for purposes approved by the respective university's board of 8588
trustees pursuant to section 123.17 of the Revised Code. The 8589
director may grant perpetual easements to public utilities, as 8590
defined in section 4905.02 of the Revised Code or described in 8591
section 4905.03 of the Revised Code. 8592

(6) To lease space for the use of a state agency; 8593

(7) To have general supervision and care of the storerooms, 8594
offices, and buildings leased for the use of a state agency; 8595

(8) To exercise general custodial care of all real property 8596
of the state; 8597

(9) To assign and group together state offices in any city in 8598
the state and to establish, in cooperation with the state agencies 8599
involved, rules governing space requirements for office or storage 8600
use; 8601

(10) To lease for a period not to exceed forty years, 8602
pursuant to a contract providing for the construction thereof 8603

under a lease-purchase plan, buildings, structures, and other 8604
improvements for any public purpose, and, in conjunction 8605
therewith, to grant leases, easements, or licenses for lands under 8606
the control of a state agency for a period not to exceed forty 8607
years. The lease-purchase plan shall provide that at the end of 8608
the lease period, the buildings, structures, and related 8609
improvements, together with the land on which they are situated, 8610
shall become the property of the state without cost. 8611

(a) Whenever any building, structure, or other improvement is 8612
to be so leased by a state agency, the department shall retain 8613
either basic plans, specifications, bills of materials, and 8614
estimates of cost with sufficient detail to afford bidders all 8615
needed information or, alternatively, all of the following plans, 8616
details, bills of materials, and specifications: 8617

(i) Full and accurate plans suitable for the use of mechanics 8618
and other builders in the improvement; 8619

(ii) Details to scale and full sized, so drawn and 8620
represented as to be easily understood; 8621

(iii) Accurate bills showing the exact quantity of different 8622
kinds of material necessary to the construction; 8623

(iv) Definite and complete specifications of the work to be 8624
performed, together with such directions as will enable a 8625
competent mechanic or other builder to carry them out and afford 8626
bidders all needed information; 8627

(v) A full and accurate estimate of each item of expense and 8628
of the aggregate cost thereof. 8629

(b) The department shall give public notice, in such 8630
newspaper, in such form, and with such phraseology as the director 8631
of administrative services prescribes, published once each week 8632
for four consecutive weeks, of the time when and place where bids 8633
will be received for entering into an agreement to lease to a 8634

state agency a building, structure, or other improvement. The last 8635
publication shall be at least eight days preceding the day for 8636
opening the bids. The bids shall contain the terms upon which the 8637
builder would propose to lease the building, structure, or other 8638
improvement to the state agency. The form of the bid approved by 8639
the department shall be used, and a bid is invalid and shall not 8640
be considered unless that form is used without change, alteration, 8641
or addition. Before submitting bids pursuant to this section, any 8642
builder shall comply with Chapter 153. of the Revised Code. 8643

(c) On the day and at the place named for receiving bids for 8644
entering into lease agreements with a state agency, the director 8645
of administrative services shall open the bids and shall publicly 8646
proceed immediately to tabulate the bids upon duplicate sheets. No 8647
lease agreement shall be entered into until the bureau of workers' 8648
compensation has certified that the person to be awarded the lease 8649
agreement has complied with Chapter 4123. of the Revised Code, 8650
until, if the builder submitting the lowest and best bid is a 8651
foreign corporation, the secretary of state has certified that the 8652
corporation is authorized to do business in this state, until, if 8653
the builder submitting the lowest and best bid is a person 8654
nonresident of this state, the person has filed with the secretary 8655
of state a power of attorney designating the secretary of state as 8656
its agent for the purpose of accepting service of summons in any 8657
action brought under Chapter 4123. of the Revised Code, and until 8658
the agreement is submitted to the attorney general and the 8659
attorney general's approval is certified thereon. Within thirty 8660
days after the day on which the bids are received, the department 8661
shall investigate the bids received and shall determine that the 8662
bureau and the secretary of state have made the certifications 8663
required by this section of the builder who has submitted the 8664
lowest and best bid. Within ten days of the completion of the 8665
investigation of the bids, the department shall award the lease 8666
agreement to the builder who has submitted the lowest and best bid 8667

and who has been certified by the bureau and secretary of state as 8668
required by this section. If bidding for the lease agreement has 8669
been conducted upon the basis of basic plans, specifications, 8670
bills of materials, and estimates of costs, upon the award to the 8671
builder the department, or the builder with the approval of the 8672
department, shall appoint an architect or engineer licensed in 8673
this state to prepare such further detailed plans, specifications, 8674
and bills of materials as are required to construct the building, 8675
structure, or improvement. The department shall adopt such rules 8676
as are necessary to give effect to this section. The department 8677
may reject any bid. Where there is reason to believe there is 8678
collusion or combination among bidders, the bids of those 8679
concerned therein shall be rejected. 8680

(11) To acquire by purchase, gift, devise, or grant and to 8681
transfer, lease, or otherwise dispose of all real property 8682
required to assist in the development of a conversion facility as 8683
defined in section 5709.30 of the Revised Code as that section 8684
existed before its repeal by Amended Substitute House Bill 95 of 8685
the 125th general assembly; 8686

(12) To lease for a period not to exceed forty years, 8687
notwithstanding any other division of this section, the 8688
state-owned property located at 408-450 East Town Street, 8689
Columbus, Ohio, formerly the state school for the deaf, to a 8690
developer in accordance with this section. "Developer," as used in 8691
this section, has the same meaning as in section 123.77 of the 8692
Revised Code. 8693

Such a lease shall be for the purpose of development of the 8694
land for use by senior citizens by constructing, altering, 8695
renovating, repairing, expanding, and improving the site as it 8696
existed on June 25, 1982. A developer desiring to lease the land 8697
shall prepare for submission to the department a plan for 8698
development. Plans shall include provisions for roads, sewers, 8699

water lines, waste disposal, water supply, and similar matters to 8700
meet the requirements of state and local laws. The plans shall 8701
also include provision for protection of the property by insurance 8702
or otherwise, and plans for financing the development, and shall 8703
set forth details of the developer's financial responsibility. 8704

The department may employ, as employees or consultants, 8705
persons needed to assist in reviewing the development plans. Those 8706
persons may include attorneys, financial experts, engineers, and 8707
other necessary experts. The department shall review the 8708
development plans and may enter into a lease if it finds all of 8709
the following: 8710

(a) The best interests of the state will be promoted by 8711
entering into a lease with the developer; 8712

(b) The development plans are satisfactory; 8713

(c) The developer has established the developer's financial 8714
responsibility and satisfactory plans for financing the 8715
development. 8716

The lease shall contain a provision that construction or 8717
renovation of the buildings, roads, structures, and other 8718
necessary facilities shall begin within one year after the date of 8719
the lease and shall proceed according to a schedule agreed to 8720
between the department and the developer or the lease will be 8721
terminated. The lease shall contain such conditions and 8722
stipulations as the director considers necessary to preserve the 8723
best interest of the state. Moneys received by the state pursuant 8724
to this lease shall be paid into the general revenue fund. The 8725
lease shall provide that at the end of the lease period the 8726
buildings, structures, and related improvements shall become the 8727
property of the state without cost. 8728

(13) To manage the use of space owned and controlled by the 8729
department by doing all of the following: 8730

(a) Biennially implementing, by state agency location, a census of agency employees assigned space; 8731
8732

(b) Periodically in the discretion of the director of administrative services: 8733
8734

(i) Requiring each state agency to categorize the use of space allotted to the agency between office space, common areas, storage space, and other uses, and to report its findings to the department; 8735
8736
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8738

(ii) Creating and updating a master space utilization plan for all space allotted to state agencies. The plan shall incorporate space utilization metrics. 8739
8740
8741

(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings; 8742
8743

(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus. 8744
8745

(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility. 8746
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(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code. 8750
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(15) To ensure energy efficient and energy conserving	8761
purchasing practices by doing all of the following:	8762
(a) Identifying available energy efficiency and conservation	8763
opportunities;	8764
(b) Providing for interchange of information among purchasing	8765
agencies;	8766
(c) Identifying laws, policies, rules, and procedures that	8767
should be modified;	8768
(d) Monitoring experience with and the cost-effectiveness of	8769
this state's purchase and use of motor vehicles and of major	8770
energy-consuming systems, components, equipment, and products	8771
having a significant impact on energy consumption by the	8772
government;	8773
(e) Providing technical assistance and training to state	8774
employees involved in the purchasing process;	8775
(f) Working with the <u>department of development services</u>	8776
agency to make recommendations regarding planning and	8777
implementation of purchasing policies and procedures that are	8778
supportive of energy efficiency and conservation.	8779
(16) To require all state agencies, departments, divisions,	8780
bureaus, offices, units, commissions, boards, authorities,	8781
quasi-governmental entities, institutions, and state institutions	8782
of higher education to implement procedures to ensure that all of	8783
the passenger automobiles they acquire in each fiscal year, except	8784
for those passenger automobiles acquired for use in law	8785
enforcement or emergency rescue work, achieve a fleet average fuel	8786
economy of not less than the fleet average fuel economy for that	8787
fiscal year as the department shall prescribe by rule. The	8788
department shall adopt the rule prior to the beginning of the	8789
fiscal year, in accordance with the average fuel economy standards	8790
established by federal law for passenger automobiles manufactured	8791

during the model year that begins during the fiscal year. 8792

Each state agency, department, division, bureau, office, 8793
unit, commission, board, authority, quasi-governmental entity, 8794
institution, and state institution of higher education shall 8795
determine its fleet average fuel economy by dividing the total 8796
number of passenger vehicles acquired during the fiscal year, 8797
except for those passenger vehicles acquired for use in law 8798
enforcement or emergency rescue work, by a sum of terms, each of 8799
which is a fraction created by dividing the number of passenger 8800
vehicles of a given make, model, and year, except for passenger 8801
vehicles acquired for use in law enforcement or emergency rescue 8802
work, acquired during the fiscal year by the fuel economy measured 8803
by the administrator of the United States environmental protection 8804
agency, for the given make, model, and year of vehicle, that 8805
constitutes an average fuel economy for combined city and highway 8806
driving. 8807

As used in division (A) (16) of this section, "acquired" means 8808
leased for a period of sixty continuous days or more, or 8809
purchased. 8810

(17) To correct legal descriptions or title defects, or 8811
release fractional interests in real property, as necessary to 8812
cure title clouds reflected in public records, including those 8813
resulting from boundary disputes, ingress or egress issues, title 8814
transfers precipitated through retirement of bond requirements, 8815
and the retention of fractional interests in real estate otherwise 8816
disposed of in previous title transfers. 8817

(18) To, with controlling board approval, sell state-owned 8818
real property that is appraised at not more than one hundred 8819
thousand dollars by an independent third-party appraiser. 8820

Notwithstanding any provision of law to the contrary, net 8821
proceeds from any disposition of real property made pursuant to 8822

division (A)(18) of this section shall, at the direction of the 8823
director of budget and management, be credited to a fund or funds 8824
in the state treasury, or to accounts held by a state institution 8825
of higher education for purposes to be determined by the 8826
institution. 8827

(B) This section and section 125.02 of the Revised Code shall 8828
not interfere with any of the following: 8829

(1) The power of the adjutant general to purchase military 8830
supplies, or with the custody of the adjutant general of property 8831
leased, purchased, or constructed by the state and used for 8832
military purposes, or with the functions of the adjutant general 8833
as director of state armories; 8834

(2) The power of the director of transportation in acquiring 8835
rights-of-way for the state highway system, or the leasing of 8836
lands for division or resident district offices, or the leasing of 8837
lands or buildings required in the maintenance operations of the 8838
department of transportation, or the purchase of real property for 8839
garage sites or division or resident district offices, or in 8840
preparing plans and specifications for and constructing such 8841
buildings as the director may require in the administration of the 8842
department; 8843

(3) The power of the director of public safety and the 8844
registrar of motor vehicles to purchase or lease real property and 8845
buildings to be used solely as locations to which a deputy 8846
registrar is assigned pursuant to division (B) of section 4507.011 8847
of the Revised Code and from which the deputy registrar is to 8848
conduct the deputy registrar's business, the power of the director 8849
of public safety to purchase or lease real property and buildings 8850
to be used as locations for division or district offices as 8851
required in the maintenance of operations of the department of 8852
public safety, and the power of the superintendent of the state 8853
highway patrol in the purchase or leasing of real property and 8854

buildings needed by the patrol, to negotiate the sale of real 8855
property owned by the patrol, to rent or lease real property owned 8856
or leased by the patrol, and to make or cause to be made repairs 8857
to all property owned or under the control of the patrol; 8858

(4) The power of the division of liquor control in the 8859
leasing or purchasing of retail outlets and warehouse facilities 8860
for the use of the division; 8861

(5) The power of the director of development ~~services~~ to 8862
enter into leases of real property, buildings, and office space to 8863
be used solely as locations for the state's foreign offices to 8864
carry out the purposes of section 122.05 of the Revised Code; 8865

(6) The power of the director of environmental protection to 8866
enter into environmental covenants, to grant and accept easements, 8867
or to sell property pursuant to division (G) of section 3745.01 of 8868
the Revised Code; 8869

(7) The power of the department of public safety under 8870
section 5502.01 of the Revised Code to direct security measures 8871
and operations for the Vern Riffe center and the James A. Rhodes 8872
state office tower. The department of administrative services 8873
shall implement all security measures and operations at the Vern 8874
Riffe center and the James A. Rhodes state office tower as 8875
directed by the department of public safety. 8876

(C) Purchases for, and the custody and repair of, buildings 8877
under the management and control of the capitol square review and 8878
advisory board, the opportunities for Ohioans with disabilities 8879
agency, the bureau of workers' compensation, or the departments of 8880
public safety, job and family services, mental health and 8881
addiction services, developmental disabilities, and rehabilitation 8882
and correction; buildings of educational and benevolent 8883
institutions under the management and control of boards of 8884
trustees; and purchases or leases for, and the custody and repair 8885

of, office space used for the purposes of any agency of the 8886
legislative branch of state government are not subject to the 8887
control and jurisdiction of the department of administrative 8888
services. 8889

An agency of the legislative branch of state government that 8890
uses office space in a building under the management and control 8891
of the department of administrative services may exercise the 8892
agency's authority to improve the agency's office space as 8893
authorized under this division only if, upon review, the 8894
department of administrative services concludes the proposed 8895
improvements do not adversely impact the structural integrity of 8896
the building. 8897

If an agency of the legislative branch of state government, 8898
except the capitol square review and advisory board, so requests, 8899
the agency and the director of administrative services may enter 8900
into a contract under which the department of administrative 8901
services agrees to perform any services requested by the agency 8902
that the department is authorized under this section to perform. 8903
In performing such services, the department shall not use 8904
competitive selection. As used in this division, "competitive 8905
selection" has the meaning defined in section 125.01 of the 8906
Revised Code and includes any other type of competitive process 8907
for the selection of persons producing or dealing in the services 8908
to be provided. 8909

(D) Any instrument by which real property is acquired 8910
pursuant to this section shall identify the agency of the state 8911
that has the use and benefit of the real property as specified in 8912
section 5301.012 of the Revised Code. 8913

Sec. 123.02. The director of administrative services shall be 8914
appointed superintendent of public works and shall have the care 8915
and control of the public works of the state and shall protect, 8916

maintain, and keep them in repair. 8917

Subject to the approval of the governor, the director may 8918
purchase on behalf of the state such real or personal property, 8919
rights, or privileges as are necessary, in the director's 8920
judgment, to acquire in the maintenance of the public works or 8921
their improvement. 8922

The document that evidences the vesting of any right, title, 8923
or interest in real property, other than public lands, belonging 8924
to or used by the state shall be recorded in the office of the 8925
county recorder of the county in which the property is situated. 8926
When recorded, such document and related papers shall be deposited 8927
with the director of administrative services and kept in the 8928
director of administrative services' office, except that evidence 8929
of title to highway rights-of-way shall be deposited with the 8930
director of transportation and kept in the director of 8931
transportation's office. The director of administrative services 8932
shall register the document, except title to highway 8933
rights-of-way, in a record system prepared for that purpose and 8934
open for inspection by all persons interested. 8935

Any instrument by which the state or an agency of the state 8936
acquires real property pursuant to this section shall identify the 8937
agency of the state that has the use and benefit of the real 8938
property as specified in section 5301.012 of the Revised Code. 8939

Sec. 124.136. (A) As used in this section: 8940

(1) "Fetal death" has the same meaning as in section 3705.01 8941
of the Revised Code. 8942

(2) "Stillborn" means that an infant of at least twenty weeks 8943
of gestation suffered a fetal death. 8944

(B) (1) Each permanent full-time and permanent part-time 8945
employee paid in accordance with section 124.152 of the Revised 8946

Code and each employee listed in division (B) (2), ~~(3)~~, or (4) of 8947
section 124.14 of the Revised Code who works thirty or more hours 8948
per week, and who meets the requirement of division ~~(A) (2)~~ 8949
(B) (2) (a) of this section is eligible, upon the birth, stillbirth, 8950
or adoption of a child, for a parental leave of absence and 8951
parental leave benefits under this section. Parental leave of 8952
absence shall begin on the day of the birth of a child, on the day 8953
of the delivery of a stillborn child, or on the day on which 8954
custody of a child is taken for adoption placement by the 8955
prospective parents. 8956

(2) (a) To be eligible for leave and benefits under this 8957
section, an employee must be a one of the following: 8958

(i) A parent, as listed on the birth certificate, of a newly 8959
born child ~~or the;~~ 8960

(ii) A parent, as listed on the fetal death certificate, of a 8961
stillborn child; 8962

(iii) A legal guardian of and reside in the same household as 8963
a newly adopted child. 8964

(b) Employees may elect to receive ~~two~~ five thousand dollars 8965
for adoption expenses in lieu of receiving the paid leave benefit 8966
provided under this section. Such payment may be requested upon 8967
placement of the child in the employee's home. If the child is 8968
already residing in the home, payment may be requested at the time 8969
the adoption is approved. 8970

(3) The average number of regular hours worked, which shall 8971
include all hours of holiday pay and other types of paid leave, 8972
during the three-month period immediately preceding the day 8973
parental leave of absence begins shall be used to determine 8974
eligibility and benefits under this section for part-time 8975
employees, but such benefits shall not exceed forty hours per 8976
week. If an employee has not worked for a three-month period, the 8977

number of hours for which the employee has been scheduled to work 8978
per week during the employee's period of employment shall be used 8979
to determine eligibility and benefits under this section. 8980

~~(B)~~(C) Parental leave granted under this section shall not 8981
exceed six continuous weeks, which shall include four weeks or one 8982
hundred sixty hours of paid leave for permanent full-time 8983
employees and a prorated number of hours of paid leave for 8984
permanent part-time employees. All employees granted parental 8985
leave shall serve a waiting period of fourteen days that begins on 8986
the day parental leave begins and during which they shall not 8987
receive paid leave under this section. Employees may choose to 8988
work during the waiting period. During the remaining four weeks of 8989
the leave period, employees shall receive paid leave equal to 8990
seventy per cent of their base rate of pay. All of the following 8991
apply to employees granted parental leave: 8992

(1) They remain eligible to receive all employer-paid 8993
benefits and continue to accrue all other forms of paid leave as 8994
if they were in active pay status. 8995

(2) They are ineligible to receive overtime pay, and no 8996
portion of their parental leave shall be included in calculating 8997
their overtime pay. 8998

(3) They are ineligible to receive holiday pay. A holiday 8999
occurring during the leave period shall be counted as one day of 9000
parental leave and be paid as such. 9001

~~(C)~~(D) Employees receiving parental leave may utilize 9002
available sick leave, personal leave, vacation leave, or 9003
compensatory time balances in order to be paid during the 9004
fourteen-day waiting period and to supplement the seventy per cent 9005
of their base rate of pay received during the remaining part of 9006
their parental leave period, in an amount sufficient to give them 9007
up to one hundred per cent of their pay for time on parental 9008

leave. 9009

Use of parental leave does not affect an employee's 9010
eligibility for other forms of paid leave granted under this 9011
chapter and does not prohibit an employee from taking leave under 9012
the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 9013
U.S.C.A. 2601, except that parental leave shall be included in any 9014
leave time provided under that act. 9015

~~(D)~~(E) Employees receiving disability leave benefits under 9016
section 124.385 of the Revised Code prior to becoming eligible for 9017
parental leave shall continue to receive disability leave benefits 9018
for the duration of their disabling condition or as otherwise 9019
provided under the disability leave benefits program. If an 9020
employee is receiving disability leave benefits because of 9021
pregnancy and these benefits expire prior to the expiration date 9022
of any benefits the employee would have been entitled to receive 9023
under this section, the employee shall receive parental leave for 9024
such additional time without being required to serve an additional 9025
waiting period. 9026

Sec. 124.1312. (A) As used in this section: 9027

(1) "Foster caregiver" has the same meaning as in section 9028
5103.02 of the Revised Code. 9029

(2) "Kinship caregiver" has the same meaning as in section 9030
5101.85 of the Revised Code. 9031

(B) Each permanent full-time and permanent part-time employee 9032
paid in accordance with section 124.152 of the Revised Code and 9033
each employee listed in division (B) (2), (3), or (4) of section 9034
124.14 of the Revised Code who works thirty or more hours per 9035
week, and who is a foster caregiver or kinship caregiver is 9036
eligible, on placement of a child in the employee's home, to a 9037
maximum of five days of caregiver leave with full pay in a 9038

calendar year. Caregiver leave begins on the day on which the 9039
child is placed with the prospective foster caregiver or kinship 9040
caregiver. 9041

(C) The average number of regular hours worked, which shall 9042
include all hours of holiday pay and other types of paid leave, 9043
during the three-month period immediately preceding the day 9044
caregiver leave begins shall be used to determine eligibility for 9045
leave under this section for part-time employees. If an employee 9046
has not worked for a three-month period, the number of hours for 9047
which the employee has been scheduled to work per week during the 9048
employee's period of employment shall be used to determine 9049
eligibility for leave under this section. 9050

(D) Use of caregiver leave does not affect an employee's 9051
eligibility for other forms of paid leave granted under this 9052
chapter and does not prohibit an employee from taking leave under 9053
the "Family and Medical Leave Act of 1993," 29 U.S.C. 2601, except 9054
that caregiver leave shall be included in any leave time provided 9055
under that act. 9056

(E) The director of administrative services may adopt rules 9057
in accordance with Chapter 119. of the Revised Code governing 9058
caregiver leave established under this section. 9059

Sec. 125.02. (A) The department of administrative services 9060
shall establish contracts for supplies and services, including 9061
telephone, other telecommunications, and computer services, for 9062
the use of state agencies, and may establish such contracts for 9063
the use of any political subdivision as described in division (B) 9064
of section 125.04 of the Revised Code, except for the following: 9065

- (1) The adjutant general for military supplies and services; 9066
- (2) The general assembly; 9067
- (3) The judicial branch; 9068

(4) State institutions of higher education; 9069

(5) State elected officials as set forth in section 125.041
of the Revised Code; 9070
9071

(6) The capitol square review and advisory board. 9072

The entities set forth in divisions (A)(1) to (6) of this 9073
section may request the department of administrative services' 9074
assistance in the procurement of supplies and services for their 9075
respective offices and, upon the department's approval, may 9076
participate in contracts awarded by the department. 9077

(B) For purchases under division (C) of section 125.05 of the 9078
Revised Code, the department shall grant a state agency a release 9079
and permit to make the purchase if the department determines that 9080
it is not possible or advantageous for the department to make a 9081
purchase. 9082

(C) Upon request, the department may grant a blanket release 9083
and permit to a state agency for specific purchases. The 9084
department may grant the blanket release and permit for a fiscal 9085
year or for a biennium as determined by the director of 9086
administrative services. 9087

(D) The director of administrative services shall adopt rules 9088
regarding circumstances and criteria for obtaining a release and 9089
permit under this section. The director of administrative services 9090
shall prescribe uniform rules governing forms of specifications, 9091
advertisements for proposals, the opening of bids, the making of 9092
awards and contracts, and the purchase of supplies and performance 9093
of work. 9094

(E) The director may ~~enter into~~ participate in cooperative 9095
purchasing ~~agreements to purchase supplies or services~~ with the 9096
following: 9097

(1) The entities set forth in divisions (A)(1) to ~~(5)~~ (6) of 9098

this section;	9099
(2) One or more other states;	9100
(3) Groups of states;	9101
(4) The United States or any department, division, or agency of the United States;	9102 9103
(5) Other purchasing consortia;	9104
(6) The department of transportation; or	9105
(7) Any political subdivision of this state described in division (B) of section 125.04 of the Revised Code.	9106 9107
(F) The United States or any department, division, or agency of the United States, one or more other states, groups of states, other purchasing consortia, or any agency, commission, or authority established under an interstate compact or agreement may purchase supplies and services from contracts established by the department of administrative services.	9108 9109 9110 9111 9112 9113
(G) Except as provided in section 125.04 of the Revised Code, the department of administrative services shall purchase any policy of insurance, including a surety or fidelity bond, covering officers or employees of a state agency, for which the annual premium is more than one thousand dollars and which the state may procure. The department shall purchase the insurance in conformity with sections 125.04 to 125.15 of the Revised Code. As used in this division, "annual premium" means the total premium for one year for one type of insurance regardless of the number of policies.	9114 9115 9116 9117 9118 9119 9120 9121 9122 9123
Sec. 125.035. (A) Except as otherwise provided in the Revised Code, a state agency wanting to purchase supplies or services shall make the purchase subject to the requirements of an applicable first or second requisite procurement program described in this section, or obtain a determination from the department of	9124 9125 9126 9127 9128

administrative services that the purchase is not subject to a 9129
first or second requisite procurement program. State agencies 9130
shall submit a purchase request to the department of 9131
administrative services unless the department has determined the 9132
request does not require a review. The director of administrative 9133
services shall adopt rules under Chapter 119. of the Revised Code 9134
to provide for the manner of carrying out the function and the 9135
power and duties imposed upon and vested in the director by this 9136
section. 9137

(B) The following programs are first requisite procurement 9138
programs that shall be given preference in the following order in 9139
fulfilling a purchase request: 9140

(1) Ohio penal industries within the department of 9141
rehabilitation and correction; and 9142

(2) Community rehabilitation programs administered by the 9143
department of administrative services under sections 125.601 to 9144
125.6012 of the Revised Code. 9145

(C) The following programs are second requisite procurement 9146
programs that may be able to fulfill the purchase request if the 9147
first requisite procurement programs are unable to do so: 9148

(1) Business enterprise program at the opportunities for 9149
Ohioans with disabilities agency as prescribed in sections 3304.28 9150
to 3304.33 of the Revised Code; 9151

(2) Office of information technology at the department of 9152
administrative services as established in section 125.18 of the 9153
Revised Code; 9154

(3) Office of state printing and mail services at the 9155
department of administrative services as prescribed in Chapter 9156
125. of the Revised Code; 9157

(4) Ohio pharmacy services at the department of mental health 9158

and addiction services as prescribed in section 5119.44 of the Revised Code;

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

(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency.

(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall:

(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program;

(2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections 125.609 or 5147.07 of the Revised Code; or

(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this section.

(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide

the requested purchase, the department shall direct the requesting 9190
agency to make the requested purchase from the appropriate second 9191
requisite procurement program. If the department has not received 9192
notification from a second requisite procurement program within 9193
two business days and the department has made the determination 9194
that the purchase is not subject to a second requisite procurement 9195
program, the department shall provide a waiver to the requesting 9196
agency. 9197

(F) Within five business days after receipt of a request, the 9198
department shall notify the requesting agency of its determination 9199
and provide any waiver under divisions (D) or (E) of this section. 9200
If the department fails to respond within five business days or 9201
fails to provide an explanation for any further delay within that 9202
time, the requesting agency may use direct purchasing authority to 9203
make the requested purchase, subject to the requirements of 9204
division (G) of this section, division (E) of section 125.05, and 9205
section 127.16 of the Revised Code. 9206

(G) As provided in sections 125.02 and 125.05 of the Revised 9207
Code and subject to such rules as the director of administrative 9208
services may adopt, the department may issue a release and permit 9209
to the agency to secure supplies or services. A release and permit 9210
shall specify the supplies or services to which it applies, the 9211
time during which it is operative, and the reason for its 9212
issuance. A release and permit for telephone, other 9213
telecommunications, and computer services shall be provided in 9214
accordance with section 125.18 of the Revised Code and shall 9215
specify the type of services to be rendered, the number and type 9216
of hardware to be used, and may specify the amount of such 9217
services to be performed. No requesting agency shall proceed with 9218
such purchase until it has received an approved release and permit 9219
from the director of administrative services or the director's 9220
designee. 9221

Sec. 125.04. (A) Except for the requirements of division (B) 9222
of this section, section 125.092, and division (B) of section 9223
125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 9224
to 125.15 of the Revised Code do not apply to or affect state 9225
institutions of higher education. 9226

(B) (1) As used in this division: 9227

(a) "Chartered nonpublic school" has the same meaning as in 9228
section 3310.01 of the Revised Code. 9229

(b) "Emergency medical service organization" has the same 9230
meaning as in section 4765.01 of the Revised Code. 9231

(c) "Governmental agency" means a political subdivision or 9232
special district in this state or any other state established by 9233
or under law, or any combination of these entities; the United 9234
States or any department, division, or agency of the United 9235
States; one or more other states or groups of states; other 9236
purchasing consortia; and any agency, commission, or authority 9237
established under an interstate compact or agreement. 9238

(d) "Political subdivision" means any county, township, 9239
municipal corporation, school district, conservancy district, 9240
township park district, park district created under Chapter 1545. 9241
of the Revised Code, regional transit authority, regional airport 9242
authority, regional water and sewer district, or port authority. 9243
"Political subdivision" also includes any other political 9244
subdivision described in the Revised Code that has been approved 9245
by the department of administrative services to participate in the 9246
department's contracts under this division. 9247

(e) "Private fire company" has the same meaning as in section 9248
9.60 of the Revised Code. 9249

(f) "State institution of higher education" has the meaning 9250
defined in section 3345.011 of the Revised Code. 9251

(2) Subject to division (C) of this section, the department 9252
of administrative services may permit a state institution of 9253
higher education, governmental agency, political subdivision, 9254
~~county board of elections,~~ private fire company, private, 9255
nonprofit emergency medical service organization, or chartered 9256
nonpublic school to participate in contracts into which the 9257
department has entered for the purchase of supplies and services. 9258
The department may charge the entity a reasonable fee to cover the 9259
administrative costs the department incurs as a result of 9260
participation by the entity in such a purchase contract. 9261

A political subdivision desiring to participate in such 9262
purchase contracts shall file with the department a certified copy 9263
of an ordinance or resolution of the legislative authority or 9264
governing board of the political subdivision. The resolution or 9265
ordinance shall request that the political subdivision be 9266
authorized to participate in such contracts and shall agree that 9267
the political subdivision will be bound by such terms and 9268
conditions as the department prescribes and that it will directly 9269
pay the vendor under each purchase contract. ~~A board of elections~~ 9270
~~desiring to participate in such purchase contracts shall file with~~ 9271
~~the purchasing authority a written request for inclusion in the~~ 9272
~~program.~~ A private fire company, private, nonprofit emergency 9273
medical service organization, or chartered nonpublic school 9274
desiring to participate in such purchase contracts shall file with 9275
the department a written request for inclusion in the program 9276
signed by the chief officer of the company, organization, or 9277
chartered nonpublic school. A governmental agency desiring to 9278
participate in such purchase contracts shall file with the 9279
department a written request for inclusion in the program. A state 9280
institution of higher education desiring to participate in such 9281
purchase contracts shall file with the department a certified copy 9282
of resolution of the board of trustees or similar authorizing 9283
body. The resolution shall request that the state institution of 9284

higher education be authorized to participate in such contracts. 9285

A request for inclusion shall include an agreement to be 9286
bound by such terms and conditions as the department prescribes 9287
and to make direct payments to the vendor under each purchase 9288
contract. 9289

(3) The board of elections of a county that is authorized to 9290
participate in contracts under division (B) (2) of this section may 9291
participate in contracts under that division under the same terms 9292
and conditions that apply to the county. 9293

(4) The department shall include in its annual report, an 9294
estimate of the purchases made by state institutions of higher 9295
education, governmental agencies, political subdivisions, ~~county~~ 9296
boards of elections, private fire companies, private, nonprofit 9297
emergency medical service organizations, and chartered nonpublic 9298
schools from contracts pursuant to this division. The department 9299
may require such entities to file a report with the department, as 9300
often as it finds necessary, stating how many such contracts the 9301
entities participated in within a specified period of time, and 9302
any other information the department requires. 9303

~~(3)~~ (5) Purchases made by a political subdivision or a ~~county~~ 9304
board of elections under this division are exempt from any 9305
competitive selection procedures otherwise required by law. No 9306
political subdivision shall make any purchase under this division 9307
when bids have been received for such purchase by the subdivision, 9308
unless such purchase can be made upon the same terms, conditions, 9309
and specifications at a lower price under ~~this~~ division (B) (2) of 9310
this section. 9311

(C) A political subdivision as defined in division (B) of 9312
this section or a ~~county~~ board of elections may purchase supplies 9313
or services from another party, including a political subdivision, 9314
instead of through participation in contracts described in 9315

division (B) of this section if the political subdivision or 9316
~~county~~ board of elections can purchase those supplies or services 9317
from the other party upon equivalent terms, conditions, and 9318
specifications but at a lower price than it can through those 9319
contracts. Purchases that a political subdivision or ~~county~~ board 9320
of elections makes under this division are exempt from any 9321
competitive selection procedures otherwise required by law. A 9322
political subdivision or ~~county~~ board of elections that makes any 9323
purchase under this division shall maintain sufficient information 9324
regarding the purchase to verify that the political subdivision or 9325
~~county~~ board of elections satisfied the conditions for making a 9326
purchase under this division. Nothing in this division restricts 9327
any action taken by a county or township as authorized by division 9328
(B) (1) of section 9.48 of the Revised Code. 9329

(D) This section does not apply to supplies or services 9330
purchased by a state agency directly as provided in section 125.05 9331
of the Revised Code, or to purchases of supplies or services for 9332
the emergency management agency or other state agencies as 9333
provided in section 125.061 of the Revised Code. 9334

Sec. 125.05. Except as provided in division (D) or (E) of 9335
this section, no state agency shall purchase any supplies or 9336
services except as provided in divisions (A) to (C) of this 9337
section. 9338

(A) A state agency may, without competitive selection, make 9339
any purchase of supplies or services that cost less than fifty 9340
thousand dollars after complying with divisions (A) to (E) of 9341
section 125.035 of the Revised Code. The agency may make the 9342
purchase directly or may make the purchase from or through the 9343
department of administrative services, whichever the agency 9344
determines. The agency shall adopt written procedures consistent 9345
with the department's purchasing procedures and shall use those 9346

procedures when making purchases under this division. 9347

Section 127.16 of the Revised Code does not apply to 9348
purchases made under this division. 9349

(B) A state agency shall make purchases of supplies and 9350
services that cost fifty thousand dollars or more through the 9351
department of administrative services and the process provided in 9352
section 125.035 of the Revised Code, unless the department grants 9353
a waiver under ~~divisions~~ division (D) or (E) of that section and a 9354
release and permit under division (G) of that section. 9355

(C) An agency that has been granted a release and permit 9356
under division (G) of section 125.035 of the Revised Code to make 9357
a purchase may make the purchase without competitive selection if 9358
after making the purchase the cumulative purchase threshold as 9359
computed under division (E) of section 127.16 of the Revised Code 9360
would: 9361

(1) Be exceeded and the controlling board approves the 9362
purchase; 9363

(2) Not be exceeded and the department of administrative 9364
services approves the purchase. 9365

(D) If the department of education or the Ohio education 9366
computer network determines that it can purchase software services 9367
or supplies for specified school districts at a price less than 9368
the price for which the districts could purchase the same software 9369
services or supplies for themselves, the department or network 9370
shall certify that fact to the department of administrative 9371
services and, acting as an agent for the specified school 9372
districts, shall make that purchase without following the 9373
provisions in divisions (A) to (D) of this section. 9374

(E) When the purchase cost of personal protective equipment 9375
is less than fifty thousand dollars, a state agency shall comply 9376
with divisions (A) to (E) of section 125.035 of the Revised Code. 9377

If the purchase is not subject to the requirements of an 9378
applicable first or second requisite procurement program, the 9379
agency shall apply the same preferences in section 125.09 of the 9380
Revised Code when making the purchase. As used in this division, 9381
"personal protective equipment" means equipment worn to minimize 9382
exposure to hazards that cause workplace injuries and illnesses. 9383

Sec. 125.08. ~~(A)~~ Any person who is certified by the ~~equal~~ 9384
~~employment opportunity coordinator of the department~~ director of 9385
~~administrative services~~ development in accordance with the rules 9386
adopted under division (B) (1) of section ~~123.151~~ 122.921 of the 9387
Revised Code as a minority business enterprise may have that 9388
person's name placed on a special minority business enterprise 9389
notification list to be used in connection with contracts awarded 9390
under section 125.081 of the Revised Code. The minority business 9391
enterprise notification list shall be used for bidding on 9392
contracts set aside for minority business enterprises only. 9393

Sec. 125.081. (A) From the purchases that the department of 9394
administrative services is required by law to make through 9395
competitive selection, the director of administrative services 9396
shall select a number of such purchases, the aggregate value of 9397
which equals approximately fifteen per cent of the estimated total 9398
value of all such purchases to be made in the current fiscal year. 9399
The director shall set aside the purchases selected for 9400
competition only by minority business enterprises, as defined in 9401
division (E) (1) of section 122.71 of the Revised Code. The 9402
competitive selection procedures for such purchases set aside 9403
shall be the same as for all other purchases the department is 9404
required to make through competitive selection, except that only 9405
minority business enterprises certified by the ~~equal employment~~ 9406
~~opportunity coordinator of the department~~ director of 9407
~~administrative services~~ development in accordance with the rules 9408

adopted under division (B) (1) of section ~~123.151~~122.921 of the 9409
Revised Code and listed ~~by the director~~ under section 125.08 of 9410
the Revised Code shall be qualified to compete. 9411

(B) To the extent that any agency of the state, other than 9412
the department of administrative services, the legislative and 9413
judicial branches, boards of elections, and the adjutant general, 9414
is authorized to make purchases, the agency shall set aside a 9415
number of purchases, the aggregate value of which equals 9416
approximately fifteen per cent of the aggregate value of such 9417
purchases for the current fiscal year for competition by minority 9418
business enterprises only. The procedures for such purchases shall 9419
be the same as for all other such purchases made by the agency, 9420
except that only minority business enterprises certified by the 9421
~~equal employment opportunity coordinator~~ director of development 9422
in accordance with rules adopted under division (B) (1) of section 9423
123.151 of the Revised Code shall be qualified to compete. 9424

(C) In the case of purchases set aside under division (A) or 9425
(B) of this section, if no bid is submitted by a minority business 9426
enterprise, the purchase shall be made according to usual 9427
procedures. The contracting agency shall from time to time set 9428
aside such additional purchases for which only minority business 9429
enterprises may compete, as are necessary to replace those 9430
purchases previously set aside for which no minority business 9431
enterprises bid and to ensure that, in any fiscal year, the 9432
aggregate amount of contracts awarded to minority business 9433
enterprises will equal approximately fifteen per cent of the total 9434
amount of contracts awarded by the agency. 9435

(D) The provisions of this section shall not preclude any 9436
minority business enterprise from competing for any other state 9437
purchases that are not specifically set aside for minority 9438
business enterprises. 9439

(E) No funds of any state agency shall be expended in any 9440

fiscal year for any purchase for which competitive selection is 9441
required, until the director of the department of administrative 9442
services certifies to the ~~equal employment opportunity~~ 9443
~~coordinator~~, the clerk of the senate, and the clerk of the house 9444
of representatives of the general assembly that approximately 9445
fifteen per cent of the aggregate amount of the projected 9446
expenditure for such purchases in the fiscal year has been set 9447
aside as provided for in this section. 9448

(F) Any person who intentionally misrepresents self as 9449
owning, controlling, operating, or participating in a minority 9450
business enterprise for the purpose of obtaining contracts, 9451
subcontracts, or any other benefits under this section shall be 9452
guilty of theft by deception as provided for in section 2913.02 of 9453
the Revised Code. 9454

Sec. 125.09. (A) Pursuant to ~~section~~ sections 125.07, 9455
125.071, and 125.072 of the Revised Code, the department of 9456
administrative services may prescribe such conditions under which 9457
competitive sealed bids, competitive sealed proposals, and bids in 9458
reverse auctions will be received and terms of the proposed 9459
purchase as it considers necessary; provided, that all such 9460
conditions and terms shall be reasonable and shall not 9461
unreasonably restrict competition, and bidders may bid and 9462
offerors may propose upon all or any item of the products, 9463
supplies, or services listed in such notice. Those bidders and 9464
offerors claiming the preference ~~for United States and Ohio~~ 9465
~~products~~ outlined in this chapter shall designate in their bids 9466
bid or offer either that the product ~~to be supplied~~ or supply is 9467
produced or mined in the United States and is either an Ohio 9468
product or that the product, supply, or service is provided by a 9469
bidder or offeror that qualifies as having a significant Ohio 9470
economic presence under the rules established by the director of 9471
administrative services ~~they qualify as having a significant Ohio~~ 9472

economic presence. 9473

(B) The department may require that each bidder or offeror 9474
provide sufficient information about the energy efficiency or 9475
energy usage of the bidder's or offeror's product, supply, or 9476
service. 9477

(C) The director of administrative services shall, by rule 9478
adopted pursuant to Chapter 119. of the Revised Code, prescribe 9479
criteria and procedures for use by all state agencies in giving 9480
preference ~~to United States and Ohio products~~ under this section 9481
as required by division (B) of section 125.11 of the Revised Code. 9482
The rules shall extend to: 9483

(1) Criteria for determining that a product is produced or 9484
mined in the United States rather than in another country or 9485
territory; 9486

(2) Criteria for determining that a product is produced or 9487
mined in Ohio; 9488

(3) Information to be submitted by bidders or offerors as to 9489
the nature of a product and the location where it is produced or 9490
mined; 9491

(4) Criteria and procedures to be used by the director to 9492
qualify bidders or offerors located in states bordering Ohio who 9493
might otherwise be excluded from being awarded a contract by 9494
operation of this section and section 125.11 of the Revised Code. 9495
The criteria and procedures shall recognize the level and 9496
regularity of interstate commerce between Ohio and the border 9497
states and provide that the non-Ohio businesses may qualify for 9498
award of a contract as long as they are located in a state that 9499
imposes no greater restrictions than are contained in this section 9500
and section 125.11 of the Revised Code upon persons located in 9501
Ohio selling products or services to agencies of that state. The 9502
criteria and procedures shall also provide that a non-Ohio 9503

business shall not bid on a contract for state printing in this 9504
state if the business is located in a state that excludes Ohio 9505
businesses from bidding on state printing contracts in that state. 9506

(5) Criteria and procedures to be used to qualify bidders and 9507
offerors whose manufactured products, except for mined products, 9508
are produced in other states or in North America, but the bidders 9509
or offerors have a significant Ohio economic presence in terms of 9510
the number of employees or capital investment a bidder or offeror 9511
has in this state. Bidders and offerors with a significant Ohio 9512
economic presence shall qualify for award of a contract on the 9513
same basis as if their products were produced in this state or as 9514
if the bidder or offeror was domiciled in this state. 9515

(6) Criteria and procedures for the director to grant waivers 9516
of the requirements of division (B) of section 125.11 of the 9517
Revised Code on a contract-by-contract basis where compliance with 9518
those requirements would result in the state agency paying an 9519
excessive price for the product or acquiring a disproportionately 9520
inferior product; 9521

(7) Such other requirements or procedures reasonably 9522
necessary to implement the system of preferences established 9523
pursuant to division (B) of section 125.11 of the Revised Code. 9524

In adopting the rules required under this division, the 9525
director shall, to the maximum extent possible, conform to the 9526
requirements of the federal "Buy America Act," 47 Stat. 1520, 9527
(1933), 41 U.S.C.A. 10a-10d, as amended, and to the regulations 9528
adopted thereunder. 9529

Sec. 125.111. (A) Every contract for or on behalf of the 9530
state or any of its political subdivisions for any purchase shall 9531
contain provisions similar to those required by section 153.59 of 9532
the Revised Code in the case of construction contracts by which 9533
the contractor agrees to both of the following: 9534

(1) That, in the hiring of employees for the performance of work under the contract or any subcontract, no contractor or subcontractor, by reason of race, color, religion, sex, age, disability or military status as defined in section 4112.01 of the Revised Code, national origin, or ancestry, shall discriminate against any citizen of this state in the employment of a person qualified and available to perform the work to which the contract relates;

(2) That no contractor, subcontractor, or person acting on behalf of any contractor or subcontractor, in any manner, shall discriminate against, intimidate, or retaliate against any employee hired for the performance of work under the contract on account of race, color, religion, sex, age, disability or military status as defined in section 4112.01 of the Revised Code, national origin, or ancestry.

(B) All contractors from whom the state or any of its political subdivisions make purchases shall have a written affirmative action program for the employment and effective utilization of economically disadvantaged persons, as referred to in division (E)(1) of section 122.71 of the Revised Code. Annually, each such contractor shall file a description of the affirmative action program and a progress report on its implementation with the ~~equal employment opportunity office of the~~ department of ~~administrative services~~ development.

Sec. 125.112. (A) As used in this section:

(1) "Agency" means a department created under section 121.02 of the Revised Code.

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

related to the individual's business. 9566

(3) (a) "State award" means a contract awarded by the state 9567
costing over twenty-five thousand dollars. 9568

(b) "State award" does not include compensation received as 9569
an employee of the state or any state financial assistance and 9570
expenditure received from the general assembly or any legislative 9571
agency, any court or judicial agency, the secretary of state, 9572
auditor of state, treasurer of state, or attorney general and 9573
their respective offices. 9574

(B) The department of administrative services shall establish 9575
and maintain a single searchable web site, accessible by the 9576
public at no cost, that includes all of the following information 9577
for each state award: 9578

(1) The name of the entity receiving the award; 9579

(2) The amount of the award; 9580

(3) Information on the award, the agency or other 9581
instrumentality of the state that is providing the award, and the 9582
commodity code; 9583

(4) Any other relevant information determined by the 9584
department of administrative services. 9585

(C) The department of administrative services may consult 9586
with other state agencies in the development, establishment, 9587
operation, and support of the web site required by division (B) of 9588
this section. State awards shall be posted on the web site within 9589
thirty days after being made. The department of administrative 9590
services shall provide an opportunity for public comment as to the 9591
utility of the web site required by division (B) of this section 9592
and any suggested improvements. 9593

(D) The web site required by division (B) of this section 9594
shall be fully operational not later than one year after December 9595

30, 2008, and shall include information on state awards made in 9596
fiscal year 2008 and thereafter. It shall also provide an 9597
electronic link to the daily journals of the senate and house of 9598
representatives. 9599

(E) The director of administrative services shall submit to 9600
the general assembly an annual report regarding the implementation 9601
of the web site established pursuant to division (B) of this 9602
section. The report shall include data regarding the usage of the 9603
web site and any public comments on the utility of the site, 9604
including recommendations for improving data quality and 9605
collection. The director shall post each report on the web site. 9606

(F) Each agency awarding a grant to an entity in fiscal year 9607
2008 and thereafter shall establish and maintain a separate web 9608
site listing the name of the entity receiving each grant, the 9609
grant amount, information on each grant, and any other relevant 9610
information determined by the department of administrative 9611
services. Each agency shall provide the link to such a web site to 9612
the department of administrative services within a reasonable time 9613
after December 30, 2008, and shall thereafter update its web site 9614
within thirty days of awarding a new grant. Not later than one 9615
year after December 30, 2008, the department of administrative 9616
services shall establish and maintain a separate web site, 9617
accessible to the public at no cost, which contains the links to 9618
the agency web sites required by this division. 9619

~~(G) At the end of the closeout year, the attorney general 9620
shall determine the extent to which an entity has complied with 9621
the terms and conditions, including performance metrics, of a 9622
state award for economic development received by that entity. As 9623
necessary, the agency that makes and administers the state award 9624
for economic development shall assist the attorney general with 9625
that determination. The attorney general shall submit to the 9626
general assembly pursuant to section 101.68 of the Revised Code an 9627~~

~~annual report regarding the level of compliance of each such 9628
entity with the terms and conditions, including performance 9629
metrics, of their state awards for economic development. When the 9630
attorney general determines appropriate and to the extent that an 9631
entity that receives or has received a state award for economic 9632
development does not comply with a performance metric that is 9633
specified in the terms and conditions of the award, the attorney 9634
general shall pursue against and from that entity such remedies 9635
and recoveries as are available under law. For purposes of this 9636
division, "Closeout year" means the calendar year by which an 9637
entity that receives a state award for economic development must 9638
comply with a performance metric specified in the terms and 9639
conditions of the award. "State award for economic development" 9640
means state financial assistance and expenditure in any of the 9641
following forms: grants, subgrants, loans, awards, cooperative 9642
agreements, or other similar and related forms of financial 9643
assistance and contracts, subcontracts, purchase orders, task 9644
orders, delivery orders, or other similar and related 9645
transactions. "State award for economic development" does not 9646
include compensation received as an employee of the state or any 9647
state financial assistance and expenditure received from the 9648
general assembly or any legislative agency, any court or judicial 9649
agency, the secretary of state, auditor of state, treasurer of 9650
state, or attorney general and their respective offices. 9651~~

~~(H) Nothing in this section shall be construed as requiring 9652
the disclosure of information that is not a public record under 9653
section 149.43 of the Revised Code. 9654~~

Sec. 125.14. (A) The director of administrative services 9655
shall allocate any proceeds from the transfer, sale, or lease of 9656
excess and surplus supplies in the following manner: 9657

(1) Except as otherwise provided in division (A) (2) or (3) of 9658

this section, the proceeds of such a transfer, sale, or lease 9659
shall be paid into the state treasury to the credit of the 9660
investment recovery fund, which is hereby created. 9661

(2) Except as otherwise provided in division (A) (2) of this 9662
section, when supplies originally were purchased with funds from 9663
nongeneral revenue fund sources, the director shall determine what 9664
fund or account originally was used to purchase the supplies, and 9665
the credit for the proceeds from any transfer, sale, or lease of 9666
those supplies shall be transferred to that fund or account. If 9667
the director cannot determine which fund or account originally was 9668
used to purchase the supplies, if the fund or account is no longer 9669
active, or if the proceeds from the transfer, sale, or lease of a 9670
unit of supplies are less than one hundred dollars or any larger 9671
amount the director may establish with the approval of the 9672
director of budget and management, then the proceeds from the 9673
transfer, sale, or lease of such supplies shall be paid into the 9674
state treasury to the credit of the investment recovery fund. 9675

(3) In accordance with division (H) (2) of section 125.832 of 9676
the Revised Code, when vehicles originally were purchased with 9677
moneys derived from the general revenue fund, the proceeds shall 9678
be deposited, in the director's discretion, into the state 9679
treasury to the credit of either the fleet management fund created 9680
by section 125.83 of the Revised Code or to the credit of the 9681
investment recovery fund created by this section. Any such 9682
proceeds deposited into the state treasury to the credit of the 9683
investment recovery fund may be transferred from the investment 9684
recovery fund to the fleet management fund. 9685

(B) The investment recovery fund shall be used to pay for the 9686
operating expenses of the state surplus property program and of 9687
the federal surplus property program described in sections 125.84 9688
to 125.90 of the Revised Code. Any amounts in excess of these 9689
operating expenses shall periodically be transferred to the 9690

general revenue fund of the state. If proceeds paid into the 9691
investment recovery fund are insufficient to pay for the program's 9692
operating expenses, a service fee may be charged to state agencies 9693
to eliminate the deficit. 9694

(C) Proceeds from the sale of recyclable goods and materials 9695
shall be paid into the state treasury to the credit of the 9696
recycled materials fund, which is hereby created, except that the 9697
director of environmental protection, upon request, may grant an 9698
exemption from this requirement. The director shall administer the 9699
fund for the benefit of recycling programs in state agencies. 9700

Sec. 125.18. (A) There is hereby established the office of 9701
information technology within the department of administrative 9702
services. The office shall be under the supervision of a state 9703
chief information officer to be appointed by the director of 9704
administrative services and subject to removal at the pleasure of 9705
the director. The chief information officer is an assistant 9706
director of administrative services. 9707

(B) Under the direction of the director of administrative 9708
services, the state chief information officer shall lead, oversee, 9709
and direct state agency activities related to information 9710
technology development and use. In that regard, the state chief 9711
information officer shall do all of the following: 9712

(1) Coordinate and superintend statewide efforts to promote 9713
common use and development of technology by state agencies. The 9714
office of information technology shall establish policies and 9715
standards that govern and direct state agency participation in 9716
statewide programs and initiatives. 9717

(2) Coordinate with the office of procurement services to 9718
establish policies and standards for state agency acquisition of 9719
information technology supplies and services; 9720

(3) Establish policies and standards for the ~~acquisition and~~ 9721
use of common information technology by state agencies, including, 9722
but not limited to, hardware, software, technology services, and 9723
security, and the extension of the service life of information 9724
technology systems, with which state agencies shall comply; 9725

~~(3)~~(4) Establish criteria and review processes to identify 9726
state agency information technology projects or purchases that 9727
require alignment or oversight. As appropriate, the department of 9728
administrative services shall provide the governor and the 9729
director of budget and management with notice and advice regarding 9730
the appropriate allocation of resources for those projects. The 9731
state chief information officer may require state agencies to 9732
provide, and may prescribe the form and manner by which they must 9733
provide, information to fulfill the state chief information 9734
officer's alignment and oversight role; 9735

~~(4)~~(5) Establish policies and procedures for the security of 9736
personal information that is maintained and destroyed by state 9737
agencies; 9738

~~(5)~~(6) Employ a chief information security officer who is 9739
responsible for the implementation of the policies and procedures 9740
described in division ~~(B)(4)~~ (B)(5) of this section and for 9741
coordinating the implementation of those policies and procedures 9742
in all of the state agencies; 9743

~~(6)~~(7) Employ a chief privacy officer who is responsible for 9744
advising state agencies when establishing policies and procedures 9745
for the security of personal information and developing education 9746
and training programs regarding the state's security procedures; 9747

~~(7)~~(8) Establish policies on the purchasing, use, and 9748
reimbursement for use of handheld computing and telecommunications 9749
devices by state agency employees; 9750

~~(8)~~(9) Establish policies for the reduction of printing and 9751

for the increased use of electronic records by state agencies; 9752

~~(9)~~(10) Establish policies for the reduction of energy 9753
consumption by state agencies; 9754

~~(10)~~(11) Compute the amount of revenue attributable to the 9755
amortization of all equipment purchases and capitalized systems 9756
from information technology service delivery and major information 9757
technology purchases, MARCS administration, enterprise 9758
applications, and the professions licensing system operating 9759
appropriation items and major computer purchases capital 9760
appropriation items that is recovered as part of the information 9761
technology services rates the department of administrative 9762
services charges and deposits into the information technology fund 9763
created in section 125.15 of the Revised Code, the user fees the 9764
department of administrative services charges and deposits in the 9765
MARCS administration fund created in section 4501.29 of the 9766
Revised Code, the rates the department of administrative services 9767
charges to benefiting agencies for the operation and management of 9768
information technology applications and deposits in the enterprise 9769
applications fund, and the rates the department of administrative 9770
services charges for the cost of ongoing maintenance of the 9771
professions licensing system and deposits in the professions 9772
licensing system fund. The enterprise applications fund is hereby 9773
created in the state treasury. 9774

~~(11)~~(12) Regularly review and make recommendations regarding 9775
improving the infrastructure of the state's cybersecurity 9776
operations with existing resources and through partnerships 9777
between government, business, and institutions of higher 9778
education; 9779

~~(12)~~(13) Assist, as needed, with general state efforts to 9780
grow the cybersecurity industry in this state. 9781

(C) (1) The chief information security officer shall assist 9782

each state agency with the development of an information 9783
technology security strategic plan and review that plan, and each 9784
state agency shall submit that plan to the state chief information 9785
officer. The chief information security officer may require that 9786
each state agency update its information technology security 9787
strategic plan annually as determined by the state chief 9788
information officer. 9789

(2) Prior to the implementation of any information technology 9790
data system, a state agency shall prepare or have prepared a 9791
privacy impact statement for that system. 9792

(D) When a state agency requests a purchase of information 9793
technology supplies or services under Chapter 125. of the Revised 9794
Code, the state chief information officer may review and reject 9795
the requested purchase for noncompliance with information 9796
technology direction, plans, policies, standards, or 9797
project-alignment criteria. 9798

(E) The office of information technology may operate 9799
technology services for state agencies in accordance with this 9800
chapter. 9801

Notwithstanding any provision of the Revised Code to the 9802
contrary, the office of information technology may assess a 9803
transaction fee on each license or registration issued as part of 9804
an electronic licensing system operated by the office in an amount 9805
determined by the office not to exceed three dollars and fifty 9806
cents. The transaction fee shall apply to all transactions, 9807
regardless of form, that immediately precede the issuance, 9808
renewal, reinstatement, reactivation of, or other activity that 9809
results in, a license or registration to operate as a regulated 9810
professional or entity. Each license or registration is a separate 9811
transaction to which a fee under this division applies. 9812
Notwithstanding any provision of the Revised Code to the contrary, 9813
if a fee is assessed under this section, no agency, board, or 9814

commission shall issue a license or registration unless a fee 9815
required by this division has been received. The director of 9816
administrative services may collect the fee or require a state 9817
agency, board, or commission for which the system is being 9818
operated to collect the fee. Amounts received under this division 9819
shall be deposited in or transferred to the professions licensing 9820
system fund created in division ~~(I)~~ (H) of this section. 9821

(F) With the approval of the director of administrative 9822
services, the office of information technology may establish 9823
cooperative agreements with federal and local government agencies 9824
and state agencies that are not under the authority of the 9825
governor for the provision of technology services and the 9826
development of technology projects. 9827

(G) The office of information technology may operate a 9828
program to make information technology purchases. The director of 9829
administrative services may recover the cost of operating the 9830
program from all participating government entities by issuing 9831
intrastate transfer voucher billings for the procured technology 9832
or through any pass-through billing method agreed to by the 9833
director of administrative services, the director of budget and 9834
management, and the participating government entities that will 9835
receive the procured technology. 9836

If the director of administrative services chooses to recover 9837
the program costs through intrastate transfer voucher billings, 9838
the participating government entities shall process the intrastate 9839
transfer vouchers to pay for the cost. Amounts received under this 9840
section for the information technology purchase program shall be 9841
deposited to the credit of the information technology governance 9842
fund created in section 125.15 of the Revised Code. 9843

(H) Upon request from the director of administrative 9844
services, the director of budget and management may transfer cash 9845
from the information technology fund created in section 125.15 of 9846

the Revised Code, the MARCS administration fund created in section 9847
4501.29 of the Revised Code, the enterprise applications fund 9848
created in division ~~(B)(10)~~ (B)(11) of this section, or the 9849
professions licensing system fund created in division (I) of this 9850
section to the major information technology purchases fund in an 9851
amount not to exceed the amount computed under division ~~(B)(10)~~ 9852
(B)(11) of this section. The major information technology 9853
purchases fund is hereby created in the state treasury. 9854

(I) There is hereby created in the state treasury the 9855
professions licensing system fund. The fund shall be used to 9856
operate the electronic licensing system referenced in division (E) 9857
of this section. 9858

(J) As used in this section: 9859

(1) "Personal information" has the same meaning as in section 9860
149.45 of the Revised Code. 9861

(2) "State agency" means every organized body, office, or 9862
agency established by the laws of the state for the exercise of 9863
any function of state government, other than any state-supported 9864
institution of higher education, the office of the auditor of 9865
state, treasurer of state, secretary of state, or attorney 9866
general, the adjutant general's department, the bureau of workers' 9867
compensation, the industrial commission, the public employees 9868
retirement system, the Ohio police and fire pension fund, the 9869
state teachers retirement system, the school employees retirement 9870
system, the state highway patrol retirement system, the general 9871
assembly or any legislative agency, the capitol square review 9872
advisory board, or the courts or any judicial agency. 9873

Sec. 125.65. (A) As used in this section, "small business" 9874
has the same meaning as in section 107.63 of the Revised Code. 9875

(B) The LeanOhio office in the department of administrative 9876

services shall establish and operate an entrepreneur in residence 9877
pilot program. The mission of the entrepreneur in residence pilot 9878
program is to provide for better outreach by state government to 9879
small businesses, to strengthen coordination and interaction 9880
between state government and small businesses, and to make state 9881
government programs and functions simpler, easier to access, more 9882
efficient, and more responsive to the needs of small businesses. 9883

(C) Not later than the first day of the seventh month after 9884
~~the effective date of this section~~ March 3, 2015, the LeanOhio 9885
office shall appoint not more than five entrepreneurs in residence 9886
from among individuals who are successful in their fields and 9887
shall make reasonable efforts to market the entrepreneur in 9888
residence program across the state and attract participation from 9889
entrepreneurs with various backgrounds, including female 9890
entrepreneurs, minority business enterprises as defined in section 9891
122.71 of the Revised Code, and owners of EDGE business 9892
enterprises as defined in section ~~123.152~~122.922 of the Revised 9893
Code. The LeanOhio office may give preference to individuals who 9894
have achieved quantifiable improvements using LeanOhio tools and 9895
strategies such as lean six sigma and individuals who have 9896
achieved a black belt or master black belt certification from the 9897
LeanOhio office or an equivalent certification from a private 9898
sector office or entity. 9899

The appointment of an entrepreneur in residence is for one 9900
year. 9901

The office shall monitor the work of entrepreneurs in 9902
residence during the pilot program. 9903

An entrepreneur in residence serves at the pleasure of the 9904
LeanOhio office, and the office may discharge without cause an 9905
entrepreneur in residence. 9906

(D) The duties of an entrepreneur in residence may include 9907

any or all of the following: 9908

(1) Assisting the LeanOhio office in facilitating and 9909
developing the scope of lean process improvement events throughout 9910
state government; 9911

(2) Assisting the LeanOhio office in holding follow-up 9912
meetings to ensure the improvements developed at lean process 9913
improvement events are implemented; 9914

(3) Participating in strategic planning efforts for the 9915
LeanOhio office or other areas of state government; 9916

(4) Assisting the LeanOhio office with presentations on 9917
opportunities for state government to become more efficient and 9918
effective; 9919

(5) Facilitating meetings with businesses, state agencies, 9920
and local governments that may be affected by process improvements 9921
recommended by the LeanOhio office; 9922

(6) Assisting the LeanOhio office in providing continuous 9923
improvement training to state employees. 9924

(E) An entrepreneur in residence shall report directly to the 9925
LeanOhio office. 9926

An entrepreneur in residence is not entitled to compensation 9927
or any reimbursement from the LeanOhio office for expenses the 9928
entrepreneur in residence incurs in discharge of the entrepreneur 9929
in residence's duties. 9930

(F) (1) Not later than the date that is one year after an 9931
entrepreneur in residence was appointed, the entrepreneur in 9932
residence shall prepare a report about the entrepreneur's 9933
experiences in the program. In the report, the entrepreneur in 9934
residence shall make recommendations to the LeanOhio office that 9935
further the mission of the entrepreneur in residence program. In 9936
particular, the entrepreneur in residence shall make 9937

recommendations regarding all of the following: 9938

(a) Elimination of inefficient or duplicative programs or 9939
functions of state government that affect small businesses; 9940

(b) Methods of improving the efficiency of the programs or 9941
functions of state government that affect small businesses; 9942

(c) Any new program or function affecting small businesses 9943
that should be established and implemented by state government; 9944

(d) Any other matter that will further the mission of the 9945
entrepreneur in residence pilot program. 9946

The entrepreneur in residence shall provide a copy of the 9947
report to the LeanOhio office. 9948

(2) During or upon conclusion of the entrepreneur in 9949
residence pilot program, the LeanOhio office may convene an 9950
informal working group of entrepreneurs in residence to discuss 9951
best practices, experiences, and opportunities for and obstacles 9952
to operating small businesses as well as the recommendations in 9953
the reports prepared by the entrepreneurs in residence. 9954

(G) Upon conclusion of the entrepreneur in residence pilot 9955
program, and after considering the reports of the entrepreneurs in 9956
residence and information learned from any informal working group, 9957
the LeanOhio office shall prepare a report on the entrepreneur in 9958
residence pilot program. In the report, the office shall recommend 9959
whether the entrepreneur in residence pilot program should be 9960
repeated with or without modifications, made permanent with or 9961
without modifications, or abandoned. The office shall append the 9962
reports of the entrepreneurs in residence to its report. If the 9963
pilot program is repeated or made permanent, an individual who 9964
previously was assigned as an entrepreneur in residence shall not 9965
be reassigned as an entrepreneur in residence. 9966

The LeanOhio office shall provide a copy of its report to the 9967

common sense initiative office. The common sense initiative office 9968
promptly shall transmit a copy of the report to the officials 9969
designated in the last paragraph of section 107.55 of the Revised 9970
Code. 9971

Sec. 125.70. The department of administrative services shall 9972
work with the departments of job and family services and medicaid 9973
to deploy private sector tools for digital identity management, 9974
authentication, and verification for individuals receiving 9975
medicaid benefits, supplemental nutrition assistance program 9976
benefits, or benefits funded by the temporary assistance for needy 9977
families block grant. These private sector tools shall include 9978
joining available multistate cooperatives to identify individuals 9979
enrolled in public assistance programs, including the national 9980
accuracy clearinghouse for the supplemental nutrition assistance 9981
program, as well as other multi-state collaborative efforts to 9982
share enrollment information across state lines and avoid public 9983
assistance benefit duplication. 9984

Sec. 125.832. (A) The department of administrative services 9985
is granted exclusive authority over the acquisition and management 9986
of all motor vehicles used by state agencies. In carrying out this 9987
authority, the department shall do both of the following: 9988

(1) Approve the purchase or lease of each motor vehicle for 9989
use by a state agency. The department shall decide if a motor 9990
vehicle shall be leased or purchased for that use. 9991

Except as otherwise provided in division (A)(1) of this 9992
section, on and after July 1, 2005, each state agency shall 9993
acquire all passenger motor vehicles under the department's master 9994
leasing program. If the department determines that acquisition 9995
under that program is not the most economical method and if the 9996
department and the state agency acquiring the passenger motor 9997

vehicle can provide economic justification for doing so, the 9998
department may approve the purchase, rather than the lease, of a 9999
passenger motor vehicle for the acquiring state agency. 10000

(2) Direct and approve all funds that are expended for the 10001
purchase, lease, repair, maintenance, registration, insuring, and 10002
other costs related to the possession and operation of motor 10003
vehicles for the use of state agencies. 10004

(B) The director of administrative services shall establish 10005
and operate a fleet management program. The director shall operate 10006
the program for purposes including, but not limited to, 10007
cost-effective acquisition, maintenance, management, analysis, and 10008
disposal of all motor vehicles owned or leased by the state. All 10009
state agencies shall comply with statewide fleet management 10010
policies and procedures established by the director for the 10011
program, including, but not limited to, motor vehicle assignments, 10012
additions of motor vehicles to fleets or motor vehicle 10013
replacements, motor vehicle fueling, and motor vehicle repairs. 10014

(C) The director shall establish and maintain a fleet 10015
reporting system and shall require state agencies to submit to the 10016
department information relative to state motor vehicles, including 10017
motor vehicles described in division (G)(2) of section 125.831 of 10018
the Revised Code, to be used in operating the fleet management 10019
program. State agencies shall provide to the department fleet data 10020
and other information, including, but not limited to, mileage and 10021
costs. The data and other information shall be submitted in 10022
formats and in a manner determined by the department. 10023

(D) All state agency purchases or leases of motor vehicles 10024
are subject to the prior approval of the director under division 10025
(A)(1) of this section. 10026

(E) State agencies that utilize state motor vehicles or pay 10027
mileage reimbursements to employees shall provide a fleet plan to 10028

the department as directed by the department. 10029

(F) (1) The fleets of state agencies that consist of one 10030
hundred or less vehicles on July 1, 2004, shall be managed by the 10031
department's fleet management program on a time schedule 10032
determined by the department, unless the state agency has received 10033
delegated authority as described in division (G) of this section. 10034

(2) The fleets of state agencies that consist of greater than 10035
one hundred motor vehicles, but less than five hundred motor 10036
vehicles, on July 1, 2005, also shall be managed by the 10037
department's fleet management program on a time schedule 10038
determined by the department, unless the state agency has received 10039
delegated authority as described in division (G) of this section. 10040

(G) (1) The department may delegate any or all of its duties 10041
regarding fleet management to a state agency, if the state agency 10042
demonstrates to the satisfaction of the department both of the 10043
following: 10044

(a) Capabilities to institute and manage a fleet management 10045
program, including, but not limited to, the presence of a 10046
certified fleet manager; 10047

(b) Fleet management performance, as demonstrated by fleet 10048
data and other information submitted pursuant to annual reporting 10049
requirements and any other criteria the department considers 10050
necessary in evaluating the performance. 10051

(2) The department may determine that a state agency is not 10052
in compliance with this section and direct that the agency's fleet 10053
management duties be transferred to the department. 10054

(H) The proceeds derived from the disposition of any motor 10055
vehicles under this section shall be paid to whichever of the 10056
following applies: 10057

(1) The fund that originally provided moneys for the purchase 10058

or lease of the motor vehicles; 10059

(2) If the motor vehicles were originally purchased with 10060
moneys derived from the general revenue fund, the proceeds shall 10061
be deposited, in the director's discretion, into the state 10062
treasury to the credit of either the fleet management fund created 10063
by section 125.83 of the Revised Code or the investment recovery 10064
fund created by section 125.14 of the Revised Code. Any such 10065
proceeds deposited into the state treasury to the credit of the 10066
investment recovery fund may be transferred from the investment 10067
recovery fund to the fleet management fund. 10068

(I) (1) The department shall create and maintain a certified 10069
fleet manager program. 10070

(2) State agencies that have received delegated authority as 10071
described in division (G) of this section shall have a certified 10072
fleet manager. 10073

(J) The department annually shall prepare and submit a 10074
statewide fleet report to the governor, the speaker of the house 10075
of representatives, and the president of the senate. The report 10076
shall be submitted not later than the thirty-first day of January 10077
following the end of each fiscal year. It may include, but is not 10078
limited to, the numbers and types of motor vehicles, their 10079
mileage, miles per gallon, and cost per mile, mileage 10080
reimbursements, accident and insurance data, and information 10081
regarding compliance by state agencies having delegated authority 10082
under division (G) of this section with applicable fleet 10083
management requirements. 10084

(K) The director shall adopt rules for implementing the fleet 10085
management program that are consistent with recognized best 10086
practices. The program shall be supported by reasonable fee 10087
charges for the services provided. The director shall collect 10088
these fees and deposit them into the state treasury to the credit 10089

for the fleet management fund created by section 125.83 of the Revised Code. The setting and collection of fees under this division is not subject to any restriction imposed by law upon the director's or the department's authority to set or collect fees.

(L) The director also shall adopt rules that prohibit, except in very limited circumstances, the exclusive assignment of state-owned, leased, or pooled motor vehicles to state employees and that prohibit the reimbursement under section 126.31 of the Revised Code of state employees who use their own motor vehicles for any mileage they incur above an amount that the department shall determine annually unless reimbursement for the excess mileage is approved by the department in accordance with standards for that approval the director shall establish in those rules. Beginning on September 26, 2003, no state-owned, leased, or pooled motor vehicle shall be personally assigned as any form of compensation or benefit of state employment, and no state-owned, leased, or pooled motor vehicle shall be assigned to an employee solely for commuting to and from home and work.

(M) The director shall do both of the following:

(1) Implement to the greatest extent possible the recommendations from the 2002 report entitled "Administrative Analysis of the Ohio Fleet Management Program" in connection with the authority granted to the department by this section;

(2) Attempt to reduce the number of passenger vehicles used by state agencies during the fiscal years ending on June 30, 2004, and June 30, 2005.

(N) Each state agency shall reimburse the department for all costs incurred in the assignment of motor vehicles to the state agency.

(O) The director shall do all of the following in managing the fleet management program:

(1) Determine how motor vehicles will be maintained, insured, operated, financed, and licensed; 10121
10122

(2) Pursuant to the formula in division (O) (3) of this section, annually establish the minimum number of business miles per year an employee of a state agency must drive in order to qualify for approval by the department to receive a motor vehicle for business use; 10123
10124
10125
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(3) Establish the minimum number of business miles per year at an amount that results when the annual motor vehicle cost is divided by the amount that is the reimbursement rate per mile minus the amount that is the sum of the fuel cost, the operating cost, and the insurance cost. As used in this division: 10128
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(a) "Annual motor vehicle cost" means the price of a motor vehicle divided by the number of years an average motor vehicle is used. 10133
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(b) "Fuel cost" means the average price per gallon of motor fuel divided by the miles per gallon fuel efficiency of a motor vehicle. 10136
10137
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(c) "Insurance cost" means the cost of insuring a motor vehicle per year divided by the number of miles an average motor vehicle is driven per year. 10139
10140
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(d) "Operating cost" means the maintenance cost of a motor vehicle per year divided by ~~the product resulting when~~ the number of miles an average motor vehicle is driven per year ~~is multiplied by the number of years an average motor vehicle is used.~~ 10142
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(e) "Reimbursement rate per mile" means the reimbursement per mile rate for travel expenses as provided by rule of the director of budget and management adopted under division (B) of section 126.31 of the Revised Code. 10146
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Sec. 125.95. (A) There is hereby created within the 10150

department of administrative services the prescription drug 10151
transparency and affordability advisory council. The department 10152
shall provide administrative support to the advisory council as 10153
necessary for the advisory council to carry out its duties under 10154
this section. 10155

(1) Members of the advisory council shall include the 10156
following: 10157

(a) The director of administrative services; 10158

(b) The director of health; 10159

(c) The medicaid director; 10160

(d) The director of mental health and addiction services; 10161

(e) The administrator of workers' compensation. 10162

(2) Members of the advisory council shall also include 10163
individuals who are working to address prescription drug 10164
availability and affordability in any of the following areas: 10165

(a) Insurance; 10166

(b) Local, state, and federal government service; 10167

(c) Private industry; 10168

(d) Organizations of faith; 10169

(e) Health care providers; 10170

(f) Consumer organizations; 10171

(g) Prescription drug manufacturers; 10172

(h) Prescription drug wholesale distributors; 10173

(i) Pharmacists; 10174

(j) Business organizations; 10175

(k) Individuals concerned about mental health or substance 10176
abuse matters; 10177

(1) Advocates for individuals struggling to afford
prescription drugs. 10178
10179

The governor, the senate president, and the speaker of the 10180
house of representatives shall each appoint three members, each of 10181
whom represents at least one of the categories listed in divisions 10182
(A) (2) (a) to (1) of this section. 10183

(B) Members shall serve without compensation. Initial 10184
appointments shall be made not later than sixty days after the 10185
effective date of this section. Vacancies shall be filled in the 10186
manner provided for original appointments. 10187

(C) Not later than six months after the date of initial 10188
appointments under division (B) of this section, the advisory 10189
council shall submit a report to the governor, the general 10190
assembly, and the chairperson of the joint medicaid oversight 10191
committee in accordance with section 101.68 of the Revised Code. 10192
The report shall include recommendations on all of the following: 10193

(1) How this state can best achieve prescription drug price 10194
transparency; 10195

(2) New payment models or other avenues to create the most 10196
affordable environment for purchasing prescription drugs; 10197

(3) Leveraging this state's purchasing power across all state 10198
agencies, boards, commissions, and similar entities; 10199

(4) Creating efficiencies across different health care 10200
systems, such as hospitals, the criminal justice system, treatment 10201
and recovery support programs, and employer-sponsored health 10202
insurance, to reduce duplicative service delivery across these 10203
systems, ensure that patients receive high quality and affordable 10204
prescription drugs, and support quality care and outcomes; 10205

(5) Which critical outcomes can be measured and used to 10206
improve this state's system of purchasing affordable prescribed 10207

drugs; 10208

(6) How federal, state, and local resources are being used to 10209
optimize these outcomes and identify where the resources can be 10210
better coordinated or redirected to meet the needs of consumers in 10211
this state. 10212

(D) State agencies, boards, commissions, and similar entities 10213
shall cooperate with and provide assistance to the advisory 10214
council as necessary for the advisory council to carry out its 10215
duties under this section. 10216

(E) ~~Upon completion of the report described in division (C)~~ 10217
~~of this section, the advisory council shall meet not less than~~ 10218
~~quarterly to provide assistance and guidance relating to the~~ 10219
~~recommendations in the report. On the effective date of this~~ 10220
~~amendment, the advisory council shall cease to exist. Thereafter,~~ 10221
~~the joint medicaid oversight committee may examine any of the~~ 10222
~~topics described in the report prepared by the former advisory~~ 10223
~~council under division (C) of this section upon the request of a~~ 10224
~~member of the committee.~~ 10225

Sec. 126.021. Whenever, pursuant to section 126.06 of the 10226
Revised Code, the department of ~~administrative services~~ 10227
development files with the director of budget and management its 10228
estimate of proposed expenditures for the succeeding biennium, the 10229
department shall request, and the director of budget and 10230
management shall approve the request for, the following general 10231
revenue fund appropriations for operating the construction 10232
compliance section of the ~~equal employment opportunity office of~~ 10233
the department of ~~administrative services~~ development: 10234

(A) For the first fiscal year of the biennium, an 10235
appropriation equal to fifty-three one-thousandths of one per cent 10236
of the total new capital appropriations provided for in the most 10237
recently enacted main capital appropriations act; 10238

(B) For the second fiscal year of the biennium, an 10239
appropriation equal to the amount computed under division (A) of 10240
this section, adjusted for anticipated changes in operating costs 10241
based upon the inflation/deflation factor used by the director of 10242
budget and management for that fiscal year. 10243

The amounts of the appropriations requested pursuant to 10244
divisions (A) and (B) of this section shall be in addition to the 10245
amounts provided for staff in the construction compliance section 10246
of the equal employment opportunity office of the department of 10247
administrative services as of January 1, 1988. 10248

Sec. 128.55. (A) (1) The tax commissioner, not later than the 10249
last day of each month, shall disburse moneys from the wireless 10250
9-1-1 government assistance fund, plus any accrued interest on the 10251
fund, to each county treasurer- 10252

~~(a) If there are sufficient funds in the wireless 9-1-1~~ 10253
~~government assistance fund, each county treasurer shall receive~~ 10254
~~the same amount~~ proportion distributed to that county by the 10255
~~public utilities commission tax commissioner~~ in the corresponding 10256
calendar month ~~in 2013.~~ 10257

~~(b) If the funds available are insufficient to make the~~ 10258
~~distributions as provided in division (A) (1) (a) of this section,~~ 10259
~~each county's share shall be reduced in proportion to the amounts~~ 10260
~~received in the corresponding calendar month in 2013, until the~~ 10261
~~total amount to be distributed to the counties is equivalent to~~ 10262
~~the amount available in the wireless 9-1-1 government assistance~~ 10263
~~fund~~ of the previous year. Any shortfall in distributions 10264
resulting from ~~insufficient~~ the timing of funds from received in a 10265
previous month shall be ~~remedied~~ distributed in the following 10266
month. 10267

(2) The tax commissioner shall disburse moneys from the next 10268
generation 9-1-1 fund in accordance with the guidelines 10269

established under section 128.022 of the Revised Code. 10270

(B) Immediately upon receipt by a county treasurer of a 10271
disbursement under division (A) of this section, the county shall 10272
disburse, in accordance with the allocation formula set forth in 10273
the final plan, the amount the county so received to any other 10274
subdivisions in the county and any regional councils of 10275
governments in the county that pay the costs of a public safety 10276
answering point providing wireless enhanced 9-1-1 under the plan. 10277

(C) Nothing in this chapter affects the authority of a 10278
subdivision operating or served by a public safety answering point 10279
of a 9-1-1 system or a regional council of governments operating a 10280
public safety answering point of a 9-1-1 system to use, as 10281
provided in the final plan for the system or in an agreement under 10282
section 128.09 of the Revised Code, any other authorized revenue 10283
of the subdivision or the regional council of governments for the 10284
purposes of providing basic or enhanced 9-1-1. 10285

Sec. 131.02. (A) Except as otherwise provided in section 10286
4123.37, section 5703.061, and division (K) of section 4123.511 of 10287
the Revised Code, whenever any amount is payable to the state, the 10288
officer, employee, or agent responsible for administering the law 10289
under which the amount is payable shall immediately proceed to 10290
collect the amount or cause the amount to be collected and shall 10291
pay the amount into the state treasury or into the appropriate 10292
custodial fund in the manner set forth pursuant to section 113.08 10293
of the Revised Code. Except as otherwise provided in this 10294
division, if the amount is not paid within forty-five days after 10295
payment is due, the officer, employee, or agent shall certify the 10296
amount due to the attorney general, in the form and manner 10297
prescribed by the attorney general, and notify the director of 10298
budget and management thereof. In the case of an amount payable by 10299
a student enrolled in a state institution of higher education, the 10300

amount shall be certified within the later of forty-five days 10301
after the amount is due or the tenth day after the beginning of 10302
the next academic semester, quarter, or other session following 10303
the session for which the payment is payable. The attorney general 10304
may assess the collection cost to the amount certified in such 10305
manner and amount as prescribed by the attorney general. If an 10306
amount payable to a political subdivision is past due, the 10307
political subdivision may, with the approval of the attorney 10308
general, certify the amount to the attorney general pursuant to 10309
this section. 10310

For the purposes of this section, the attorney general and 10311
the officer, employee, or agent responsible for administering the 10312
law under which the amount is payable shall agree on the time a 10313
payment is due, and that agreed upon time shall be one of the 10314
following times: 10315

(1) If a law, including an administrative rule, of this state 10316
prescribes the time a payment is required to be made or reported, 10317
when the payment is required by that law to be paid or reported. 10318

(2) If the payment is for services rendered, when the 10319
rendering of the services is completed. 10320

(3) If the payment is reimbursement for a loss, when the loss 10321
is incurred. 10322

(4) In the case of a fine or penalty for which a law or 10323
administrative rule does not prescribe a time for payment, when 10324
the fine or penalty is first assessed. 10325

(5) If the payment arises from a legal finding, judgment, or 10326
adjudication order, when the finding, judgment, or order is 10327
rendered or issued. 10328

(6) If the payment arises from an overpayment of money by the 10329
state to another person, when the overpayment is discovered. 10330

(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined. 10331
10332
10333

(8) Upon proof of claim being filed in a bankruptcy case. 10334

(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the ~~state~~ agency, institution, or political subdivision to which the payment is owed. 10335
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(B) (1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness. 10341
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(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following: 10344
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10346

(a) The assessment or case number; 10347

(b) The tax pursuant to which the assessment is made; 10348

(c) The reason for the liability, including, if applicable, that a penalty or interest is due; 10349
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(d) An explanation of how and when interest will be added to the amount assessed; 10351
10352

(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state. 10353
10354
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(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection. 10357
10358

(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 10359
10360

5703.47 of the Revised Code. 10361

(E) The attorney general and the chief officer of the agency 10362
reporting a claim, acting together, may do any of the following if 10363
such action is in the best interests of the state: 10364

(1) Compromise the claim; 10365

(2) Extend for a reasonable period the time for payment of 10366
the claim by agreeing to accept monthly or other periodic 10367
payments. The agreement may require security for payment of the 10368
claim. 10369

(3) Add fees to recover the cost of processing checks or 10370
other draft instruments returned for insufficient funds and the 10371
cost of providing electronic payment options. 10372

(F) (1) Except as provided in division (F) (2) of this section, 10373
if the attorney general finds, after investigation, that any claim 10374
due and owing to the state is uncollectible, the attorney general, 10375
with the consent of the chief officer of the agency reporting the 10376
claim, may do the following: 10377

(a) Sell, convey, or otherwise transfer the claim to one or 10378
more private entities for collection; 10379

(b) Cancel the claim or cause it to be canceled. 10380

(2) The attorney general shall cancel or cause to be canceled 10381
an unsatisfied claim on the date that is forty years after the 10382
date the claim is certified, unless the attorney general has 10383
adopted a rule under division (F) (5) of this section shortening 10384
this time frame with respect to a subset of claims. 10385

(3) No initial action shall be commenced to collect any tax 10386
payable to the state that is administered by the tax commissioner, 10387
whether or not such tax is subject to division (B) of this 10388
section, or any penalty, interest, or additional charge on such 10389
tax, after the expiration of the period ending on the later of the 10390

dates specified in divisions (F) (3) (a) and (b) of this section, 10391
provided that such period shall be extended by the period of any 10392
stay to such collection or by any other period to which the 10393
parties mutually agree. If the initial action in aid of execution 10394
is commenced before the later of the dates specified in divisions 10395
(F) (3) (a) and (b) of this section, any and all subsequent actions 10396
may be pursued in aid of execution of judgment for as long as the 10397
debt exists. 10398

(a) Seven years after the assessment of the tax, penalty, 10399
interest, or additional charge is issued. 10400

(b) Four years after the assessment of the tax, penalty, 10401
interest, or additional charge becomes final. For the purposes of 10402
division (F) (3) (b) of this section, the assessment becomes final 10403
at the latest of the following: upon expiration of the period to 10404
petition for reassessment, or if applicable, to appeal a final 10405
determination of the commissioner or decision of the board of tax 10406
appeals or a court, or, if applicable, upon decision of the United 10407
States supreme court. 10408

For the purposes of division (F) (3) of this section, an 10409
initial action to collect a tax debt is commenced at the time when 10410
a certified copy of the tax commissioner's entry making an 10411
assessment final has been filed in the office of the clerk of 10412
court of common pleas in the county in which the taxpayer resides 10413
or has its principal place of business in this state, or in the 10414
office of the clerk of court of common pleas of Franklin county, 10415
as provided in section 5739.13, 5741.14, 5747.13, or 5751.09 of 10416
the Revised Code or in any other applicable law requiring such a 10417
filing. If an assessment has not been issued and there is no time 10418
limitation on the issuance of an assessment under applicable law, 10419
an action to collect a tax debt commences when the action is filed 10420
in the courts of this state to collect the liability. 10421

(4) If information contained in a claim that is sold, 10422

conveyed, or transferred to a private entity pursuant to this 10423
section is confidential pursuant to federal law or a section of 10424
the Revised Code that implements a federal law governing 10425
confidentiality, such information remains subject to that law 10426
during and following the sale, conveyance, or transfer. 10427

(5) The attorney general may adopt rules to aid in the 10428
implementation of this section. 10429

Sec. 131.025. The attorney general shall enter into an 10430
agreement with the United States secretary of the treasury to 10431
participate in the federal treasury offset program for the 10432
collection of the following debts certified to the attorney 10433
general pursuant to section 131.02 of the Revised Code: 10434

(A) State income tax obligations pursuant to 26 U.S.C. 10435
6402(e); 10436

(B) Covered unemployment compensation debts pursuant to 26 10437
U.S.C. 6402(f). 10438

For the purpose of this section, "state income tax" includes 10439
taxes levied pursuant to Chapter 718. of the Revised Code to the 10440
extent that such taxes qualify for the federal treasury offset 10441
program under 26 U.S.C. 6402(e). Notwithstanding section 718.01 of 10442
the Revised Code, for the sole purpose of meeting the requirements 10443
of the federal treasury offset program, the attorney general is 10444
the tax administrator, as defined in that section, respecting 10445
delinquencies arising from taxes levied pursuant to Chapter 718. 10446
of the Revised Code once delinquency is certified to the attorney 10447
general for collection under section 131.02 of the Revised Code. 10448

Sec. 131.50. (A) There is hereby created in the state 10449
treasury the state land royalty fund consisting of money credited 10450
to it under section ~~1509.73~~ 155.33 of the Revised Code. Any 10451
investment proceeds earned on money in the fund shall be credited 10452

to the fund and used as required in division (B) or (C) of this section. 10453
10454

~~(B) Except as provided in division (C) of this section, money in the state land royalty fund shall be used by state agencies to acquire land and to pay capital costs of state agencies, including equipment and renovations and repairs of facilities, that have contributed to the fund under section 1509.73 of the Revised Code. Such a (1) A state agency is entitled to receive from the fund the amount that the state agency contributed and a share of the investment earnings of the fund in an amount that is equivalent to the proportionate share of contributions made by the state agency to the fund. Regarding the department of natural resources, each division within the department is entitled to receive from the department's proportionate share all amounts received by the department that are attributable to the state-owned land controlled by that division.~~ 10455
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(2) The treasurer of state, in consultation with the director of budget and management, shall disburse money from the state land royalty fund to the appropriate fund designated by the state agency not later than thirty days after the deposit of any money into the state land royalty fund. If the state agency is the department of natural resources, the treasurer of state, in consultation with the director of budget and management and the director of natural resources, shall disburse the money to the appropriate fund designated by the applicable division within the department. 10469
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(3) A state agency or, as applicable, a division of the department of natural resources, may use the money for any costs and expenses the agency determines are necessary. 10479
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10481

~~(C) Money in the fund that is allocated to a state college or university may be used to pay for operating expenses associated~~ 10482
10483

~~with any property that is owned by the college or university and 10484
that is at least partially used for the exploration, development, 10485
and production of oil or gas if both of the following apply: 10486~~

~~(1) The state college or university is engaged in research at 10487
the property or in education or outreach regarding the property. 10488~~

~~(2) The research, education, or outreach is associated with 10489
furthering the public understanding of how oil and gas 10490
exploration, development, or production potentially benefits the 10491
public and impacts the use of the state's natural resources. 10492~~

~~(D) As used in this section, "state agency" has the same 10493
meaning as in section ~~1509.70~~ 155.30 of the Revised Code. 10494~~

Sec. 133.06. (A) A school district shall not incur, without a 10495
vote of the electors, net indebtedness that exceeds an amount 10496
equal to one-tenth of one per cent of its tax valuation, except as 10497
provided in divisions (G) and (H) of this section and in division 10498
(D) of section 3313.372 of the Revised Code, or as prescribed in 10499
section 3318.052 or 3318.44 of the Revised Code, or as provided in 10500
division (J) of this section. 10501

(B) Except as provided in divisions (E), (F), and (I) of this 10502
section, a school district shall not incur net indebtedness that 10503
exceeds an amount equal to nine per cent of its tax valuation. 10504

(C) A school district shall not submit to a vote of the 10505
electors the question of the issuance of securities in an amount 10506
that will make the district's net indebtedness after the issuance 10507
of the securities exceed an amount equal to four per cent of its 10508
tax valuation, unless the superintendent of public instruction, 10509
acting under policies adopted by the state board of education, and 10510
the tax commissioner, acting under written policies of the 10511
commissioner, consent to the submission. A request for the 10512
consents shall be made at least one hundred twenty days prior to 10513

the election at which the question is to be submitted. 10514

The superintendent of public instruction shall certify to the 10515
district the superintendent's and the tax commissioner's decisions 10516
within thirty days after receipt of the request for consents. 10517

If the electors do not approve the issuance of securities at 10518
the election for which the superintendent of public instruction 10519
and tax commissioner consented to the submission of the question, 10520
the school district may submit the same question to the electors 10521
on the date that the next special election may be held under 10522
section 3501.01 of the Revised Code without submitting a new 10523
request for consent. If the school district seeks to submit the 10524
same question at any other subsequent election, the district shall 10525
first submit a new request for consent in accordance with this 10526
division. 10527

(D) In calculating the net indebtedness of a school district, 10528
none of the following shall be considered: 10529

(1) Securities issued to acquire school buses and other 10530
equipment used in transporting pupils or issued pursuant to 10531
division (D) of section 133.10 of the Revised Code; 10532

(2) Securities issued under division (F) of this section and, 10533
to the extent in excess of the limitation stated in division (B) 10534
of this section, under division (E) of this section; 10535

(3) Indebtedness resulting from the dissolution of a joint 10536
vocational school district under section 3311.217 of the Revised 10537
Code, evidenced by outstanding securities of that joint vocational 10538
school district; 10539

(4) Loans, evidenced by any securities, received under 10540
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 10541

(5) Debt incurred under section 3313.374 of the Revised Code; 10542

(6) Debt incurred pursuant to division (B) (5) of section 10543

3313.37 of the Revised Code to acquire computers and related hardware; 10544
10545

(7) Debt incurred under section 3318.042 of the Revised Code; 10546

(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district. 10547
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(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section. 10550
10551

(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following: 10552
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(a) The student population is not being adequately serviced by the existing permanent improvements of the district. 10555
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(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs. 10557
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(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following: 10561
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(a) The history of and a projection of the growth of the tax valuation; 10564
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(b) The projected needs; 10566

(c) The estimated cost of permanent improvements proposed to meet such projected needs. 10567
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(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following: 10569
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(a) The district does not have available sufficient 10572

additional funds from state or federal sources to meet the 10573
projected needs. 10574

(b) The projection of the potential average growth of tax 10575
valuation during the next five years, according to the information 10576
certified to the superintendent and any other information the 10577
superintendent obtains, indicates a likelihood of potential 10578
average growth of tax valuation of the district during the next 10579
five years of an average of not less than one and one-half per 10580
cent per year. The findings and certification of the 10581
superintendent shall be conclusive. 10582

(4) An approved special needs district may incur net 10583
indebtedness by the issuance of securities in accordance with the 10584
provisions of this chapter in an amount that does not exceed an 10585
amount equal to the greater of the following: 10586

(a) Twelve per cent of the sum of its tax valuation plus an 10587
amount that is the product of multiplying that tax valuation by 10588
the percentage by which the tax valuation has increased over the 10589
tax valuation on the first day of the sixtieth month preceding the 10590
month in which its board determines to submit to the electors the 10591
question of issuing the proposed securities; 10592

(b) Twelve per cent of the sum of its tax valuation plus an 10593
amount that is the product of multiplying that tax valuation by 10594
the percentage, determined by the superintendent of public 10595
instruction, by which that tax valuation is projected to increase 10596
during the next ten years. 10597

(F) A school district may issue securities for emergency 10598
purposes, in a principal amount that does not exceed an amount 10599
equal to three per cent of its tax valuation, as provided in this 10600
division. 10601

(1) A board of education, by resolution, may declare an 10602
emergency if it determines both of the following: 10603

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

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

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

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

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

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

(c) The county auditor shall advise and, not later than ninety-five days before the election, confirm that advice by certification to, the board of education of the information

required by division (C) of section 133.18 of the Revised Code; 10635

(d) The board of education shall then certify its resolution 10636
and the information required by division (D) of section 133.18 of 10637
the Revised Code to the board of elections not less than ninety 10638
days prior to the election. 10639

(4) Notwithstanding division (B) of section 133.21 of the 10640
Revised Code, the first principal payment of securities issued 10641
under this division may be set at any date not later than sixty 10642
months after the earliest possible principal payment otherwise 10643
provided for in that division. 10644

(G) (1) The board of education may contract with an architect, 10645
professional engineer, or other person experienced in the design 10646
and implementation of energy conservation measures for an analysis 10647
and recommendations pertaining to installations, modifications of 10648
installations, or remodeling that would significantly reduce 10649
energy consumption in buildings owned by the district. The report 10650
shall include estimates of all costs of such installations, 10651
modifications, or remodeling, including costs of design, 10652
engineering, installation, maintenance, repairs, measurement and 10653
verification of energy savings, and debt service, forgone residual 10654
value of materials or equipment replaced by the energy 10655
conservation measure, as defined by the Ohio facilities 10656
construction commission, a baseline analysis of actual energy 10657
consumption data for the preceding three years with the utility 10658
baseline based on only the actual energy consumption data for the 10659
preceding twelve months, and estimates of the amounts by which 10660
energy consumption and resultant operational and maintenance 10661
costs, as defined by the commission, would be reduced. 10662

If the board finds after receiving the report that the amount 10663
of money the district would spend on such installations, 10664
modifications, or remodeling is not likely to exceed the amount of 10665
money it would save in energy and resultant operational and 10666

maintenance costs over the ensuing fifteen years, the board may 10667
submit to the commission a copy of its findings and a request for 10668
approval to incur indebtedness to finance the making or 10669
modification of installations or the remodeling of buildings for 10670
the purpose of significantly reducing energy consumption. 10671

The facilities construction commission, in consultation with 10672
the auditor of state, may deny a request under division (G)(1) of 10673
this section by the board of education of any school district that 10674
is in a state of fiscal watch pursuant to division (A) of section 10675
3316.03 of the Revised Code, if it determines that the expenditure 10676
of funds is not in the best interest of the school district. 10677

No district board of education of a school district that is 10678
in a state of fiscal emergency pursuant to division (B) of section 10679
3316.03 of the Revised Code shall submit a request without 10680
submitting evidence that the installations, modifications, or 10681
remodeling have been approved by the district's financial planning 10682
and supervision commission established under section 3316.05 of 10683
the Revised Code. 10684

No board of education of a school district for which an 10685
academic distress commission has been established under section 10686
3302.10 of the Revised Code shall submit a request without first 10687
receiving approval to incur indebtedness from the district's 10688
academic distress commission established under that section, for 10689
so long as such commission continues to be required for the 10690
district. 10691

(2) The board of education may contract with a person 10692
experienced in the implementation of student transportation to 10693
produce a report that includes an analysis of and recommendations 10694
for the use of alternative fuel vehicles by school districts. The 10695
report shall include cost estimates detailing the return on 10696
investment over the life of the alternative fuel vehicles and 10697
environmental impact of alternative fuel vehicles. The report also 10698

shall include estimates of all costs associated with alternative 10699
fuel transportation, including facility modifications and vehicle 10700
purchase costs or conversion costs. 10701

If the board finds after receiving the report that the amount 10702
of money the district would spend on purchasing alternative fuel 10703
vehicles or vehicle conversion is not likely to exceed the amount 10704
of money it would save in fuel and resultant operational and 10705
maintenance costs over the ensuing five years, the board may 10706
submit to the commission a copy of its findings and a request for 10707
approval to incur indebtedness to finance the purchase of new 10708
alternative fuel vehicles or vehicle conversions for the purpose 10709
of reducing fuel costs. 10710

The facilities construction commission, in consultation with 10711
the auditor of state, may deny a request under division (G) (2) of 10712
this section by the board of education of any school district that 10713
is in a state of fiscal watch pursuant to division (A) of section 10714
3316.03 of the Revised Code, if it determines that the expenditure 10715
of funds is not in the best interest of the school district. 10716

No district board of education of a school district that is 10717
in a state of fiscal emergency pursuant to division (B) of section 10718
3316.03 of the Revised Code shall submit a request without 10719
submitting evidence that the purchase or conversion of alternative 10720
fuel vehicles has been approved by the district's financial 10721
planning and supervision commission established under section 10722
3316.05 of the Revised Code. 10723

No board of education of a school district for which an 10724
academic distress commission has been established under section 10725
3302.10 of the Revised Code shall submit a request without first 10726
receiving approval to incur indebtedness from the district's 10727
academic distress commission established under that section, for 10728
so long as such commission continues to be required for the 10729
district. 10730

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

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

(b) The request for approval is complete.

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

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

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

such installations, modifications, or remodeling. The resultant 10762
operational and maintenance cost savings shall be certified by the 10763
school district treasurer. The report shall be submitted annually 10764
to the commission. 10765

(b) If the facilities construction commission verifies that 10766
the certified annual reports submitted to the commission by a 10767
board of education under division (G)(4)(a) of this section 10768
fulfill the guarantee required under division (B) of section 10769
3313.372 of the Revised Code for three consecutive years, the 10770
board of education shall no longer be subject to the annual 10771
reporting requirements of division (G)(4)(a) of this section. 10772

(5) So long as any securities issued under division (G)(2) of 10773
this section remain outstanding, the board of education shall 10774
monitor the purchase of new alternative fuel vehicles or vehicle 10775
conversions pursuant to that division. The board shall maintain 10776
and annually update a report in a form and manner prescribed by 10777
the facilities construction commission documenting the purchase of 10778
new alternative fuel vehicles or vehicle conversions, the 10779
associated environmental impact, and return on investment. The 10780
resultant fuel and operational and maintenance cost savings shall 10781
be certified by the school district treasurer. The report shall be 10782
submitted annually to the commission. 10783

(H) With the consent of the superintendent of public 10784
instruction, a school district may incur without a vote of the 10785
electors net indebtedness that exceeds the amounts stated in 10786
divisions (A) and (G) of this section for the purpose of paying 10787
costs of permanent improvements, if and to the extent that both of 10788
the following conditions are satisfied: 10789

(1) The fiscal officer of the school district estimates that 10790
receipts of the school district from payments made under or 10791
pursuant to agreements entered into pursuant to section 725.02, 10792
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 10793

5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 10794
of the Revised Code, or distributions under division (C) of 10795
section 5709.43 or division (B) of section 5709.47 of the Revised 10796
Code, or any combination thereof, are, after accounting for any 10797
appropriate coverage requirements, sufficient in time and amount, 10798
and are committed by the proceedings, to pay the debt charges on 10799
the securities issued to evidence that indebtedness and payable 10800
from those receipts, and the taxing authority of the district 10801
confirms the fiscal officer's estimate, which confirmation is 10802
approved by the superintendent of public instruction; 10803

(2) The fiscal officer of the school district certifies, and 10804
the taxing authority of the district confirms, that the district, 10805
at the time of the certification and confirmation, reasonably 10806
expects to have sufficient revenue available for the purpose of 10807
operating such permanent improvements for their intended purpose 10808
upon acquisition or completion thereof, and the superintendent of 10809
public instruction approves the taxing authority's confirmation. 10810

The maximum maturity of securities issued under division (H) 10811
of this section shall be the lesser of twenty years or the maximum 10812
maturity calculated under section 133.20 of the Revised Code. 10813

(I) A school district may incur net indebtedness by the 10814
issuance of securities in accordance with the provisions of this 10815
chapter in excess of the limit specified in division (B) or (C) of 10816
this section when necessary to raise the school district portion 10817
of the basic project cost and any additional funds necessary to 10818
participate in a project under Chapter 3318. of the Revised Code, 10819
including the cost of items designated by the facilities 10820
construction commission as required locally funded initiatives, 10821
the cost of other locally funded initiatives in an amount that 10822
does not exceed fifty per cent of the district's portion of the 10823
basic project cost, and the cost for site acquisition. ~~The~~ 10824
~~commission~~ A school district shall notify the superintendent of 10825

public instruction whenever a ~~school~~ that district will exceed 10826
either limit pursuant to this division. 10827

(J) A school district whose portion of the basic project cost 10828
of its classroom facilities project under sections 3318.01 to 10829
3318.20 of the Revised Code is greater than or equal to one 10830
hundred million dollars may incur without a vote of the electors 10831
net indebtedness in an amount up to two per cent of its tax 10832
valuation through the issuance of general obligation securities in 10833
order to generate all or part of the amount of its portion of the 10834
basic project cost if the controlling board has approved the 10835
facilities construction commission's conditional approval of the 10836
project under section 3318.04 of the Revised Code. The school 10837
district board and the Ohio facilities construction commission 10838
shall include the dedication of the proceeds of such securities in 10839
the agreement entered into under section 3318.08 of the Revised 10840
Code. No state moneys shall be released for a project to which 10841
this section applies until the proceeds of any bonds issued under 10842
this section that are dedicated for the payment of the school 10843
district portion of the project are first deposited into the 10844
school district's project construction fund. 10845

Sec. 135.02. There shall be a state board of deposit 10846
consisting of the treasurer of state or an employee of the 10847
treasurer of state's department designated by the treasurer of 10848
state, the auditor of state or an employee of the auditor of 10849
state's department designated by the auditor of state, and the 10850
attorney general or an employee of the attorney general's 10851
department designated by the attorney general. The board shall 10852
meet on the call of the chairperson at least annually to perform 10853
the duties prescribed in sections 135.01 to 135.21 of the Revised 10854
Code. At any time, two members of the board may request that the 10855
chairperson call a meeting of the board, and the chairperson shall 10856
call the meeting within thirty days after receiving such requests. 10857

The treasurer of state or the treasurer of state's designated representative shall be chairperson of the board. The ~~cashier~~ treasurer of ~~the state treasury~~ shall ~~be~~ designate an employee of the treasurer of state's department to serve as the secretary of the board and ~~shall~~ keep its records. A certified copy of such records shall be prima-facie evidence of the matter appearing therein in any court of record.

The chairperson shall provide a monthly report to the board of deposit consisting of the notifications required under division (B) of section 135.143 of the Revised Code and shall post that report monthly to a web site maintained by the treasurer of state.

The necessary expenses of the board shall be paid from the state treasury from appropriations for that purpose upon the order of the board certified by the chairperson and the secretary.

Sec. 135.143. (A) The treasurer of state may invest or execute transactions for any part or all of the interim funds of the state in the following classifications of obligations:

(1) United States treasury bills, notes, bonds, or any other obligations or securities issued by the United States treasury or any other obligation guaranteed as to principal and interest by the United States;

(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality;

(3) (a) Bonds, notes, and other obligations of the state of Ohio, including, but not limited to, any obligations issued by the treasurer of state, the Ohio public facilities commission, the Ohio building authority, the Ohio housing finance agency, the Ohio water development authority, and the Ohio turnpike infrastructure commission;

(b) Bonds, notes, and other obligations of any state or political subdivision thereof rated in the three highest categories by at least one nationally recognized standard rating service and purchased through a registered securities broker or dealer, provided the treasurer of state is not the sole purchaser of the bonds, notes, or other obligations at original issuance.

(4) (a) Written repurchase agreements with any eligible Ohio financial institution that is a member of the federal reserve system or federal home loan bank, or any registered United States government securities dealer, under the terms of which agreement the treasurer of state purchases and the eligible financial institution or dealer agrees unconditionally to repurchase any of the securities that are listed in division (A) (1), (2), or (6) of this section. The market value of securities subject to these transactions must exceed the principal value of the repurchase agreement by an amount specified by the treasurer of state, and the securities must be delivered into the custody of the treasurer of state or the qualified trustee or agent designated by the treasurer of state. The agreement shall contain the requirement that for each transaction pursuant to the agreement, the participating institution or dealer shall provide all of the following information:

(i) The par value of the securities;

(ii) The type, rate, and maturity date of the securities;

(iii) A numerical identifier generally accepted in the securities industry that designates the securities.

(b) The treasurer of state also may sell any securities, listed in division (A) (1), (2), or (6) of this section, regardless of maturity or time of redemption of the securities, under the same terms and conditions for repurchase, provided that the securities have been fully paid for and are owned by the treasurer

of state at the time of the sale. 10919

(5) Securities lending agreements with any eligible financial 10920
institution that is a member of the federal reserve system or 10921
federal home loan bank or any recognized United States government 10922
securities dealer, under the terms of which agreements the 10923
treasurer of state lends securities and the eligible financial 10924
institution or dealer agrees to simultaneously exchange similar 10925
securities or cash, equal value for equal value. 10926

Securities and cash received as collateral for a securities 10927
lending agreement are not interim funds of the state. The 10928
investment of cash collateral received pursuant to a securities 10929
lending agreement may be invested only in such instruments 10930
specified by the treasurer of state in accordance with a written 10931
investment policy. 10932

(6) Various forms of commercial paper issued by any entity 10933
that is organized under the laws of the United States or a state, 10934
which notes are rated in the two highest categories by two 10935
nationally recognized standard rating services, provided that the 10936
total amount invested under this section in any commercial paper 10937
at any time shall not exceed forty per cent of the state's total 10938
average portfolio, as determined and calculated by the treasurer 10939
of state; 10940

(7) Bankers acceptances, maturing in two hundred seventy days 10941
or less, provided that the total amount invested in bankers 10942
acceptances at any time shall not exceed ten per cent of the 10943
state's total average portfolio, as determined and calculated by 10944
the treasurer of state; 10945

(8) Certificates of deposit in eligible institutions applying 10946
for interim moneys as provided in section 135.08 of the Revised 10947
Code, including linked deposits as provided in sections 135.61 to 10948
135.67 of the Revised Code, agricultural linked deposits as 10949

provided in sections 135.71 to 135.76 of the Revised Code, 10950
business linked deposits as provided in sections 135.77 to 135.774 10951
of the Revised Code, and housing linked deposits as provided in 10952
sections 135.81 to 135.87 of the Revised Code; 10953

(9) Negotiable certificates of deposit denominated in United 10954
States dollars issued by a nationally or state-chartered bank, a 10955
savings association or a federal association, a state or federal 10956
credit union, or a federally licensed or state-licensed branch of 10957
a foreign bank, which are rated in the two highest categories by 10958
two nationally recognized standard rating services, provided that 10959
the total amount invested under this section in negotiable 10960
certificates of deposit at any time shall not exceed twenty-five 10961
per cent of the state's total average portfolio, as determined and 10962
calculated by the treasurer of state. Interim funds invested in 10963
accordance with division (A)(9) of this section are not limited to 10964
institutions applying for interim moneys under section 135.08 of 10965
the Revised Code, nor are they subject to any pledging 10966
requirements described in sections 135.18, 135.181, or 135.182 of 10967
the Revised Code. 10968

(10) The state treasurer's investment pool authorized under 10969
section 135.45 of the Revised Code; 10970

~~(10)~~(11) Debt interests, other than commercial paper 10971
described in division (A)(6) of this section, rated in the three 10972
highest categories by two nationally recognized standard rating 10973
services and issued by entities that are organized under the laws 10974
of the United States or a state, or issued by foreign nations 10975
diplomatically recognized by the United States government, or any 10976
instrument based on, derived from, or related to such interests, 10977
provided that: 10978

(a) The investments in debt interests other than commercial 10979
paper shall not exceed in the aggregate twenty-five per cent of 10980
the state's portfolio. 10981

(b) The investments in debt interests issued by foreign nations shall not exceed in the aggregate two per cent of the state's portfolio.

The treasurer of state shall invest under division (A) ~~(10)~~ (11) of this section in a debt interest issued by a foreign nation only if the debt interest is backed by the full faith and credit of that foreign nation, and provided that all interest and principal shall be denominated and payable in United States funds.

(c) When added to the investment in commercial paper and negotiable certificates of deposit, the investments in the debt interests of a single issuer shall not exceed in the aggregate five per cent of the state's portfolio.

(d) For purposes of division (A) ~~(10)~~ (11) of this section, a debt interest is rated in the three highest categories by two nationally recognized standard rating services if either the debt interest itself or the issuer of the debt interest is rated, or is implicitly rated, in the three highest categories by two nationally recognized standard rating services.

(e) For purposes of division (A) ~~(10)~~ (11) of this section, the "state's portfolio" means the state's total average portfolio, as determined and calculated by the treasurer of state.

~~(11)~~ (12) No-load money market mutual funds rated in the highest category by one nationally recognized standard rating service or consisting exclusively of obligations described in division (A) (1), (2), or (6) of this section and repurchase agreements secured by such obligations.

~~(12)~~ (13) Obligations issued by, or on behalf of, an Ohio political subdivision under Chapter 133. of the Revised Code or Section 12 of Article XVIII, Ohio Constitution, and identified in an agreement described in division (G) of this section.

(B) Whenever, during a period of designation, the treasurer

of state classifies public moneys as interim moneys, the treasurer 11013
of state shall notify the state board of deposit of such action. 11014
The notification shall be given within thirty days after such 11015
classification and, in the event the state board of deposit does 11016
not concur in such classification or in the investments or 11017
deposits made under this section, the board may order the 11018
treasurer of state to sell or liquidate any of the investments or 11019
deposits, and any such order shall specifically describe the 11020
investments or deposits and fix the date upon which they are to be 11021
sold or liquidated. Investments or deposits so ordered to be sold 11022
or liquidated shall be sold or liquidated for cash by the 11023
treasurer of state on the date fixed in such order at the then 11024
current market price. Neither the treasurer of state nor the 11025
members of the state board of deposit shall be held accountable 11026
for any loss occasioned by sales or liquidations of investments or 11027
deposits at prices lower than their cost. Any loss or expense 11028
incurred in making these sales or liquidations is payable as other 11029
expenses of the treasurer's office. 11030

(C) If any securities or obligations invested in by the 11031
treasurer of state pursuant to this section are registrable either 11032
as to principal or interest, or both, such securities or 11033
obligations shall be registered in the name of the treasurer of 11034
state. 11035

(D) The treasurer of state is responsible for the safekeeping 11036
of all securities or obligations under this section. Any such 11037
securities or obligations may be deposited for safekeeping as 11038
provided in section 113.05 of the Revised Code. 11039

(E) Interest earned on any investments or deposits authorized 11040
by this section shall be collected by the treasurer of state and 11041
credited by the treasurer of state to the proper fund of the 11042
state. 11043

(F) Whenever investments or deposits acquired under this 11044

section mature and become due and payable, the treasurer of state 11045
shall present them for payment according to their tenor, and shall 11046
collect the moneys payable thereon. The moneys so collected shall 11047
be treated as public moneys subject to sections 135.01 to 135.21 11048
of the Revised Code. 11049

(G) The treasurer of state and any entity issuing obligations 11050
referred to in division (A) ~~(12)~~ (13) of this section, which 11051
obligations mature within one year from the original date of 11052
issuance, may enter into an agreement providing for: 11053

(1) The purchase of those obligations by the treasurer of 11054
state on terms and subject to conditions set forth in the 11055
agreement; 11056

(2) The payment to the treasurer of state of a reasonable fee 11057
as consideration for the agreement of the treasurer of state to 11058
purchase those obligations; provided, however, that the treasurer 11059
of state shall not be authorized to enter into any such agreement 11060
with a board of education of a school district that has an 11061
outstanding obligation with respect to a loan received under 11062
authority of section 3313.483 of the Revised Code. 11063

(H) For purposes of division (G) of this section, a fee shall 11064
not be considered reasonable unless it is set to recover only the 11065
direct costs, a reasonable estimate of the indirect costs 11066
associated with the purchasing of obligations under division (G) 11067
of this section and any reselling of the obligations or any 11068
interest in the obligations, including interests in a fund 11069
comprised of the obligations, and the administration thereof. No 11070
money from the general revenue fund shall be used to subsidize the 11071
purchase or resale of these obligations. 11072

(I) All money collected by the treasurer of state from the 11073
fee imposed by division (G) of this section shall be deposited to 11074
the credit of the state political subdivision obligations fund, 11075

which is hereby created in the state treasury. Money credited to 11076
the fund shall be used solely to pay the treasurer of state's 11077
direct and indirect costs associated with purchasing and reselling 11078
obligations under division (G) of this section. 11079

(J) As used in this section, "political subdivision" means a 11080
county, township, municipal corporation, school district, or other 11081
body corporate and politic responsible for governmental activities 11082
in a geographic area smaller than that of the state. 11083

Sec. 135.45. (A) Subject to division (B) of this section, a 11084
treasurer, governing board, or investing authority of a 11085
subdivision may pay public moneys of the subdivision into the Ohio 11086
subdivision's fund, which may be established in the custody of the 11087
treasurer of state. The treasurer of state shall invest the moneys 11088
in the fund in separately managed accounts and pooled accounts, 11089
including the state treasurer's investment pool, in the same 11090
manner, in the same types of instruments, and subject to the same 11091
limitations provided for the deposit and investment of interim 11092
moneys of the state, except that the fund shall not be invested in 11093
the linked deposits authorized under sections 135.61 to 135.67 of 11094
the Revised Code. 11095

(B) (1) On and after July 1, 1997, a treasurer, governing 11096
board, or investing authority of a subdivision that has not 11097
entered into an agreement with the treasurer of state under 11098
division (C) of this section shall not invest public moneys of the 11099
subdivision in a pooled account of the Ohio subdivision's fund 11100
under division (B) (6) of section 135.14 of the Revised Code or 11101
division (A) (6) of section 135.35 of the Revised Code if the pool 11102
does not maintain the highest letter or numerical rating provided 11103
by at least one nationally recognized standard rating service. 11104

(2) Upon receipt of notice that the pool does not maintain 11105
the highest letter or numerical rating required under division 11106

(B) (1) of this section, the treasurer of state shall have ninety 11107
days to obtain the required highest letter or numerical rating. If 11108
the treasurer of state fails to obtain the required highest letter 11109
or numerical rating, the treasurer of state shall have an 11110
additional one hundred eighty days to develop a plan to dissolve 11111
the pool. The plan shall include reasonable standards for the 11112
equitable return of public moneys in the pool to those 11113
subdivisions participating in the pool. 11114

(3) Treasurers, governing boards, or investing authorities of 11115
subdivisions participating in the pool shall not be required to 11116
divest in the pool during the initial one hundred eighty days 11117
following the treasurer of state's receipt of notice under 11118
division (B) (2) of this section. 11119

(C) A treasurer, governing board, or investing authority of a 11120
subdivision that wishes to invest public moneys of the subdivision 11121
in a separately managed account or pooled account of the Ohio 11122
subdivision's fund may enter into an agreement with the treasurer 11123
of state that sets forth the manner in which the money is to be 11124
invested. The treasurer of state shall invest the moneys in 11125
accordance with the agreement, subject to the limitations set 11126
forth in division (A) of this section. For purposes of this 11127
division, the limitation on investments in debt interests provided 11128
in division ~~(A) (10) (a)~~ (A) (11) (a) of section 135.143 of the 11129
Revised Code shall not apply to a subdivision's excess reserves. 11130

(D) The treasurer of state shall adopt such rules as are 11131
necessary for the implementation of this section, including the 11132
efficient administration of and accounting for the separately 11133
managed accounts and pooled accounts, including the state 11134
treasurer's investment pool, and the specification of minimum 11135
amounts that may be paid into such pools and minimum periods of 11136
time for which such payments shall be retained in the pools. The 11137
rules shall provide for the administrative expenses of the 11138

separately managed accounts and pooled accounts, including the 11139
state treasurer's investment pool, to be paid from the earnings 11140
and for the interest earnings in excess of such expenses to be 11141
credited to the several treasurers, governing boards, and 11142
investing authorities participating in a pool in a manner which 11143
equitably reflects the differing amounts of their respective 11144
investments in the pool and the differing periods of time for 11145
which such amounts are in the pool. 11146

(E) The treasurer of state shall give bond with sufficient 11147
sureties, payable to the treasurers, governing boards, and 11148
investing authorities of subdivisions participating in the fund, 11149
for the benefit of the subdivisions whose moneys are paid into the 11150
fund for investment, in the total penal sum of two hundred fifty 11151
thousand dollars, conditioned for the faithful discharge of the 11152
treasurer of state's duties in relation to the fund. 11153

(F) The treasurer of state and the treasurer of state's 11154
bonders or surety are liable for the loss of any interim moneys of 11155
the state and subdivisions invested under this section to the same 11156
extent the treasurer of state and the treasurer of state's bonders 11157
or surety are liable for the loss of public moneys under section 11158
135.19 of the Revised Code. 11159

(G) As used in this section: 11160

(1) "Interim moneys" and "governing board" have the same 11161
meanings as in section 135.01 of the Revised Code. 11162

(2) (a) "Subdivision" has the same meaning as in section 11163
135.01 of the Revised Code, but also includes a county, a 11164
municipal corporation that has adopted a charter under Article 11165
XVIII, Ohio Constitution, or any government entity for which the 11166
fund is a permissible investment. 11167

(b) "Public moneys of a subdivision" has the same meaning as 11168
in section 135.01 of the Revised Code, but also includes "public 11169

moneys" as defined in section 135.31 of the Revised Code, and 11170
funds held in the custody of the treasurer of state 11171
notwithstanding any limitations on the permissible investments of 11172
such funds. 11173

(3) "Treasurer" has the same meaning as in sections 135.01 11174
and 135.31 of the Revised Code. 11175

(4) "Investing authority" has the same meaning as in section 11176
135.31 of the Revised Code. 11177

(5) "Excess reserves" means the amount of a subdivision's 11178
public moneys that exceed the average of a subdivision's annual 11179
operating expenses in the immediately preceding three fiscal 11180
years. 11181

Sec. 149.11. (A) Any department, division, bureau, board, or 11182
commission of the state government issuing a report, pamphlet, 11183
document, or other publication intended for general public use and 11184
distribution, which publication is reproduced by duplicating 11185
processes in print whether through a contract awarded to any 11186
person, company, or the state printing division of the department 11187
of administrative services, shall cause to be delivered to the 11188
state library fifty copies of the publication, subject to the 11189
provisions of section 125.42 of the Revised Code. 11190

(B) The state library board shall distribute the print 11191
publications so received as follows: 11192

(1) Retain two copies in the state library; 11193

(2) Send two copies to the document division of the library 11194
of congress; 11195

(3) Send one copy to the Ohio history connection and to each 11196
public or college library in the state designated by the state 11197
library board to be a depository for state publications. In 11198
designating which libraries shall be depositories, the board shall 11199

select those libraries that can best preserve those publications 11200
and that are so located geographically as will make the 11201
publications conveniently accessible to residents in all areas of 11202
the state. 11203

(4) Send one copy to each state in exchange for like 11204
publications of that state. 11205

(C) A department, division, bureau, board, or commission of 11206
the state government shall notify the state library of the 11207
availability of documents or other publications, intended for 11208
general public use and distribution, which are made available 11209
electronically on its internet web site. The state library shall 11210
retain electronic publications in the state library digital 11211
archive and provide permanent access and records to each public or 11212
college library in the state designated by the state library board 11213
to be a depository for state publications. 11214

(D) The print publications described in division (A) of this 11215
section and the electronic publications described in division (C) 11216
of this section shall be considered already prepared and available 11217
for inspection, and, subject to applicable copyright protections, 11218
reproduction by any person at all reasonable times during regular 11219
business hours at the state library and each library designated as 11220
a depository for state publications. 11221

(E) The provisions of this section do not apply to any 11222
publication of the general assembly or to the publications 11223
described in sections 149.07, ~~149.08~~, 149.091, and 149.17 of the 11224
Revised Code, except that the secretary of state shall forward to 11225
the document division of the library of congress two copies of all 11226
journals, two copies of the session laws as provided for in 11227
section 149.091 of the Revised Code, and two copies of all 11228
appropriation laws in separate form. 11229

Sec. 149.311. (A) As used in this section: 11230

(1) "Historic building" means a building, including its structural components, that is located in this state and that is either individually listed on the national register of historic places under 16 U.S.C. 470a, located in a registered historic district, and certified by the state historic preservation officer as being of historic significance to the district, or is individually listed as an historic landmark designated by a local government certified under 16 U.S.C. 470a(c).

(2) "Qualified rehabilitation expenditures" means expenditures paid or incurred during the rehabilitation period, and before and after that period as determined under 26 U.S.C. 47, by an owner or qualified lessee of an historic building to rehabilitate the building. "Qualified rehabilitation expenditures" includes architectural or engineering fees paid or incurred in connection with the rehabilitation, and expenses incurred in the preparation of nomination forms for listing on the national register of historic places. "Qualified rehabilitation expenditures" does not include any of the following:

(a) The cost of acquiring, expanding, or enlarging an historic building;

(b) Expenditures attributable to work done to facilities related to the building, such as parking lots, sidewalks, and landscaping;

(c) New building construction costs.

(3) "Owner" of an historic building means a person holding the fee simple interest in the building. "Owner" does not include the state or a state agency, or any political subdivision as defined in section 9.23 of the Revised Code.

(4) "Qualified lessee" means a person subject to a lease agreement for an historic building and eligible for the federal rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee"

does not include the state or a state agency or political subdivision as defined in section 9.23 of the Revised Code. 11262
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(5) "Certificate owner" means the owner or qualified lessee of an historic building to which a rehabilitation tax credit certificate was issued under this section. 11264
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(6) "Registered historic district" means an historic district listed in the national register of historic places under 16 U.S.C. 470a, an historic district designated by a local government certified under 16 U.S.C. 470a(c), or a local historic district certified under 36 C.F.R. 67.8 and 67.9. 11267
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(7) "Rehabilitation" means the process of repairing or altering an historic building or buildings, making possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values. 11272
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(8) "Rehabilitation period" means one of the following: 11277

(a) If the rehabilitation initially was not planned to be completed in stages, a period chosen by the owner or qualified lessee not to exceed twenty-four months during which rehabilitation occurs; 11278
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(b) If the rehabilitation initially was planned to be completed in stages, a period chosen by the owner or qualified lessee not to exceed sixty months during which rehabilitation occurs. Each stage shall be reviewed as a phase of a rehabilitation as determined under 26 C.F.R. 1.48-12 or a successor to that section. 11282
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(9) "State historic preservation officer" or "officer" means the state historic preservation officer appointed by the governor under 16 U.S.C. 470a. 11288
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(10) "Catalytic project" means the rehabilitation of an 11291

historic building, the rehabilitation of which will foster 11292
economic development within two thousand five hundred feet of the 11293
historic building. 11294

(B) The owner or qualified lessee of an historic building may 11295
apply to the director of development ~~services~~ for a rehabilitation 11296
tax credit certificate for qualified rehabilitation expenditures 11297
paid or incurred by such owner or qualified lessee after April 4, 11298
2007, for rehabilitation of an historic building. If the owner of 11299
an historic building enters a pass-through agreement with a 11300
qualified lessee for the purposes of the federal rehabilitation 11301
tax credit under 26 U.S.C. 47, the qualified rehabilitation 11302
expenditures paid or incurred by the owner after April 4, 2007, 11303
may be attributed to the qualified lessee. 11304

The form and manner of filing such applications shall be 11305
prescribed by rule of the director. Each application shall state 11306
the amount of qualified rehabilitation expenditures the applicant 11307
estimates will be paid or incurred. The director may require 11308
applicants to furnish documentation of such estimates. 11309

The director, after consultation with the tax commissioner 11310
and in accordance with Chapter 119. of the Revised Code, shall 11311
adopt rules that establish all of the following: 11312

(1) Forms and procedures by which applicants may apply for 11313
rehabilitation tax credit certificates; 11314

(2) Criteria for reviewing, evaluating, and approving 11315
applications for certificates within the limitations under 11316
division (D) of this section, criteria for assuring that the 11317
certificates issued encompass a mixture of high and low qualified 11318
rehabilitation expenditures, and criteria for issuing certificates 11319
under division (C) (3) (b) of this section; 11320

(3) Eligibility requirements for obtaining a certificate 11321
under this section; 11322

(4) The form of rehabilitation tax credit certificates;	11323
(5) Reporting requirements and monitoring procedures;	11324
(6) Procedures and criteria for conducting cost-benefit analyses of historic buildings that are the subjects of applications filed under this section. The purpose of a cost-benefit analysis shall be to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used.	11325 11326 11327 11328 11329 11330
(7) Any other rules necessary to implement and administer this section.	11331 11332
(C) The director of development services shall review the applications with the assistance of the state historic preservation officer and determine whether all of the following criteria are met:	11333 11334 11335 11336
(1) That the building that is the subject of the application is an historic building and the applicant is the owner or qualified lessee of the building;	11337 11338 11339
(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section;	11340 11341 11342 11343
(3) That receiving a rehabilitation tax credit certificate under this section is a major factor in:	11344 11345
(a) The applicant's decision to rehabilitate the historic building; or	11346 11347
(b) To increase the level of investment in such rehabilitation.	11348 11349
An applicant shall demonstrate to the satisfaction of the state historic preservation officer and director of development services that the rehabilitation will satisfy the standards	11350 11351 11352

described in division (C) (2) of this section before the applicant 11353
begins the physical rehabilitation of the historic building. 11354

(D) (1) If the director ~~of development services~~ determines 11355
that an application meets the criteria in divisions (C) (1), (2), 11356
and (3) of this section, the director shall conduct a cost-benefit 11357
analysis for the historic building that is the subject of the 11358
application to determine whether rehabilitation of the historic 11359
building will result in a net revenue gain in state and local 11360
taxes once the building is used. The director shall consider the 11361
results of the cost-benefit analysis in determining whether to 11362
approve the application. The director shall also consider the 11363
potential economic impact and the regional distributive balance of 11364
the credits throughout the state. The director may approve an 11365
application only after completion of the cost-benefit analysis. 11366

(2) A rehabilitation tax credit certificate shall not be 11367
issued for an amount greater than the estimated amount furnished 11368
by the applicant on the application for such certificate and 11369
approved by the director. The director shall not approve more than 11370
a total of sixty million dollars of rehabilitation tax credits per 11371
fiscal year but the director may reallocate unused tax credits 11372
from a prior fiscal year for new applicants and such reallocated 11373
credits shall not apply toward the dollar limit of this division. 11374

(3) For rehabilitations with a rehabilitation period not 11375
exceeding twenty-four months as provided in division (A) (8) (a) of 11376
this section, a rehabilitation tax credit certificate shall not be 11377
issued before the rehabilitation of the historic building is 11378
completed. 11379

(4) For rehabilitations with a rehabilitation period not 11380
exceeding sixty months as provided in division (A) (8) (b) of this 11381
section, a rehabilitation tax credit certificate shall not be 11382
issued before a stage of rehabilitation is completed. After all 11383
stages of rehabilitation are completed, if the director cannot 11384

determine that the criteria in division (C) of this section are 11385
satisfied for all stages of rehabilitations, the director shall 11386
certify this finding to the tax commissioner, and any 11387
rehabilitation tax credits received by the applicant shall be 11388
repaid by the applicant and may be collected by assessment as 11389
unpaid tax by the commissioner. 11390

(5) The director ~~of development services~~ shall require the 11391
applicant to provide a third-party cost certification by a 11392
certified public accountant of the actual costs attributed to the 11393
rehabilitation of the historic building when qualified 11394
rehabilitation expenditures exceed two hundred thousand dollars. 11395

If an applicant whose application is approved for receipt of 11396
a rehabilitation tax credit certificate fails to provide to the 11397
director sufficient evidence of reviewable progress, including a 11398
viable financial plan, copies of final construction drawings, and 11399
evidence that the applicant has obtained all historic approvals 11400
within twelve months after the date the applicant received 11401
notification of approval, and if the applicant fails to provide 11402
evidence to the director that the applicant has secured and closed 11403
on financing for the rehabilitation within eighteen months after 11404
receiving notification of approval, the director may rescind the 11405
approval of the application. The director shall notify the 11406
applicant if the approval has been rescinded. Credits that would 11407
have been available to an applicant whose approval was rescinded 11408
shall be available for other qualified applicants. Nothing in this 11409
division prohibits an applicant whose approval has been rescinded 11410
from submitting a new application for a rehabilitation tax credit 11411
certificate. 11412

(6) The director ~~of development services~~ may approve the 11413
application of, and issue a rehabilitation tax credit certificate 11414
to, the owner of a catalytic project, provided the application 11415
otherwise meets the criteria described in divisions (C) and (D) of 11416

this section. The director may not approve more than one 11417
application for a rehabilitation tax credit certificate under 11418
division (D) (6) of this section during each state fiscal biennium. 11419
The director shall not approve an application for a rehabilitation 11420
tax credit certificate under division (D) (6) of this section 11421
during the state fiscal biennium beginning July 1, 2017, or during 11422
any state fiscal biennium thereafter. The director shall consider 11423
the following criteria in determining whether to approve an 11424
application for a certificate under division (D) (6) of this 11425
section: 11426

(a) Whether the historic building is a catalytic project; 11427

(b) The effect issuance of the certificate would have on the 11428
availability of credits for other applicants that qualify for a 11429
credit certificate within the credit dollar limit described in 11430
division (D) (2) of this section; 11431

(c) The number of jobs, if any, the catalytic project will 11432
create. 11433

(7) (a) The owner or qualified lessee of a historic building 11434
may apply for a rehabilitation tax credit certificate under both 11435
divisions (B) and (D) (6) of this section. In such a case, the 11436
director ~~of development services~~ shall consider each application 11437
at the time the application is submitted. 11438

(b) The director ~~of development services~~ shall not issue more 11439
than one certificate under this section with respect to the same 11440
qualified rehabilitation expenditures. 11441

(E) Issuance of a certificate represents a finding by the 11442
director ~~of development services~~ of the matters described in 11443
divisions (C) (1), (2), and (3) of this section only; issuance of a 11444
certificate does not represent a verification or certification by 11445
the director of the amount of qualified rehabilitation 11446
expenditures for which a tax credit may be claimed under section 11447

5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 11448
Revised Code. The amount of qualified rehabilitation expenditures 11449
for which a tax credit may be claimed is subject to inspection and 11450
examination by the tax commissioner or employees of the 11451
commissioner under section 5703.19 of the Revised Code and any 11452
other applicable law. Upon the issuance of a certificate, the 11453
director shall certify to the tax commissioner, in the form and 11454
manner requested by the tax commissioner, the name of the 11455
applicant, the amount of qualified rehabilitation expenditures 11456
shown on the certificate, and any other information required by 11457
the rules adopted under this section. 11458

(F) (1) On or before the first day of August each year, the 11459
director ~~of development services~~ and tax commissioner jointly 11460
shall submit to the president of the senate and the speaker of the 11461
house of representatives a report on the tax credit program 11462
established under this section and sections 5725.151, 5725.34, 11463
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 11464
report shall present an overview of the program and shall include 11465
information on the number of rehabilitation tax credit 11466
certificates issued under this section during the preceding fiscal 11467
year, an update on the status of each historic building for which 11468
an application was approved under this section, the dollar amount 11469
of the tax credits granted under sections 5725.151, 5725.34, 11470
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 11471
any other information the director and commissioner consider 11472
relevant to the topics addressed in the report. 11473

(2) On or before December 1, 2015, the director ~~of~~ 11474
~~development services~~ and tax commissioner jointly shall submit to 11475
the president of the senate and the speaker of the house of 11476
representatives a comprehensive report that includes the 11477
information required by division (F) (1) of this section and a 11478
detailed analysis of the effectiveness of issuing tax credits for 11479

rehabilitating historic buildings. The report shall be prepared 11480
with the assistance of an economic research organization jointly 11481
chosen by the director and commissioner. 11482

(G) There is hereby created in the state treasury the 11483
historic rehabilitation tax credit operating fund. The director ~~of~~ 11484
~~development services~~ is authorized to charge reasonable 11485
application and other fees in connection with the administration 11486
of tax credits authorized by this section and sections 5725.151, 11487
5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised 11488
Code. Any such fees collected shall be credited to the fund and 11489
used to pay reasonable costs incurred by the department of 11490
development ~~services~~ in administering this section and sections 11491
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the 11492
Revised Code. 11493

The Ohio historic preservation office is authorized to charge 11494
reasonable fees in connection with its review and approval of 11495
applications under this section. Any such fees collected shall be 11496
credited to the fund and used to pay administrative costs incurred 11497
by the Ohio historic preservation office pursuant to this section. 11498

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 11499
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate 11500
owner of a tax credit certificate issued under division (D)(6) of 11501
this section may claim a tax credit equal to twenty-five per cent 11502
of the dollar amount indicated on the certificate for a total 11503
credit of not more than twenty-five million dollars. The credit 11504
claimed by such a certificate owner for any calendar year, tax 11505
year, or taxable year under section 5725.151, 5725.34, 5726.52, 11506
5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed 11507
five million dollars. If the certificate owner is eligible for 11508
more than five million dollars in total credits, the certificate 11509
owner may carry forward the balance of the credit in excess of the 11510
amount claimed for that year for not more than five ensuing 11511

calendar years, tax years, or taxable years. If the credit claimed 11512
in any calendar year, tax year, or taxable year exceeds the tax 11513
otherwise due, the excess shall be refunded to the taxpayer. 11514

(I) The director of development ~~services~~, in consultation 11515
with the director of budget and management, shall develop and 11516
adopt a system of tracking any information necessary to anticipate 11517
the impact of credits issued under this section on tax revenues 11518
for current and future fiscal years. Such information may include 11519
the number of applications approved, the estimated rehabilitation 11520
expenditures and rehabilitation period associated with such 11521
applications, the number and amount of tax credit certificates 11522
issued, and any other information the director of budget and 11523
management requires for the purposes of this division. 11524

Sec. 149.43. (A) As used in this section: 11525

(1) "Public record" means records kept by any public office, 11526
including, but not limited to, state, county, city, village, 11527
township, and school district units, and records pertaining to the 11528
delivery of educational services by an alternative school in this 11529
state kept by the nonprofit or for-profit entity operating the 11530
alternative school pursuant to section 3313.533 of the Revised 11531
Code. "Public record" does not mean any of the following: 11532

(a) Medical records; 11533

(b) Records pertaining to probation and parole proceedings, 11534
to proceedings related to the imposition of community control 11535
sanctions and post-release control sanctions, or to proceedings 11536
related to determinations under section 2967.271 of the Revised 11537
Code regarding the release or maintained incarceration of an 11538
offender to whom that section applies; 11539

(c) Records pertaining to actions under section 2151.85 and 11540
division (C) of section 2919.121 of the Revised Code and to 11541

appeals of actions arising under those sections;	11542
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	11543 11544 11545
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	11546 11547 11548 11549 11550 11551
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	11552 11553
(g) Trial preparation records;	11554
(h) Confidential law enforcement investigatory records;	11555
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	11556 11557
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	11558 11559
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	11560 11561 11562 11563
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	11564 11565 11566 11567
(m) Intellectual property records;	11568
(n) Donor profile records;	11569
(o) Records maintained by the department of job and family	11570

services pursuant to section 3121.894 of the Revised Code; 11571

(p) Designated public service worker residential and familial 11572
information; 11573

(q) In the case of a county hospital operated pursuant to 11574
Chapter 339. of the Revised Code or a municipal hospital operated 11575
pursuant to Chapter 749. of the Revised Code, information that 11576
constitutes a trade secret, as defined in section 1333.61 of the 11577
Revised Code; 11578

(r) Information pertaining to the recreational activities of 11579
a person under the age of eighteen; 11580

(s) In the case of a child fatality review board acting under 11581
sections 307.621 to 307.629 of the Revised Code or a review 11582
conducted pursuant to guidelines established by the director of 11583
health under section 3701.70 of the Revised Code, records provided 11584
to the board or director, statements made by board members during 11585
meetings of the board or by persons participating in the 11586
director's review, and all work products of the board or director, 11587
and in the case of a child fatality review board, child fatality 11588
review data submitted by the board to the department of health or 11589
a national child death review database, other than the report 11590
prepared pursuant to division (A) of section 307.626 of the 11591
Revised Code; 11592

(t) Records provided to and statements made by the executive 11593
director of a public children services agency or a prosecuting 11594
attorney acting pursuant to section 5153.171 of the Revised Code 11595
other than the information released under that section; 11596

(u) Test materials, examinations, or evaluation tools used in 11597
an examination for licensure as a nursing home administrator that 11598
the board of executives of long-term services and supports 11599
administers under section 4751.15 of the Revised Code or contracts 11600
under that section with a private or government entity to 11601

administer;	11602
(v) Records the release of which is prohibited by state or federal law;	11603 11604
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	11605 11606 11607
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	11608 11609 11610 11611 11612 11613
(y) Records listed in section 5101.29 of the Revised Code;	11614
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	11615 11616 11617
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	11618 11619 11620
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	11621 11622 11623
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	11624 11625 11626
(dd) Personal information, as defined in section 149.45 of the Revised Code;	11627 11628
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to	11629 11630 11631

111.47 of the Revised Code, including the contents of any 11632
application for absent voter's ballots, absent voter's ballot 11633
identification envelope statement of voter, or provisional ballot 11634
affirmation completed by a program participant who has a 11635
confidential voter registration record, and records or portions of 11636
records pertaining to that program that identify the number of 11637
program participants that reside within a precinct, ward, 11638
township, municipal corporation, county, or any other geographic 11639
area smaller than the state. As used in this division, 11640
"confidential address" and "program participant" have the meaning 11641
defined in section 111.41 of the Revised Code. 11642

(ff) Orders for active military service of an individual 11643
serving or with previous service in the armed forces of the United 11644
States, including a reserve component, or the Ohio organized 11645
militia, except that, such order becomes a public record on the 11646
day that is fifteen years after the published date or effective 11647
date of the call to order; 11648

(gg) The name, address, contact information, or other 11649
personal information of an individual who is less than eighteen 11650
years of age that is included in any record related to a traffic 11651
accident involving a school vehicle in which the individual was an 11652
occupant at the time of the accident; 11653

(hh) Protected health information, as defined in 45 C.F.R. 11654
160.103, that is in a claim for payment for a health care product, 11655
service, or procedure, as well as any other health claims data in 11656
another document that reveals the identity of an individual who is 11657
the subject of the data or could be used to reveal that 11658
individual's identity; 11659

(ii) Any depiction by photograph, film, videotape, or printed 11660
or digital image under either of the following circumstances: 11661

(i) The depiction is that of a victim of an offense the 11662

release of which would be, to a reasonable person of ordinary 11663
sensibilities, an offensive and objectionable intrusion into the 11664
victim's expectation of bodily privacy and integrity. 11665

(ii) The depiction captures or depicts the victim of a 11666
sexually oriented offense, as defined in section 2950.01 of the 11667
Revised Code, at the actual occurrence of that offense. 11668

(jj) Restricted portions of a body-worn camera or dashboard 11669
camera recording; 11670

(kk) In the case of a fetal-infant mortality review board 11671
acting under sections 3707.70 to 3707.77 of the Revised Code, 11672
records, documents, reports, or other information presented to the 11673
board or a person abstracting such materials on the board's 11674
behalf, statements made by review board members during board 11675
meetings, all work products of the board, and data submitted by 11676
the board to the department of health or a national infant death 11677
review database, other than the report prepared pursuant to 11678
section 3707.77 of the Revised Code. 11679

(ll) Records, documents, reports, or other information 11680
presented to the pregnancy-associated mortality review board 11681
established under section 3738.01 of the Revised Code, statements 11682
made by board members during board meetings, all work products of 11683
the board, and data submitted by the board to the department of 11684
health, other than the biennial reports prepared under section 11685
3738.08 of the Revised Code; 11686

(mm) ~~Telephone~~ Except as otherwise provided in division 11687
(A) (1) (oo) of this section, telephone numbers for a victim, as 11688
defined in section 2930.01 of the Revised Code, or a witness to a 11689
crime, ~~or a party to a motor vehicle accident subject to the~~ 11690
~~requirements of section 5502.11 of the Revised Code that are~~ 11691
listed on any law enforcement record or report, ~~other than when~~ 11692
~~requested by an insurer or insurance agent investigating an~~ 11693

~~insurance claim resulting from a motor vehicle accident.~~ 11694

(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under division (C) of section 4717.13, division (J) of section 4717.31, or section 4717.41 of the Revised Code. 11695
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(oo) Telephone numbers for a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report, except that the telephone numbers described in this division are not excluded from the definition of "public record" under this division on and after the thirtieth day after the occurrence of the motor vehicle accident. 11702
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A record that is not a public record under division (A)(1) of this section and that, under law, is permanently retained becomes a public record on the day that is seventy-five years after the day on which the record was created, except for any record protected by the attorney-client privilege, a trial preparation record as defined in this section, a statement prohibiting the release of identifying information signed under section 3107.083 of the Revised Code, a denial of release form filed pursuant to section 3107.46 of the Revised Code, or any record that is exempt from release or disclosure under section 149.433 of the Revised Code. If the record is a birth certificate and a biological parent's name redaction request form has been accepted under section 3107.391 of the Revised Code, the name of that parent shall be redacted from the birth certificate before it is released under this paragraph. If any other section of the Revised Code establishes a time period for disclosure of a record that conflicts with the time period specified in this section, the time 11709
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period in the other section prevails. 11726

(2) "Confidential law enforcement investigatory record" means 11727
any record that pertains to a law enforcement matter of a 11728
criminal, quasi-criminal, civil, or administrative nature, but 11729
only to the extent that the release of the record would create a 11730
high probability of disclosure of any of the following: 11731

(a) The identity of a suspect who has not been charged with 11732
the offense to which the record pertains, or of an information 11733
source or witness to whom confidentiality has been reasonably 11734
promised; 11735

(b) Information provided by an information source or witness 11736
to whom confidentiality has been reasonably promised, which 11737
information would reasonably tend to disclose the source's or 11738
witness's identity; 11739

(c) Specific confidential investigatory techniques or 11740
procedures or specific investigatory work product; 11741

(d) Information that would endanger the life or physical 11742
safety of law enforcement personnel, a crime victim, a witness, or 11743
a confidential information source. 11744

(3) "Medical record" means any document or combination of 11745
documents, except births, deaths, and the fact of admission to or 11746
discharge from a hospital, that pertains to the medical history, 11747
diagnosis, prognosis, or medical condition of a patient and that 11748
is generated and maintained in the process of medical treatment. 11749

(4) "Trial preparation record" means any record that contains 11750
information that is specifically compiled in reasonable 11751
anticipation of, or in defense of, a civil or criminal action or 11752
proceeding, including the independent thought processes and 11753
personal trial preparation of an attorney. 11754

(5) "Intellectual property record" means a record, other than 11755

a financial or administrative record, that is produced or 11756
collected by or for faculty or staff of a state institution of 11757
higher learning in the conduct of or as a result of study or 11758
research on an educational, commercial, scientific, artistic, 11759
technical, or scholarly issue, regardless of whether the study or 11760
research was sponsored by the institution alone or in conjunction 11761
with a governmental body or private concern, and that has not been 11762
publicly released, published, or patented. 11763

(6) "Donor profile record" means all records about donors or 11764
potential donors to a public institution of higher education 11765
except the names and reported addresses of the actual donors and 11766
the date, amount, and conditions of the actual donation. 11767

(7) "Designated public service worker" means a peace officer, 11768
parole officer, probation officer, bailiff, prosecuting attorney, 11769
assistant prosecuting attorney, correctional employee, county or 11770
multicounty corrections officer, community-based correctional 11771
facility employee, youth services employee, firefighter, EMT, 11772
medical director or member of a cooperating physician advisory 11773
board of an emergency medical service organization, state board of 11774
pharmacy employee, investigator of the bureau of criminal 11775
identification and investigation, judge, magistrate, or federal 11776
law enforcement officer. 11777

(8) "Designated public service worker residential and 11778
familial information" means any information that discloses any of 11779
the following about a designated public service worker: 11780

(a) The address of the actual personal residence of a 11781
designated public service worker, except for the following 11782
information: 11783

(i) The address of the actual personal residence of a 11784
prosecuting attorney or judge; and 11785

(ii) The state or political subdivision in which a designated 11786

public service worker resides. 11787

(b) Information compiled from referral to or participation in 11788
an employee assistance program; 11789

(c) The social security number, the residential telephone 11790
number, any bank account, debit card, charge card, or credit card 11791
number, or the emergency telephone number of, or any medical 11792
information pertaining to, a designated public service worker; 11793

(d) The name of any beneficiary of employment benefits, 11794
including, but not limited to, life insurance benefits, provided 11795
to a designated public service worker by the designated public 11796
service worker's employer; 11797

(e) The identity and amount of any charitable or employment 11798
benefit deduction made by the designated public service worker's 11799
employer from the designated public service worker's compensation, 11800
unless the amount of the deduction is required by state or federal 11801
law; 11802

(f) The name, the residential address, the name of the 11803
employer, the address of the employer, the social security number, 11804
the residential telephone number, any bank account, debit card, 11805
charge card, or credit card number, or the emergency telephone 11806
number of the spouse, a former spouse, or any child of a 11807
designated public service worker; 11808

(g) A photograph of a peace officer who holds a position or 11809
has an assignment that may include undercover or plain clothes 11810
positions or assignments as determined by the peace officer's 11811
appointing authority. 11812

(9) As used in divisions (A) (7) and (15) to (17) of this 11813
section: 11814

"Peace officer" has the meaning defined in section 109.71 of 11815
the Revised Code and also includes the superintendent and troopers 11816

of the state highway patrol; it does not include the sheriff of a 11817
county or a supervisory employee who, in the absence of the 11818
sheriff, is authorized to stand in for, exercise the authority of, 11819
and perform the duties of the sheriff. 11820

"Correctional employee" means any employee of the department 11821
of rehabilitation and correction who in the course of performing 11822
the employee's job duties has or has had contact with inmates and 11823
persons under supervision. 11824

"County or multicounty corrections officer" means any 11825
corrections officer employed by any county or multicounty 11826
correctional facility. 11827

"Youth services employee" means any employee of the 11828
department of youth services who in the course of performing the 11829
employee's job duties has or has had contact with children 11830
committed to the custody of the department of youth services. 11831

"Firefighter" means any regular, paid or volunteer, member of 11832
a lawfully constituted fire department of a municipal corporation, 11833
township, fire district, or village. 11834

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 11835
emergency medical services for a public emergency medical service 11836
organization. "Emergency medical service organization," 11837
"EMT-basic," "EMT-I," and "paramedic" have the meanings defined in 11838
section 4765.01 of the Revised Code. 11839

"Investigator of the bureau of criminal identification and 11840
investigation" has the meaning defined in section 2903.11 of the 11841
Revised Code. 11842

"Federal law enforcement officer" has the meaning defined in 11843
section 9.88 of the Revised Code. 11844

(10) "Information pertaining to the recreational activities 11845
of a person under the age of eighteen" means information that is 11846

kept in the ordinary course of business by a public office, that 11847
pertains to the recreational activities of a person under the age 11848
of eighteen years, and that discloses any of the following: 11849

(a) The address or telephone number of a person under the age 11850
of eighteen or the address or telephone number of that person's 11851
parent, guardian, custodian, or emergency contact person; 11852

(b) The social security number, birth date, or photographic 11853
image of a person under the age of eighteen; 11854

(c) Any medical record, history, or information pertaining to 11855
a person under the age of eighteen; 11856

(d) Any additional information sought or required about a 11857
person under the age of eighteen for the purpose of allowing that 11858
person to participate in any recreational activity conducted or 11859
sponsored by a public office or to use or obtain admission 11860
privileges to any recreational facility owned or operated by a 11861
public office. 11862

(11) "Community control sanction" has the meaning defined in 11863
section 2929.01 of the Revised Code. 11864

(12) "Post-release control sanction" has the meaning defined 11865
in section 2967.01 of the Revised Code. 11866

(13) "Redaction" means obscuring or deleting any information 11867
that is exempt from the duty to permit public inspection or 11868
copying from an item that otherwise meets the definition of a 11869
"record" in section 149.011 of the Revised Code. 11870

(14) "Designee," "elected official," and "future official" 11871
have the meanings defined in section 109.43 of the Revised Code. 11872

(15) "Body-worn camera" means a visual and audio recording 11873
device worn on the person of a peace officer while the peace 11874
officer is engaged in the performance of the peace officer's 11875
duties. 11876

(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H) (1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a peace officer or, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(f) Grievous bodily harm to a peace officer, firefighter, 11908
paramedic, or other first responder, occurring while the injured 11909
person was engaged in the performance of official duties, unless, 11910
subject to division (H) (1) of this section, the consent of the 11911
injured person or the injured person's guardian has been obtained; 11912

(g) An act of severe violence resulting in serious physical 11913
harm against a peace officer, firefighter, paramedic, or other 11914
first responder, occurring while the injured person was engaged in 11915
the performance of official duties, unless, subject to division 11916
(H) (1) of this section, the consent of the injured person or the 11917
injured person's guardian has been obtained; 11918

(h) A person's nude body, unless, subject to division (H) (1) 11919
of this section, the person's consent has been obtained; 11920

(i) Protected health information, the identity of a person in 11921
a health care facility who is not the subject of a law enforcement 11922
encounter, or any other information in a health care facility that 11923
could identify a person who is not the subject of a law 11924
enforcement encounter; 11925

(j) Information that could identify the alleged victim of a 11926
sex offense, menacing by stalking, or domestic violence; 11927

(k) Information, that does not constitute a confidential law 11928
enforcement investigatory record, that could identify a person who 11929
provides sensitive or confidential information to a law 11930
enforcement agency when the disclosure of the person's identity or 11931
the information provided could reasonably be expected to threaten 11932
or endanger the safety or property of the person or another 11933
person; 11934

(l) Personal information of a person who is not arrested, 11935
cited, charged, or issued a written warning by a peace officer; 11936

(m) Proprietary police contingency plans or tactics that are 11937
intended to prevent crime and maintain public order and safety; 11938

(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;	11939 11940 11941
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	11942 11943
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	11944 11945 11946
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	11947 11948 11949
As used in division (A) (17) of this section:	11950
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	11951 11952
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	11953 11954
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	11955 11956
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	11957 11958
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	11959 11960 11961 11962
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	11963 11964
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	11965 11966
(18) "Insurer" and "insurance agent" have the same meanings	11967

~~as in section 3905.01 of the Revised Code.~~ 11968

(B) (1) Upon request and subject to division (B) (8) of this 11969
section, all public records responsive to the request shall be 11970
promptly prepared and made available for inspection to any person 11971
at all reasonable times during regular business hours. Subject to 11972
division (B) (8) of this section, upon request by any person, a 11973
public office or person responsible for public records shall make 11974
copies of the requested public record available to the requester 11975
at cost and within a reasonable period of time. If a public record 11976
contains information that is exempt from the duty to permit public 11977
inspection or to copy the public record, the public office or the 11978
person responsible for the public record shall make available all 11979
of the information within the public record that is not exempt. 11980
When making that public record available for public inspection or 11981
copying that public record, the public office or the person 11982
responsible for the public record shall notify the requester of 11983
any redaction or make the redaction plainly visible. A redaction 11984
shall be deemed a denial of a request to inspect or copy the 11985
redacted information, except if federal or state law authorizes or 11986
requires a public office to make the redaction. 11987

(2) To facilitate broader access to public records, a public 11988
office or the person responsible for public records shall organize 11989
and maintain public records in a manner that they can be made 11990
available for inspection or copying in accordance with division 11991
(B) of this section. A public office also shall have available a 11992
copy of its current records retention schedule at a location 11993
readily available to the public. If a requester makes an ambiguous 11994
or overly broad request or has difficulty in making a request for 11995
copies or inspection of public records under this section such 11996
that the public office or the person responsible for the requested 11997
public record cannot reasonably identify what public records are 11998
being requested, the public office or the person responsible for 11999

the requested public record may deny the request but shall provide 12000
the requester with an opportunity to revise the request by 12001
informing the requester of the manner in which records are 12002
maintained by the public office and accessed in the ordinary 12003
course of the public office's or person's duties. 12004

(3) If a request is ultimately denied, in part or in whole, 12005
the public office or the person responsible for the requested 12006
public record shall provide the requester with an explanation, 12007
including legal authority, setting forth why the request was 12008
denied. If the initial request was provided in writing, the 12009
explanation also shall be provided to the requester in writing. 12010
The explanation shall not preclude the public office or the person 12011
responsible for the requested public record from relying upon 12012
additional reasons or legal authority in defending an action 12013
commenced under division (C) of this section. 12014

(4) Unless specifically required or authorized by state or 12015
federal law or in accordance with division (B) of this section, no 12016
public office or person responsible for public records may limit 12017
or condition the availability of public records by requiring 12018
disclosure of the requester's identity or the intended use of the 12019
requested public record. Any requirement that the requester 12020
disclose the requester's identity or the intended use of the 12021
requested public record constitutes a denial of the request. 12022

(5) A public office or person responsible for public records 12023
may ask a requester to make the request in writing, may ask for 12024
the requester's identity, and may inquire about the intended use 12025
of the information requested, but may do so only after disclosing 12026
to the requester that a written request is not mandatory, that the 12027
requester may decline to reveal the requester's identity or the 12028
intended use, and when a written request or disclosure of the 12029
identity or intended use would benefit the requester by enhancing 12030
the ability of the public office or person responsible for public 12031

records to identify, locate, or deliver the public records sought 12032
by the requester. 12033

(6) If any person requests a copy of a public record in 12034
accordance with division (B) of this section, the public office or 12035
person responsible for the public record may require that person 12036
to pay in advance the cost involved in providing the copy of the 12037
public record in accordance with the choice made by the person 12038
requesting the copy under this division. The public office or the 12039
person responsible for the public record shall permit that person 12040
to choose to have the public record duplicated upon paper, upon 12041
the same medium upon which the public office or person responsible 12042
for the public record keeps it, or upon any other medium upon 12043
which the public office or person responsible for the public 12044
record determines that it reasonably can be duplicated as an 12045
integral part of the normal operations of the public office or 12046
person responsible for the public record. When the person 12047
requesting the copy makes a choice under this division, the public 12048
office or person responsible for the public record shall provide a 12049
copy of it in accordance with the choice made by that person. 12050
Nothing in this section requires a public office or person 12051
responsible for the public record to allow the person requesting a 12052
copy of the public record to make the copies of the public record. 12053

(7) (a) Upon a request made in accordance with division (B) of 12054
this section and subject to division (B) (6) of this section, a 12055
public office or person responsible for public records shall 12056
transmit a copy of a public record to any person by United States 12057
mail or by any other means of delivery or transmission within a 12058
reasonable period of time after receiving the request for the 12059
copy. The public office or person responsible for the public 12060
record may require the person making the request to pay in advance 12061
the cost of postage if the copy is transmitted by United States 12062
mail or the cost of delivery if the copy is transmitted other than 12063

by United States mail, and to pay in advance the costs incurred 12064
for other supplies used in the mailing, delivery, or transmission. 12065

(b) Any public office may adopt a policy and procedures that 12066
it will follow in transmitting, within a reasonable period of time 12067
after receiving a request, copies of public records by United 12068
States mail or by any other means of delivery or transmission 12069
pursuant to division (B) (7) of this section. A public office that 12070
adopts a policy and procedures under division (B) (7) of this 12071
section shall comply with them in performing its duties under that 12072
division. 12073

(c) In any policy and procedures adopted under division 12074
(B) (7) of this section: 12075

(i) A public office may limit the number of records requested 12076
by a person that the office will physically deliver by United 12077
States mail or by another delivery service to ten per month, 12078
unless the person certifies to the office in writing that the 12079
person does not intend to use or forward the requested records, or 12080
the information contained in them, for commercial purposes; 12081

(ii) A public office that chooses to provide some or all of 12082
its public records on a web site that is fully accessible to and 12083
searchable by members of the public at all times, other than 12084
during acts of God outside the public office's control or 12085
maintenance, and that charges no fee to search, access, download, 12086
or otherwise receive records provided on the web site, may limit 12087
to ten per month the number of records requested by a person that 12088
the office will deliver in a digital format, unless the requested 12089
records are not provided on the web site and unless the person 12090
certifies to the office in writing that the person does not intend 12091
to use or forward the requested records, or the information 12092
contained in them, for commercial purposes. 12093

(iii) For purposes of division (B) (7) of this section, 12094

"commercial" shall be narrowly construed and does not include 12095
reporting or gathering news, reporting or gathering information to 12096
assist citizen oversight or understanding of the operation or 12097
activities of government, or nonprofit educational research. 12098

(8) A public office or person responsible for public records 12099
is not required to permit a person who is incarcerated pursuant to 12100
a criminal conviction or a juvenile adjudication to inspect or to 12101
obtain a copy of any public record concerning a criminal 12102
investigation or prosecution or concerning what would be a 12103
criminal investigation or prosecution if the subject of the 12104
investigation or prosecution were an adult, unless the request to 12105
inspect or to obtain a copy of the record is for the purpose of 12106
acquiring information that is subject to release as a public 12107
record under this section and the judge who imposed the sentence 12108
or made the adjudication with respect to the person, or the 12109
judge's successor in office, finds that the information sought in 12110
the public record is necessary to support what appears to be a 12111
justiciable claim of the person. 12112

(9) (a) Upon written request made and signed by a journalist, 12113
a public office, or person responsible for public records, having 12114
custody of the records of the agency employing a specified 12115
designated public service worker shall disclose to the journalist 12116
the address of the actual personal residence of the designated 12117
public service worker and, if the designated public service 12118
worker's spouse, former spouse, or child is employed by a public 12119
office, the name and address of the employer of the designated 12120
public service worker's spouse, former spouse, or child. The 12121
request shall include the journalist's name and title and the name 12122
and address of the journalist's employer and shall state that 12123
disclosure of the information sought would be in the public 12124
interest. 12125

(b) Division (B) (9) (a) of this section also applies to 12126

journalist requests for: 12127

(i) Customer information maintained by a municipally owned or 12128
operated public utility, other than social security numbers and 12129
any private financial information such as credit reports, payment 12130
methods, credit card numbers, and bank account information; 12131

(ii) Information about minors involved in a school vehicle 12132
accident as provided in division (A) (1) (gg) of this section, other 12133
than personal information as defined in section 149.45 of the 12134
Revised Code. 12135

(c) As used in division (B) (9) of this section, "journalist" 12136
means a person engaged in, connected with, or employed by any news 12137
medium, including a newspaper, magazine, press association, news 12138
agency, or wire service, a radio or television station, or a 12139
similar medium, for the purpose of gathering, processing, 12140
transmitting, compiling, editing, or disseminating information for 12141
the general public. 12142

(10) Upon a request made by a victim, victim's attorney, or 12143
victim's representative, as that term is used in section 2930.02 12144
of the Revised Code, a public office or person responsible for 12145
public records shall transmit a copy of a depiction of the victim 12146
as described in division (A) (1) (ii) of this section to the victim, 12147
victim's attorney, or victim's representative. 12148

(C) (1) If a person allegedly is aggrieved by the failure of a 12149
public office or the person responsible for public records to 12150
promptly prepare a public record and to make it available to the 12151
person for inspection in accordance with division (B) of this 12152
section or by any other failure of a public office or the person 12153
responsible for public records to comply with an obligation in 12154
accordance with division (B) of this section, the person allegedly 12155
aggrieved may do only one of the following, and not both: 12156

(a) File a complaint with the clerk of the court of claims or 12157

the clerk of the court of common pleas under section 2743.75 of 12158
the Revised Code; 12159

(b) Commence a mandamus action to obtain a judgment that 12160
orders the public office or the person responsible for the public 12161
record to comply with division (B) of this section, that awards 12162
court costs and reasonable attorney's fees to the person that 12163
instituted the mandamus action, and, if applicable, that includes 12164
an order fixing statutory damages under division (C)(2) of this 12165
section. The mandamus action may be commenced in the court of 12166
common pleas of the county in which division (B) of this section 12167
allegedly was not complied with, in the supreme court pursuant to 12168
its original jurisdiction under Section 2 of Article IV, Ohio 12169
Constitution, or in the court of appeals for the appellate 12170
district in which division (B) of this section allegedly was not 12171
complied with pursuant to its original jurisdiction under Section 12172
3 of Article IV, Ohio Constitution. 12173

(2) If a requester transmits a written request by hand 12174
delivery, electronic submission, or certified mail to inspect or 12175
receive copies of any public record in a manner that fairly 12176
describes the public record or class of public records to the 12177
public office or person responsible for the requested public 12178
records, except as otherwise provided in this section, the 12179
requester shall be entitled to recover the amount of statutory 12180
damages set forth in this division if a court determines that the 12181
public office or the person responsible for public records failed 12182
to comply with an obligation in accordance with division (B) of 12183
this section. 12184

The amount of statutory damages shall be fixed at one hundred 12185
dollars for each business day during which the public office or 12186
person responsible for the requested public records failed to 12187
comply with an obligation in accordance with division (B) of this 12188
section, beginning with the day on which the requester files a 12189

mandamus action to recover statutory damages, up to a maximum of 12190
one thousand dollars. The award of statutory damages shall not be 12191
construed as a penalty, but as compensation for injury arising 12192
from lost use of the requested information. The existence of this 12193
injury shall be conclusively presumed. The award of statutory 12194
damages shall be in addition to all other remedies authorized by 12195
this section. 12196

The court may reduce an award of statutory damages or not 12197
award statutory damages if the court determines both of the 12198
following: 12199

(a) That, based on the ordinary application of statutory law 12200
and case law as it existed at the time of the conduct or 12201
threatened conduct of the public office or person responsible for 12202
the requested public records that allegedly constitutes a failure 12203
to comply with an obligation in accordance with division (B) of 12204
this section and that was the basis of the mandamus action, a 12205
well-informed public office or person responsible for the 12206
requested public records reasonably would believe that the conduct 12207
or threatened conduct of the public office or person responsible 12208
for the requested public records did not constitute a failure to 12209
comply with an obligation in accordance with division (B) of this 12210
section; 12211

(b) That a well-informed public office or person responsible 12212
for the requested public records reasonably would believe that the 12213
conduct or threatened conduct of the public office or person 12214
responsible for the requested public records would serve the 12215
public policy that underlies the authority that is asserted as 12216
permitting that conduct or threatened conduct. 12217

(3) In a mandamus action filed under division (C)(1) of this 12218
section, the following apply: 12219

(a) (i) If the court orders the public office or the person 12220

responsible for the public record to comply with division (B) of 12221
this section, the court shall determine and award to the relator 12222
all court costs, which shall be construed as remedial and not 12223
punitive. 12224

(ii) If the court makes a determination described in division 12225
(C) (3) (b) (iii) of this section, the court shall determine and 12226
award to the relator all court costs, which shall be construed as 12227
remedial and not punitive. 12228

(b) If the court renders a judgment that orders the public 12229
office or the person responsible for the public record to comply 12230
with division (B) of this section or if the court determines any 12231
of the following, the court may award reasonable attorney's fees 12232
to the relator, subject to division (C) (4) of this section: 12233

(i) The public office or the person responsible for the 12234
public records failed to respond affirmatively or negatively to 12235
the public records request in accordance with the time allowed 12236
under division (B) of this section. 12237

(ii) The public office or the person responsible for the 12238
public records promised to permit the relator to inspect or 12239
receive copies of the public records requested within a specified 12240
period of time but failed to fulfill that promise within that 12241
specified period of time. 12242

(iii) The public office or the person responsible for the 12243
public records acted in bad faith when the office or person 12244
voluntarily made the public records available to the relator for 12245
the first time after the relator commenced the mandamus action, 12246
but before the court issued any order concluding whether or not 12247
the public office or person was required to comply with division 12248
(B) of this section. No discovery may be conducted on the issue of 12249
the alleged bad faith of the public office or person responsible 12250
for the public records. This division shall not be construed as 12251

creating a presumption that the public office or the person 12252
responsible for the public records acted in bad faith when the 12253
office or person voluntarily made the public records available to 12254
the relator for the first time after the relator commenced the 12255
mandamus action, but before the court issued any order described 12256
in this division. 12257

(c) The court shall not award attorney's fees to the relator 12258
if the court determines both of the following: 12259

(i) That, based on the ordinary application of statutory law 12260
and case law as it existed at the time of the conduct or 12261
threatened conduct of the public office or person responsible for 12262
the requested public records that allegedly constitutes a failure 12263
to comply with an obligation in accordance with division (B) of 12264
this section and that was the basis of the mandamus action, a 12265
well-informed public office or person responsible for the 12266
requested public records reasonably would believe that the conduct 12267
or threatened conduct of the public office or person responsible 12268
for the requested public records did not constitute a failure to 12269
comply with an obligation in accordance with division (B) of this 12270
section; 12271

(ii) That a well-informed public office or person responsible 12272
for the requested public records reasonably would believe that the 12273
conduct or threatened conduct of the public office or person 12274
responsible for the requested public records would serve the 12275
public policy that underlies the authority that is asserted as 12276
permitting that conduct or threatened conduct. 12277

(4) All of the following apply to any award of reasonable 12278
attorney's fees awarded under division (C)(3)(b) of this section: 12279

(a) The fees shall be construed as remedial and not punitive. 12280

(b) The fees awarded shall not exceed the total of the 12281
reasonable attorney's fees incurred before the public record was 12282

made available to the relator and the fees described in division 12283
(C) (4) (c) of this section. 12284

(c) Reasonable attorney's fees shall include reasonable fees 12285
incurred to produce proof of the reasonableness and amount of the 12286
fees and to otherwise litigate entitlement to the fees. 12287

(d) The court may reduce the amount of fees awarded if the 12288
court determines that, given the factual circumstances involved 12289
with the specific public records request, an alternative means 12290
should have been pursued to more effectively and efficiently 12291
resolve the dispute that was subject to the mandamus action filed 12292
under division (C) (1) of this section. 12293

(5) If the court does not issue a writ of mandamus under 12294
division (C) of this section and the court determines at that time 12295
that the bringing of the mandamus action was frivolous conduct as 12296
defined in division (A) of section 2323.51 of the Revised Code, 12297
the court may award to the public office all court costs, 12298
expenses, and reasonable attorney's fees, as determined by the 12299
court. 12300

(D) Chapter 1347. of the Revised Code does not limit the 12301
provisions of this section. 12302

(E) (1) To ensure that all employees of public offices are 12303
appropriately educated about a public office's obligations under 12304
division (B) of this section, all elected officials or their 12305
appropriate designees shall attend training approved by the 12306
attorney general as provided in section 109.43 of the Revised 12307
Code. A future official may satisfy the requirements of this 12308
division by attending the training before taking office, provided 12309
that the future official may not send a designee in the future 12310
official's place. 12311

(2) All public offices shall adopt a public records policy in 12312
compliance with this section for responding to public records 12313

requests. In adopting a public records policy under this division, 12314
a public office may obtain guidance from the model public records 12315
policy developed and provided to the public office by the attorney 12316
general under section 109.43 of the Revised Code. Except as 12317
otherwise provided in this section, the policy may not limit the 12318
number of public records that the public office will make 12319
available to a single person, may not limit the number of public 12320
records that it will make available during a fixed period of time, 12321
and may not establish a fixed period of time before it will 12322
respond to a request for inspection or copying of public records, 12323
unless that period is less than eight hours. 12324

The public office shall distribute the public records policy 12325
adopted by the public office under this division to the employee 12326
of the public office who is the records custodian or records 12327
manager or otherwise has custody of the records of that office. 12328
The public office shall require that employee to acknowledge 12329
receipt of the copy of the public records policy. The public 12330
office shall create a poster that describes its public records 12331
policy and shall post the poster in a conspicuous place in the 12332
public office and in all locations where the public office has 12333
branch offices. The public office may post its public records 12334
policy on the internet web site of the public office if the public 12335
office maintains an internet web site. A public office that has 12336
established a manual or handbook of its general policies and 12337
procedures for all employees of the public office shall include 12338
the public records policy of the public office in the manual or 12339
handbook. 12340

(F) (1) The bureau of motor vehicles may adopt rules pursuant 12341
to Chapter 119. of the Revised Code to reasonably limit the number 12342
of bulk commercial special extraction requests made by a person 12343
for the same records or for updated records during a calendar 12344
year. The rules may include provisions for charges to be made for 12345

bulk commercial special extraction requests for the actual cost of 12346
the bureau, plus special extraction costs, plus ten per cent. The 12347
bureau may charge for expenses for redacting information, the 12348
release of which is prohibited by law. 12349

(2) As used in division (F)(1) of this section: 12350

(a) "Actual cost" means the cost of depleted supplies, 12351
records storage media costs, actual mailing and alternative 12352
delivery costs, or other transmitting costs, and any direct 12353
equipment operating and maintenance costs, including actual costs 12354
paid to private contractors for copying services. 12355

(b) "Bulk commercial special extraction request" means a 12356
request for copies of a record for information in a format other 12357
than the format already available, or information that cannot be 12358
extracted without examination of all items in a records series, 12359
class of records, or database by a person who intends to use or 12360
forward the copies for surveys, marketing, solicitation, or resale 12361
for commercial purposes. "Bulk commercial special extraction 12362
request" does not include a request by a person who gives 12363
assurance to the bureau that the person making the request does 12364
not intend to use or forward the requested copies for surveys, 12365
marketing, solicitation, or resale for commercial purposes. 12366

(c) "Commercial" means profit-seeking production, buying, or 12367
selling of any good, service, or other product. 12368

(d) "Special extraction costs" means the cost of the time 12369
spent by the lowest paid employee competent to perform the task, 12370
the actual amount paid to outside private contractors employed by 12371
the bureau, or the actual cost incurred to create computer 12372
programs to make the special extraction. "Special extraction 12373
costs" include any charges paid to a public agency for computer or 12374
records services. 12375

(3) For purposes of divisions (F)(1) and (2) of this section, 12376

"surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.

(H) (1) Any portion of a body-worn camera or dashboard camera recording described in divisions (A) (17) (b) to (h) of this section may be released by consent of the subject of the recording or a representative of that person, as specified in those divisions, only if either of the following applies:

(a) The recording will not be used in connection with any probable or pending criminal proceedings;

(b) The recording has been used in connection with a criminal proceeding that was dismissed or for which a judgment has been entered pursuant to Rule 32 of the Rules of Criminal Procedure, and will not be used again in connection with any probable or pending criminal proceedings.

(2) If a public office denies a request to release a restricted portion of a body-worn camera or dashboard camera recording, as defined in division (A) (17) of this section, any person may file a mandamus action pursuant to this section or a

complaint with the clerk of the court of claims pursuant to 12408
section 2743.75 of the Revised Code, requesting the court to order 12409
the release of all or portions of the recording. If the court 12410
considering the request determines that the filing articulates by 12411
clear and convincing evidence that the public interest in the 12412
recording substantially outweighs privacy interests and other 12413
interests asserted to deny release, the court shall order the 12414
public office to release the recording. 12415

Sec. 149.434. (A) Each public office or person responsible 12416
for public records shall maintain a database or a list that 12417
includes the name ~~and date of birth~~ of all public officials and 12418
employees elected to or employed by that public office. The 12419
database or list is a public record and shall be made available 12420
upon a request made pursuant to section 149.43 of the Revised 12421
Code. 12422

(B) As used in this section: 12423

(1) "Employee" has the same meaning as in section 9.40 of the 12424
Revised Code. 12425

(2) "Public official" has the same meaning as in section 12426
117.01 of the Revised Code. 12427

(3) "Public record" has the same meaning as in section 149.43 12428
of the Revised Code. 12429

Sec. 153.013. (A) As used in this section, "indefinite 12430
delivery indefinite quantity contract" means a contract for an 12431
indefinite quantity, within stated limits, of supplies or services 12432
that will be delivered by the awarded bidder over a defined 12433
contract period. 12434

(B) The executive director of the capitol square review and 12435
advisory board, with the approval of the board, may advertise and 12436
seek bids for, and may award, an indefinite delivery indefinite 12437

quantity contract for an architect or engineer on an on-call, multi-project basis, to advise and consult with the capitol square review and advisory board for a defined contract period. To enter into an indefinite delivery indefinite quantity contract the executive director shall do all of the following:

(1) Prepare bidding documents;

(2) Establish contract forms;

(3) Determine contract terms and conditions, including the following:

(a) The maximum overall value of the contract, which may include an allowable increase of five per cent of the advertised contract value;

(b) The duration of the contract, not to exceed two years.

(4) Take any other action necessary to fulfill the duties and obligations of the executive director under this section.

(C) The requirements set forth in this section prevail in the event of any conflict with any other provision of this chapter.

Sec. 153.59. Every contract for or on behalf of the state, or any township, county, or municipal corporation of the state, for the construction, alteration, or repair of any public building or public work in the state shall contain provisions by which the contractor agrees to both of the following:

(A) That, in the hiring of employees for the performance of work under the contract or any subcontract, no contractor, subcontractor, or any person acting on a contractor's or subcontractor's behalf, by reason of race, creed, sex, disability or military status as defined in section 4112.01 of the Revised Code, or color, shall discriminate against any citizen of the state in the employment of labor or workers who is qualified and available to perform the work to which the employment relates;

(B) That no contractor, subcontractor, or any person on a contractor's or subcontractor's behalf, in any manner, shall discriminate against or intimidate any employee hired for the performance of work under the contract on account of race, creed, sex, disability or military status as defined in section 4112.01 of the Revised Code, or color.

The department of ~~administrative services~~ development shall ensure that no capital moneys appropriated by the general assembly for any purpose shall be expended unless the project for which those moneys are appropriated provides for an affirmative action program for the employment and effective utilization of disadvantaged persons whose disadvantage may arise from cultural, racial, or ethnic background, or other similar cause, including, but not limited to, race, religion, sex, disability or military status as defined in section 4112.01 of the Revised Code, national origin, or ancestry.

In awarding contracts for capital improvement projects, the department shall ensure that equal consideration be given to contractors, subcontractors, or joint venturers who qualify as a minority business enterprise. As used in this section, "minority business enterprise" means a business enterprise that is owned or controlled by one or more socially or economically disadvantaged persons who are residents of this state. "Socially or economically disadvantaged persons" means persons, regardless of marital status, who are members of groups whose disadvantage may arise from discrimination on the basis of race, religion, sex, disability or military status as defined in section 4112.01 of the Revised Code, national origin, ancestry, or other similar cause.

Sec. ~~155.011~~ 155.29. The owner of any tract of land in which the state has retained the gas, oil, coal, and other mineral rights and right of entry may acquire such rights by purchase from

the state. Such owner desiring to purchase such rights shall make 12499
application to the director of administrative services. This 12500
application shall be in such manner and form and shall contain 12501
such information as prescribed by the director. The said 12502
application shall have a deposit of a sum sufficient to pay the 12503
appraisal fees together with evidence of title to the land in 12504
which the applicant desires to purchase the mineral rights affixed 12505
thereto. 12506

Upon receipt of the application, evidence of title, and the 12507
deposit, the director shall cause the mineral rights to be 12508
appraised by three disinterested persons. The director shall 12509
determine the fee that each appraiser shall receive. All appraisal 12510
fees shall be paid from the deposit posted by the applicant. If 12511
the deposit exceeds the appraisal fees the balance shall be 12512
returned to the applicant. 12513

The appraisal value when approved by the director of 12514
administrative services shall constitute the purchase price. The 12515
director shall notify the applicant of the purchase price by 12516
certified or registered mail. Upon receipt of the purchase price 12517
~~by the director of administrative services, the auditor of state~~ 12518
director shall prepare, with the assistance of the attorney 12519
general, a deed which shall be executed by the governor, 12520
countersigned by the secretary of state, recorded in the office of 12521
the ~~auditor of state~~ director of administrative services, and 12522
delivered to the purchaser; provided, that if the purchase price 12523
has not been received within ninety days after notice of the 12524
purchase price was delivered to the applicant, the purchase price 12525
shall no longer be valid and a new application shall be 12526
instituted, a new deposit tendered, and a new appraisal had on the 12527
mineral rights. 12528

If the applicant fails to purchase the mineral rights within 12529
one year from the date of the initial application instituted by 12530

such applicant, a purchase by such applicant may be had only upon 12531
a determination by the director of administrative services that 12532
such sale would be in the best interests of the state. 12533

Any deed of conveyance issued under authority of this section 12534
shall be subject to existing easements, rights-of-way, and legal 12535
highways. 12536

Net sale proceeds shall be credited to the general revenue 12537
fund except when the rights disposed of were entrusted to the 12538
state for school or religious purposes. 12539

Sec. ~~1509.70~~ 155.30. As used in sections ~~1509.70~~ 155.30 to 12540
~~1509.77~~ 155.36 of the Revised Code: 12541

(A) ~~"Class 1 property" means property owned or controlled by 12542
a state agency concerning which there are no encumbrances or deed 12543
restrictions that limit the exploration or drilling for oil or gas 12544
on the property. 12545~~

~~(B) "Class 2 property" means property that is owned or 12546
controlled by a state university or college or that is owned or 12547
controlled by another state agency concerning which there is a 12548
federal encumbrance or monetary interest that limits or prohibits 12549
the exploration or drilling for oil or gas on the property. 12550~~

~~(C) "Class 3 property" means property owned or controlled by 12551
a state agency to which all of the following apply: 12552~~

~~(1) The property is not a class 2 or class 4 property. 12553~~

~~(2) The property is of insufficient size or shape to meet the 12554
requirements for drilling a well on the property established under 12555
section 1509.24 or 1509.25 of the Revised Code. 12556~~

~~(3) The property is necessary for pooling with other parcels 12557
of property for the purpose of forming a drilling unit in order to 12558
meet the requirements for drilling a well established under 12559
section 1509.24 or 1509.25 of the Revised Code. 12560~~

~~(D) "Class 4 property" means property owned or controlled by a state agency concerning which there is a provision in the deed that limits the exploration or drilling for oil or gas on the property.~~ 12561
12562
12563
12564

~~(E)~~ "Formation" means any of the following: 12565

(1) The distance from the surface of the land to the top of the Onondaga limestone; 12566
12567

(2) The distance from the top of the Onondaga limestone to the bottom of the Queenston formation; 12568
12569

(3) The distance from the bottom of the Queenston formation to the top of the Trenton limestone; 12570
12571

~~(4) The distance from the top of the Trenton limestone to the top of the Knox formation;~~ 12572
12573

~~(5) The distance from the top of the Knox formation to the basement rock.~~ 12574
12575

(B) "Gross landowner royalty" means a royalty based on the proceeds received on the sale of production of oil or gas without deduction for post-production costs, but less a proportionate share of any and all taxes and government fees levied on or as a result of the production. 12576
12577
12578
12579
12580

(C) "Post-production costs" means all costs and expenses incurred between the wellhead and the point of sale, including, without limitation, the costs of any treating, separating, dehydrating, processing, storing, gathering, transporting, compressing, and marketing. 12581
12582
12583
12584
12585

~~(F)~~(D) "State agency" means both of the following: 12586

(1) "State agency" as defined in section 1.60 of the Revised Code; 12587
12588

(2) "State university or college" as defined in section 3345.12 of the Revised Code. 12589
12590

~~Sec. 1509.71~~ 155.31. (A) It is the policy of the state to 12591
~~provide access to and support~~ promote the exploration for, 12592
development of, and production of oil and natural gas resources 12593
owned or controlled by the state in an effort to use the state's 12594
natural resources responsibly. 12595

(B) There is hereby created the oil and gas ~~leasing~~ land 12596
management commission consisting of the ~~chief of the division of~~ 12597
~~geological survey~~ director of natural resources or the director's 12598
designee and the following four members appointed by the governor: 12599

(1) Two members ~~from a list of not less than four persons~~ 12600
with knowledge or experience in the oil and gas industry 12601
recommended by a statewide organization representing the oil and 12602
gas industry; 12603

(2) One member of the public with expertise in finance or 12604
real estate; 12605

(3) One member representing a statewide environmental or 12606
conservation organization. 12607

(C) Initial appointments shall be made to the commission not 12608
later than thirty days after ~~the effective date of this section~~ 12609
September 30, 2011. Of the initial members appointed to the 12610
commission, one shall serve a term of two years, one shall serve a 12611
term of three years, one shall serve a term of four years, and one 12612
shall serve a term of five years. Thereafter, terms of office of 12613
members shall be for five years from the date of appointment. Each 12614
member appointed by the governor shall hold office from the date 12615
of appointment until the end of the term for which the member was 12616
appointed. The governor shall fill a vacancy occurring on the 12617
commission by appointing a member within sixty days after the 12618
vacancy occurs. A member appointed to fill a vacancy occurring 12619
prior to the expiration of the term for which the member's 12620
predecessor was appointed shall hold office for the remainder of 12621

that term. A member shall continue in office subsequent to the 12622
expiration date of the member's term until the member's successor 12623
takes office, or until a period of sixty days has elapsed, 12624
whichever occurs first. 12625

(D) Three members constitute a quorum of the commission, and 12626
no action of the commission is valid unless it has the concurrence 12627
of at least three members. The commission shall keep a record of 12628
its proceedings. ~~The chief of the division of geological survey~~ 12629
director of natural resources or the director's designee shall 12630
serve as the chairperson of the commission. 12631

(E) The governor may remove an appointed member from the 12632
commission for inefficiency, malfeasance, misfeasance, or 12633
nonfeasance. 12634

(F) Members of the commission shall receive no compensation, 12635
but shall be reimbursed for their actual and necessary expenses 12636
incurred in the course of the performance of their duties as 12637
members of the commission. 12638

(G) ~~The department of natural resources~~ Not later than ninety 12639
days after the effective date of this amendment, the commission 12640
shall ~~furnish~~ hire at least one staff member to provide clerical, 12641
~~technical, legal,~~ and other services required by the commission in 12642
the performance of its duties. 12643

Sec. 1509.72 155.32. ~~(A) A state agency shall submit to the~~ 12644
~~oil and gas leasing commission an inventory of each parcel of land~~ 12645
~~that is owned or controlled by the agency. The inventory shall~~ 12646
~~classify each parcel as a class 1, class 2, class 3, or class 4~~ 12647
~~property. The commission may request a state agency to submit~~ 12648
~~documentation supporting the classification of each parcel of~~ 12649
~~land.~~ 12650

~~(B) Not later than ninety days after the acquisition of a~~ 12651

~~parcel of state land occurring after the effective date of this 12652
section, the state agency that owns or controls the parcel shall 12653
classify the parcel in the same manner that parcels are classified 12654
under division (A) of this section. 12655~~

~~(C) The department of natural resources shall post on the 12656
department's web site a listing of each parcel of state land and 12657
the classification assigned to the parcel under this section. The 12658
commission shall provide to the department the information 12659
necessary for the department to comply with this division. 12660~~

~~(D) Not later than two hundred seventy days after the 12661
effective date of this section, the director of natural resources 12662
shall adopt rules in accordance with Chapter 119. of the Revised 12663
Code establishing The oil and gas land management commission shall 12664
establish procedures and requirements for publishing notice on the 12665
department's commission's web site of each nomination received by 12666
the commission under section ~~1509.73~~ 155.33 of the Revised Code 12667
for a period of not less than twenty-one days prior to the 12668
commission's approval or disapproval of each nomination. The 12669
notification shall identify the formation within a parcel of land 12670
that is the subject of a nomination and include a statement that a 12671
person may submit comments to the commission concerning the 12672
nomination. The commission ~~shall provide to the department the 12673
information necessary for the department to comply with this 12674
division~~ also shall notify the state agency that owns or controls 12675
the parcel of land for which a nomination was received identifying 12676
the parcel of land that is the subject of the nomination and 12677
including a statement that the state agency may submit comments to 12678
the commission concerning the nomination. 12679~~

Sec. ~~1509.73~~ 155.33. (A) (1) Beginning on September 30, 2011, 12680
and ending on the effective date of the rules adopted under 12681
section ~~1509.74~~ 155.34 of the Revised Code, a state agency, ~~in 12682~~

~~consultation with the oil and gas leasing commission,~~ may lease a 12683
formation within a parcel of land that is owned or controlled by 12684
the state agency for the exploration for and development and 12685
production of oil or natural gas. ~~The state agency shall establish~~ 12686
~~bid fees, signing fees, rentals, and at least a one eighth~~ 12687
~~landowner royalty~~ lease shall be on terms that are just and 12688
reasonable, as determined by custom and practice in the oil and 12689
gas industry, and shall include at least the terms required under 12690
division (A)(1)(a) to (e) of section 155.34 of the Revised Code. 12691
On and after the effective date of the rules adopted under section 12692
~~1509.74~~ 155.34 of the Revised Code, a formation within a parcel of 12693
land that is owned or controlled by a state agency may be leased 12694
for the exploration for and development and production of oil or 12695
natural gas only in accordance with divisions (A)(2) to (H) of 12696
this section and those rules. 12697

(2) ~~Not earlier than two hundred seventy days after September~~ 12698
~~30, 2011, a person that is an owner and~~ On and after the effective 12699
date of rules adopted under section 155.34 of the Revised Code, 12700
any person or state agency that is interested in leasing a 12701
formation within a parcel of land that is owned or controlled by a 12702
state agency for the exploration for and the development and 12703
production of oil or natural gas may submit to the oil and gas 12704
~~leasing~~ land management commission a nomination that ~~identifies~~ 12705
~~the parcel of land. A person submitting a nomination shall submit~~ 12706
~~it in the manner and form established in rules adopted under~~ 12707
~~section 1509.74 of the Revised Code and shall include with the~~ 12708
~~nomination both~~ all of the following: 12709

(a) ~~The information required by those rules~~ The name of the 12710
person making the nomination and the person's address, telephone 12711
number, and email address; 12712

(b) ~~The nomination fee established in those rules~~ An 12713

identification of the formation and parcel of land proposed to be leased that specifies all of the following: 12714
12715

(i) The percentage of the interest owned or controlled by the state agency, and whether that interest is divided, undivided, or partial; 12716
12717
12718

(ii) The source deed by book and page numbers, including the description and acreage of the parcel and an identification of the county, section, township, and range in which the parcel is located; 12719
12720
12721
12722

(iii) A plat map depicting the area in which the parcel is located. 12723
12724

(c) If the person making the nomination is not a state agency, a nomination fee of one hundred fifty dollars; 12725
12726

(d) The proposed lease bonus that applies to the nomination; 12727

(e) If the person making the nomination is not a state agency, proof of both of the following: 12728
12729

(i) That the person has obtained the insurance and financial assurance required under section 1509.07 of the Revised Code; 12730
12731

(ii) That the person has registered with and obtained an identification number from the division of oil and gas resources management under section 1509.31 of the Revised Code. 12732
12733
12734

(3) In order to encourage the submission of nominations and the responsible and reasonable development of the state's natural resources, only the information submitted under division (A)(2)(b) of this section may be disclosed to the public until a person is selected under division (F) of this section. Until a person is selected under division (F) of this section, all other information submitted under division (A)(2) of this section is confidential, shall not be disclosed by the commission, and is not a public record subject to inspection or copying under section 149.43 of 12735
12736
12737
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12743

the Revised Code. 12744

(4) When a nomination is not submitted by a state agency, the 12745
nomination is the opening bid for purposes of division (D) of this 12746
section. However, the person submitting the nomination may 12747
supplement or amend that bid by providing additional information 12748
in accordance with that division. 12749

(B) (1) Not less than thirty days, but not more than one 12750
hundred twenty days following the receipt of a nomination ~~of a~~ 12751
~~parcel of land~~, the commission shall conduct a meeting for the 12752
purpose of determining whether to approve or disapprove the 12753
nomination for the purpose of leasing a formation within the 12754
parcel of land that is identified in the nomination. ~~The~~ 12755
~~commission also shall review the nomination of the parcel of land~~ 12756
~~and determine if the parcel of land has been classified under~~ 12757
~~section 1509.72 of the Revised Code. If the parcel of land that is~~ 12758
~~the subject of the nomination has not been classified, the~~ 12759
~~commission immediately shall send a copy of the nomination to the~~ 12760
~~state agency that owns or controls the parcel that is the subject~~ 12761
~~of the nomination. Not later than fifteen days after receipt of a~~ 12762
~~copy of the nomination, the state agency shall classify the parcel~~ 12763
~~of land as a class 1, class 2, class 3, or class 4 property and~~ 12764
~~submit the classification to the commission. On receipt of the~~ 12765
~~state agency's classification of the parcel of land, the~~ 12766
~~commission shall provide the department of natural resources the~~ 12767
~~information necessary for the department to comply with divisions~~ 12768
~~(C) and (D) of section 1509.72 of the Revised Code.~~ 12769

~~After a parcel of land that is the subject of a nomination 12770~~
~~has been classified under section 1509.72 of the Revised Code or 12771~~
~~division (B) (1) of this section, as applicable, the commission 12772~~
~~shall approve or disapprove the nomination. In making its decision 12773~~
~~to approve or disapprove the nomination of the parcel of land, the 12774~~
~~commission shall consider all of the following:~~ 12775

(a) The economic benefits, including the potential income from an oil or natural gas operation, that would result if the lease of a formation that is the subject of the nomination were approved;	12776 12777 12778 12779
(b) Whether the proposed oil or gas operation is compatible with the current uses of the parcel of land that is the subject of the nomination;	12780 12781 12782
(c) The environmental impact that would result if the lease of a formation that is the subject of the nomination were approved;	12783 12784 12785
(d) Any potential adverse geological impact that would result if the lease of a formation that is the subject of the nomination were approved;	12786 12787 12788
(e) Any potential impact to visitors or users of a parcel of land that is the subject of the nomination;	12789 12790
(f) Any potential impact to the operations or equipment of a state agency that is a state university or college if the lease of a formation within a parcel of land owned or controlled by the university or college that is the subject of the nomination were executed;	12791 12792 12793 12794 12795
(g) Any <u>comments or</u> objections to the nomination submitted to the commission by the state agency that owns or controls the <u>parcel of</u> land on which the proposed oil or natural gas operation would take place;	12796 12797 12798 12799
(h) Any comments or objections to the nomination submitted to the commission by residents of this state or other users of the parcel of land that is the subject of the nomination;	12800 12801 12802
(i) Any other factors that the commission establishes in rules adopted under section 1509.74 of the Revised Code <u>Any special terms and conditions the state agency included in its</u>	12803 12804 12805

comments or objections that the state agency believes are 12806
appropriate for the lease of the parcel of land because of 12807
specific conditions related to that parcel of land. 12808

~~(2) The commission shall disapprove a nomination of a parcel~~ 12809
~~of land that is a class 3 property. The commission shall send~~ 12810
~~notice of the disapproval by certified mail to the person that~~ 12811
~~submitted the nomination.~~ 12812

~~(3) Prior to making its decision to approve or disapprove a~~ 12813
~~nomination, the commission shall notify the state agency that owns~~ 12814
~~or controls the land on which the oil or gas operation would take~~ 12815
~~place.~~ 12816

~~(4) The commission shall approve or disapprove a nomination~~ 12817
~~not later than two calendar quarters following the receipt of the~~ 12818
~~nomination. Notice of the decision of the The commission shall be~~ 12819
~~sent post notice of the commission's decision on the commission's~~ 12820
~~web site and send notice of the decision by email and by certified~~ 12821
~~mail to the person that submitted the nomination and to the state~~ 12822
~~agency that owns or controls the formation within the parcel of~~ 12823
~~land that is the subject of the nomination.~~ 12824

~~(5) If the commission approves a nomination, the commission~~ 12825
~~shall notify the state agency that owns or controls the parcel of~~ 12826
~~land that is the subject of a nomination of the commission's~~ 12827
~~approval of the nomination. The notification shall request the~~ 12828
~~state agency to submit to the commission special terms and~~ 12829
~~conditions that will apply to the lease of a formation within the~~ 12830
~~parcel of land because of specific conditions related to the~~ 12831
~~parcel of land. The state agency shall submit the special terms~~ 12832
~~and conditions not later than sixty days after receipt of a notice~~ 12833
~~from the commission.~~ 12834

~~(6) If the commission approves a nomination for a parcel of~~ 12835
~~land that is a class 1 property, the commission shall offer for~~ 12836

~~lease each formation that is within the parcel of land. If the 12837
commission approves a nomination for a parcel of land that is a 12838
class 2 or class 4 property, the commission shall not offer for 12839
lease any formation that is within the parcel of land unless the 12840
state agency that owns or controls the parcel of land notifies the 12841
commission that a formation or formations that are within the 12842
parcel of land may be offered for lease. 12843~~

(C) Each calendar quarter, the commission shall proceed to 12844
advertise for bids for a lease for a formation within a parcel of 12845
land that was the subject of a nomination approved during the 12846
previous calendar quarter ~~that is a class 1 property or that is a 12847
class 2 or class 4 property for which the commission has received 12848
notice from the state agency that owns or controls the parcel of 12849
land under division (B) (6) of this section that a formation or 12850
formations that are within the parcel of land may be offered for 12851
lease. The advertisement shall be provided to the department of 12852
natural resources, and the department commission shall publish the 12853
advertisement on its web site for a period of time established by 12854
the commission. The advertisement shall include all of the 12855
following: 12856~~

~~(1) The procedure for the submission of a bid to enter into a 12857
lease for a formation within a parcel of land An identification of 12858
each formation and parcel of land proposed to be leased that 12859
includes all of the information specified in division (A) (2) (b) of 12860
this section; 12861~~

~~(2) The deadline for the submission of bids; 12862~~

~~(3) A statement that each bid must contain all of the items 12863
required under division (D) of this section; 12864~~

~~(4) A statement that a standard lease form that is consistent 12865
with the practices of the oil and natural gas industries and 12866
adopted by rule by the commission will be used for the lease of a 12867~~

formation within the parcel of land; 12868

~~(3) A copy of the standard lease form that will be used for~~ 12869
~~the lease of a formation within the parcel of land;~~ 12870

~~(4) Special~~(5) Any special terms and conditions, ~~if~~ 12871
~~applicable,~~ that may apply to the lease because of specific 12872
conditions related to the parcel of land; 12873

~~(5)~~(6) The amount of the bid fee that is required to be 12874
submitted with a bid; 12875

~~(6)~~(7) Any other information that the commission considers 12876
pertinent to the advertisement for bids. 12877

(D) A person ~~submitting a bid to enter into a lease under~~ 12878
~~this section shall pay a bid fee established in rules adopted~~ 12879
~~under section 1509.74 of the Revised Code~~ interested in leasing a 12880
formation within a parcel of land owned or controlled by a state 12881
agency for the exploration for and development and production of 12882
oil or natural gas may submit a bid to the commission on a parcel 12883
by parcel basis that contains all of the following: 12884

(1) A bid fee of twenty-five dollars; 12885

(2) The name of the person making the bid and the person's 12886
address, telephone number, and email address; 12887

(3) An identification of the formation and parcel of land for 12888
which the bid is being submitted, including all of the information 12889
specified in division (A)(2)(b) of this section; 12890

(4) The proposed lease bonus that applies to the bid; 12891

(5) Proof of both of the following: 12892

(a) That the person has obtained the insurance and financial 12893
assurance required under section 1509.07 of the Revised Code; 12894

(b) That the person has registered with and obtained an 12895
identification number from the division of oil and gas resources 12896

management under section 1509.31 of the Revised Code. 12897

(6) Any other information that the person believes is 12898
relevant to the bid. 12899

(E) In order to encourage the submission of bids and the 12900
responsible and reasonable development of the state's natural 12901
resources, the information that is contained in a bid submitted to 12902
the commission under this section ~~shall be~~ is confidential, shall 12903
not be disclosed by the commission, and ~~shall not be disclosed~~ 12904
before is not a public record subject to inspection and copying 12905
under section 149.43 of the Revised Code until a person is 12906
selected under division (F) of this section ~~unless the commission~~ 12907
~~determines otherwise.~~ 12908

~~(F) The commission shall establish a deadline for the~~ 12909
~~submission of bids for each lease regarding a particular parcel of~~ 12910
~~land and shall notify the department of the deadline. The~~ 12911
~~department shall post the deadline for the submission of bids for~~ 12912
~~each lease on the department's web site. A person shall submit a~~ 12913
~~bid in accordance with the procedures and requirements established~~ 12914
~~by the commission in rules adopted under section 1509.74 of the~~ 12915
~~Revised Code.~~ 12916

The commission shall select the person who submits the 12917
highest and best bid ~~for each formation within that parcel of~~ 12918
~~land,~~ taking into account the financial responsibility of the 12919
prospective lessee and the ability of the prospective lessee to 12920
perform its obligations under the lease. After the commission 12921
selects a person, the commission shall notify the applicable state 12922
agency and send the person's bid to the agency. The state agency 12923
shall enter into a lease with the person selected by the 12924
commission. 12925

(G) (1) Except as otherwise provided in ~~division (G) (2) of~~ 12926
~~this section~~ 155.37 of the Revised Code, all money received by a 12927

state agency from signing fees, rentals, and royalty payments for 12928
leases entered into under this section shall be paid by the state 12929
agency into the state treasury to the credit of the state land 12930
royalty fund created in section 131.50 of the Revised Code. 12931

~~(2) Money received by a state agency from signing fees, 12932
rentals, and royalty payments for leases entered into under this 12933
section on land owned or controlled by the division of forestry, 12934
wildlife, or parks and watercraft in the department of natural 12935
resources shall be deposited into one of the following funds, as 12936
applicable. 12937~~

~~(a) The forestry mineral royalties fund created in section 12938
1503.012 of the Revised Code if the lease pertains to land owned 12939
or controlled by the division of forestry; 12940~~

~~(b) The wildlife habitat fund created in section 1531.33 of 12941
the Revised Code if the lease pertains to land owned or controlled 12942
by the division of wildlife; 12943~~

~~(c) The parks mineral royalties fund created in section 12944
1546.24 of the Revised Code if the lease pertains to land owned or 12945
controlled by the division of parks and watercraft. 12946~~

~~(H) All money received from nomination fees and bid fees 12947
shall be paid into the state treasury to the credit of the oil and 12948
gas leasing land management commission administration fund created 12949
in section ~~1509.75~~ 155.35 of the Revised Code. 12950~~

~~(I)(H) Notwithstanding any other provision of this section to 12951
the contrary, a nature preserve as defined in section 1517.01 of 12952
the Revised Code that is owned or controlled by a state agency 12953
shall not be nominated or leased under this section for the 12954
purpose of exploring for and developing and producing oil and 12955
natural gas resources. 12956~~

Sec. ~~1509.74~~ 155.34. (A) Not later than ~~two~~ one hundred 12957

~~seventy~~ twenty days after the effective date of this ~~section~~ 12958
~~amendment~~, the oil and gas ~~leasing~~ land management commission 12959
shall adopt rules in accordance with Chapter 119. of the Revised 12960
Code establishing ~~all~~ both of the following: 12961

~~(A) The form of and the information to be included in 12962
nominations that are submitted under section 1509.73 of the 12963
Revised Code;~~ 12964

~~(B) Procedures for the submission of nominations to the 12965
commission and the amount of nomination fees to be charged. The 12966
rules shall require that if a person who has paid a nomination fee 12967
does not enter into a lease regarding the parcel of land that the 12968
person nominated, the fee shall be refunded to the person, and, if 12969
applicable, the person that enters into the lease shall pay the 12970
nomination fee. In addition, the rules shall provide that a state 12971
agency is exempt from nomination fees and that a person who enters 12972
into a lease regarding a parcel of land nominated by a state 12973
agency shall pay the nomination fee.~~ 12974

~~(C) Factors that the commission may consider when determining 12975
whether to approve or disapprove a nomination submitted under 12976
section 1509.73 of the Revised Code;~~ 12977

~~(D) Procedures and requirements for the submission of bids 12978
for a lease under section 1509.73 of the Revised Code;~~ 12979

~~(E) The amount of bid fees to be charged for the submission 12980
of bids to enter into leases under section 1509.73 of the Revised 12981
Code;~~ 12982

~~(F)~~ (1) A standard lease form that shall be used by a state 12983
agency for leases entered into under this chapter that is 12984
consistent with the practices of the oil and natural gas 12985
industries and that contains ~~at~~ all of the following: 12986

(a) A prohibition against the use of the surface of the 12987
parcel of land for oil and gas development unless the state 12988

agency, in its sole discretion, chooses to negotiate and execute a 12989
written surface use agreement established under this section; 12990

(b) A ~~least~~ a one-eighth gross landowner royalty, ~~which~~ 12991
~~standard lease form shall be used by a state agency for leases~~ 12992
~~entered into under section 1509.73 of the Revised Code;~~ 12993

(c) A primary term of three years; 12994

(d) An option for the lessee to extend the primary term of 12995
the lease for an additional three years by tendering to the state 12996
agency the same bonus paid when first entering into the lease. 12997

~~(G)(2) Any other procedures and requirements that the~~ 12998
~~commission determines necessary to implement sections ~~1509.70~~~~ 12999
155.30 to ~~1509.77~~ 155.36 of the Revised Code. 13000

(B) Not later than one hundred and twenty days after the 13001
effective date of this amendment, the commission shall establish a 13002
standard surface use agreement that a state agency shall use to 13003
authorize the use of the surface of a leased parcel of land. 13004

(C) Section 121.95 of the Revised Code does not apply to 13005
rules adopted under this section and the commission is not subject 13006
to any requirements of that section. 13007

Sec. ~~1509.75~~ 155.35. There is hereby created in the state 13008
treasury the oil and gas ~~leasing~~ land management commission 13009
administration fund consisting of the proceeds of nomination fees 13010
and bid fees credited to it under section ~~1509.73~~ 155.33 of the 13011
Revised Code. Money in the fund shall be used by the oil and gas 13012
~~leasing~~ land management commission ~~and the department of natural~~ 13013
~~resources~~ to pay the administrative expenses of the commission ~~and~~ 13014
~~the department~~ regarding the implementation of sections ~~1509.70~~ 13015
155.30 to ~~1509.77~~ 155.36 of the Revised Code. Money in the fund 13016
also shall be used to pay the actual and necessary expenses 13017
incurred by members of the commission in the course of the 13018

performance of their duties. 13019

Sec. ~~1509.77~~ 155.36. A state agency that owns or controls a 13020
parcel of land ~~that is a class 3 property~~ for which a nomination 13021
for that land has been denied under section ~~1509.73~~ 155.33 of the 13022
Revised Code may enter into written agreements to use that parcel 13023
of land to form a drilling unit that conforms to the minimum 13024
acreage and distance requirements established under section 13025
1509.24 or 1509.25 of the Revised Code. 13026

Sec. ~~1509.78~~ 155.37. ~~Notwithstanding any other provision of~~ 13027
~~the Revised Code, not~~ Not less than thirty per cent of the 13028
proceeds from a lease executed on and after September 30, 2011, 13029
for the exploration and production of oil or gas within or under a 13030
state park established under Chapter 1546. of the Revised Code 13031
shall be credited to the applicable fund created in the state 13032
treasury that supports the state park. The department of natural 13033
resources shall use the money credited to the applicable fund from 13034
a lease for expenses associated with the state park within or 13035
under which the oil or gas exploration and production occurred. 13036
Money credited shall be used for capital improvements. 13037

Sec. 166.01. As used in this chapter: 13038

(A) "Allowable costs" means all or part of the costs of 13039
project facilities, eligible projects, eligible innovation 13040
projects, eligible research and development projects, eligible 13041
advanced energy projects, or eligible logistics and distribution 13042
projects, including costs of acquiring, constructing, 13043
reconstructing, rehabilitating, renovating, enlarging, improving, 13044
equipping, or furnishing project facilities, eligible projects, 13045
eligible innovation projects, eligible research and development 13046
projects, eligible advanced energy projects, or eligible logistics 13047

and distribution projects, site clearance and preparation, 13048
supplementing and relocating public capital improvements or 13049
utility facilities, designs, plans, specifications, surveys, 13050
studies, and estimates of costs, expenses necessary or incident to 13051
determining the feasibility or practicability of assisting an 13052
eligible project, an eligible innovation project, an eligible 13053
research and development project, an eligible advanced energy 13054
project, or an eligible logistics and distribution project, or 13055
providing project facilities or facilities related to an eligible 13056
project, an eligible innovation project, an eligible research and 13057
development project, an eligible advanced energy project, or an 13058
eligible logistics and distribution project, architectural, 13059
engineering, and legal services fees and expenses, the costs of 13060
conducting any other activities as part of a voluntary action, and 13061
such other expenses as may be necessary or incidental to the 13062
establishment or development of an eligible project, an eligible 13063
innovation project, an eligible research and development project, 13064
an eligible advanced energy project, or an eligible logistics and 13065
distribution project, and reimbursement of moneys advanced or 13066
applied by any governmental agency or other person for allowable 13067
costs. 13068

(B) "Allowable innovation costs" includes allowable costs of 13069
eligible innovation projects and, in addition, includes the costs 13070
of research and development of eligible innovation projects; 13071
obtaining or creating any requisite software or computer hardware 13072
related to an eligible innovation project or the products or 13073
services associated therewith; testing (including, without 13074
limitation, quality control activities necessary for initial 13075
production), perfecting, and marketing of such products and 13076
services; creating and protecting intellectual property related to 13077
an eligible innovation project or any products or services related 13078
thereto, including costs of securing appropriate patent, 13079
trademark, trade secret, trade dress, copyright, or other form of 13080

intellectual property protection for an eligible innovation 13081
project or related products and services; all to the extent that 13082
such expenditures could be capitalized under then-applicable 13083
generally accepted accounting principles; and the reimbursement of 13084
moneys advanced or applied by any governmental agency or other 13085
person for allowable innovation costs. 13086

(C) "Eligible innovation project" includes an eligible 13087
project, including any project facilities associated with an 13088
eligible innovation project and, in addition, includes all 13089
tangible and intangible property related to a new product or 13090
process based on new technology or the creative application of 13091
existing technology, including research and development, product 13092
or process testing, quality control, market research, and related 13093
activities, that is to be acquired, established, expanded, 13094
remodeled, rehabilitated, or modernized for industry, commerce, 13095
distribution, or research, or any combination thereof, the 13096
operation of which, alone or in conjunction with other eligible 13097
projects, eligible innovation projects, or innovation property, 13098
will create new jobs or preserve existing jobs and employment 13099
opportunities and improve the economic welfare of the people of 13100
the state. 13101

(D) "Eligible project" means project facilities to be 13102
acquired, established, expanded, remodeled, rehabilitated, or 13103
modernized for industry, commerce, distribution, or research, or 13104
any combination thereof, the operation of which, alone or in 13105
conjunction with other facilities, will create new jobs or 13106
preserve existing jobs and employment opportunities and improve 13107
the economic welfare of the people of the state. "Eligible 13108
project" includes, without limitation, a voluntary action. For 13109
purposes of this division, "new jobs" does not include existing 13110
jobs transferred from another facility within the state, and 13111
"existing jobs" includes only those existing jobs with work places 13112

within the municipal corporation or unincorporated area of the 13113
county in which the eligible project is located. 13114

"Eligible project" does not include project facilities to be 13115
acquired, established, expanded, remodeled, rehabilitated, or 13116
modernized for industry, commerce, distribution, or research, or 13117
any combination of industry, commerce, distribution, or research, 13118
if the project facilities consist solely of 13119
point-of-final-purchase retail facilities. If the project 13120
facilities consist of both point-of-final-purchase retail 13121
facilities and nonretail facilities, only the portion of the 13122
project facilities consisting of nonretail facilities is an 13123
eligible project. If a warehouse facility is part of a 13124
point-of-final-purchase retail facility and supplies only that 13125
facility, the warehouse facility is not an eligible project. 13126
Catalog distribution facilities are not considered 13127
point-of-final-purchase retail facilities for purposes of this 13128
paragraph, and are eligible projects. 13129

(E) "Eligible research and development project" means an 13130
eligible project, including project facilities, comprising, 13131
within, or related to, a facility or portion of a facility at 13132
which research is undertaken for the purpose of discovering 13133
information that is technological in nature and the application of 13134
which is intended to be useful in the development of a new or 13135
improved product, process, technique, formula, or invention, a new 13136
product or process based on new technology, or the creative 13137
application of existing technology. 13138

(F) "Financial assistance" means inducements under division 13139
(B) of section 166.02 of the Revised Code, loan guarantees under 13140
section 166.06 of the Revised Code, and direct loans under section 13141
166.07 of the Revised Code. 13142

(G) "Governmental action" means any action by a governmental 13143
agency relating to the establishment, development, or operation of 13144

an eligible project, eligible innovation project, eligible 13145
research and development project, eligible advanced energy 13146
project, or eligible logistics and distribution project, and 13147
project facilities that the governmental agency acting has 13148
authority to take or provide for the purpose under law, including, 13149
but not limited to, actions relating to contracts and agreements, 13150
zoning, building, permits, acquisition and disposition of 13151
property, public capital improvements, utility and transportation 13152
service, taxation, employee recruitment and training, and liaison 13153
and coordination with and among governmental agencies. 13154

(H) "Governmental agency" means the state and any state 13155
department, division, commission, institution or authority; a 13156
municipal corporation, county, or township, and any agency 13157
thereof, and any other political subdivision or public corporation 13158
or the United States or any agency thereof; any agency, 13159
commission, or authority established pursuant to an interstate 13160
compact or agreement; and any combination of the above. 13161

(I) "Innovation financial assistance" means inducements under 13162
division (B) of section 166.12 of the Revised Code, innovation 13163
Ohio loan guarantees under section 166.15 of the Revised Code, and 13164
innovation Ohio loans under section 166.16 of the Revised Code. 13165

(J) "Innovation Ohio loan guarantee reserve requirement" 13166
means, at any time, with respect to innovation loan guarantees 13167
made under section 166.15 of the Revised Code, a balance in the 13168
innovation Ohio loan guarantee fund equal to the greater of twenty 13169
per cent of the then-outstanding principal amount of all 13170
outstanding innovation loan guarantees made pursuant to section 13171
166.15 of the Revised Code or fifty per cent of the principal 13172
amount of the largest outstanding guarantee made pursuant to 13173
section 166.15 of the Revised Code. 13174

(K) "Innovation property" includes property and also includes 13175
software, inventory, licenses, contract rights, goodwill, 13176

intellectual property, including without limitation, patents, 13177
patent applications, trademarks and service marks, and trade 13178
secrets, and other tangible and intangible property, and any 13179
rights and interests in or connected to the foregoing. 13180

(L) "Loan guarantee reserve requirement" means, at any time, 13181
with respect to loan guarantees made under section 166.06 of the 13182
Revised Code, a balance in the loan guarantee fund equal to the 13183
greater of twenty per cent of the then-outstanding principal 13184
amount of all outstanding guarantees made pursuant to section 13185
166.06 of the Revised Code or fifty per cent of the principal 13186
amount of the largest outstanding guarantee made pursuant to 13187
section 166.06 of the Revised Code. 13188

(M) "Person" means any individual, firm, partnership, 13189
association, corporation, or governmental agency, and any 13190
combination thereof. 13191

(N) "Project facilities" means buildings, structures, and 13192
other improvements, and equipment and other property, excluding 13193
small tools, supplies, and inventory, and any one, part of, or 13194
combination of the above, comprising all or part of, or serving or 13195
being incidental to, an eligible project, an eligible innovation 13196
project, an eligible research and development project, an eligible 13197
advanced energy project, or an eligible logistics and distribution 13198
project, including, but not limited to, public capital 13199
improvements. 13200

(O) "Property" means real and personal property and interests 13201
therein. 13202

(P) "Public capital improvements" means capital improvements 13203
or facilities that any governmental agency has authority to 13204
acquire, pay the costs of, own, maintain, or operate, or to 13205
contract with other persons to have the same done, including, but 13206
not limited to, highways, roads, streets, water and sewer 13207

facilities, railroad and other transportation facilities, and air 13208
and water pollution control and solid waste disposal facilities. 13209
For purposes of this division, "air pollution control facilities" 13210
includes, without limitation, solar, geothermal, biofuel, biomass, 13211
wind, hydro, wave, and other advanced energy projects as defined 13212
in section 3706.25 of the Revised Code. 13213

(Q) "Research and development financial assistance" means 13214
inducements under section 166.17 of the Revised Code, research and 13215
development loans under section 166.21 of the Revised Code, and 13216
research and development tax credits under sections 5733.352 and 13217
5747.331 of the Revised Code. 13218

(R) "Targeted innovation industry sectors" means industry 13219
sectors involving the production or use of advanced materials, 13220
instruments, controls and electronics, power and propulsion, 13221
biosciences, and information technology, or such other sectors as 13222
may be designated by the director of development ~~services~~. 13223

(S) "Voluntary action" means a voluntary action, as defined 13224
in section 3746.01 of the Revised Code, that is conducted under 13225
the voluntary action program established in Chapter 3746. of the 13226
Revised Code. 13227

(T) "Project financing obligations" means obligations issued 13228
pursuant to section 166.08 of the Revised Code other than 13229
obligations for which the bond proceedings provide that bond 13230
service charges shall be paid from receipts of the state 13231
representing gross profit on the sale of spirituous liquor as 13232
referred to in division (B) (4) of section 4310.10 of the Revised 13233
Code. 13234

(U) "Regional economic development entity" means an entity 13235
that is under contract with the director to administer a loan 13236
program under this chapter in a particular area of this state. 13237

(V) "Eligible advanced energy project" means an eligible 13238

project that is an "advanced energy project" as defined in section 13239
3706.25 of the Revised Code. 13240

(W) "Eligible logistics and distribution project" means an 13241
eligible project, including project facilities, to be acquired, 13242
established, expanded, remodeled, rehabilitated, or modernized for 13243
transportation logistics and distribution infrastructure purposes. 13244
As used in this division, "transportation logistics and 13245
distribution infrastructure purposes" means promoting, providing 13246
for, and enabling improvements to the ground, air, and water 13247
transportation infrastructure comprising the transportation system 13248
in this state, including, without limitation, highways, streets, 13249
roads, bridges, railroads carrying freight, and air and water 13250
ports and port facilities, and all related supporting facilities. 13251

~~(X) "Department of development" means the development 13252
services agency and "director of development" means the director 13253
of development services. 13254~~

Sec. 166.03. (A) There is hereby created the facilities 13255
establishment fund within the state treasury, consisting of 13256
proceeds from the issuance of obligations as specified under 13257
section 166.08 of the Revised Code; the moneys received by the 13258
state from the sources specified in section 166.09 of the Revised 13259
Code; service charges imposed under sections 166.06 and 166.07 of 13260
the Revised Code; any grants, gifts, or contributions of moneys 13261
received by the director of development ~~services~~ to be used for 13262
loans made under section 166.07 of the Revised Code or for the 13263
payment of the allowable costs of project facilities; and all 13264
other moneys appropriated or transferred to the fund. Moneys in 13265
the loan guarantee fund in excess of the loan guarantee reserve 13266
requirement, but subject to the provisions and requirements of any 13267
guarantee contracts, may be transferred to the facilities 13268
establishment fund by the treasurer of state upon the order of the 13269

director of development ~~services~~. Moneys received by the state 13270
under Chapter 122. of the Revised Code, to the extent allocable to 13271
the utilization of moneys derived from proceeds of the sale of 13272
obligations pursuant to section 166.08 of the Revised Code, shall 13273
be credited to the facilities establishment fund. All investment 13274
earnings on the cash balance in the fund shall be credited to the 13275
fund. 13276

(B) All moneys appropriated or transferred to the facilities 13277
establishment fund may be released at the request of the director 13278
of development ~~services~~ for payment of allowable costs or the 13279
making of loans under section 166.07 of the Revised Code, for 13280
transfer to the loan guarantee fund established in section 166.06 13281
of the Revised Code, or for use for the purpose of or transfer to 13282
the funds established by sections 122.35, 122.42, 122.54, 122.55, 13283
122.56, 122.561, 122.57, 122.601, and 122.80 of the Revised Code 13284
and, until July 1, 2003, the fund established by section 166.031 13285
of the Revised Code, and, until July 1, 2007, the fund established 13286
by section 122.26 of the Revised Code, but only for such of those 13287
purposes as are within the authorization of Section 13 of Article 13288
VIII, Ohio Constitution, in all cases subject to the approval of 13289
the controlling board. 13290

(C) The department of development ~~services~~ ~~agency~~, in the 13291
administration of the facilities establishment fund, is encouraged 13292
to utilize and promote the utilization of, to the maximum 13293
practicable extent, the other existing programs, business 13294
incentives, and tax incentives that department is required or 13295
authorized to administer or supervise. 13296

Sec. 166.27. (A) As used in this section, "minority" has the 13297
same meaning as in section 184.17 of the Revised Code, except that 13298
the individual must be a resident of this state. The term also 13299
includes an economically disadvantaged individual who is a 13300

resident of this state. 13301

(B) The director of development shall conduct outreach 13302
activities in Ohio that seek to include minorities in the loan 13303
program for logistics and distribution projects established under 13304
section 166.25 of the Revised Code. The outreach activities shall 13305
include the following, when appropriate: 13306

(1) Identifying and partnering with historically black 13307
colleges and universities; 13308

(2) Working with all institutions of higher education in the 13309
state to support minority faculty and students involved in 13310
logistics and distribution fields; 13311

(3) Developing a plan to contact by telephone minority-owned 13312
businesses and entrepreneurs and other economically disadvantaged 13313
businesses to notify them of opportunities to participate in the 13314
loan program for logistics and distribution projects; 13315

(4) Identifying minority professional and technical trade 13316
associations and economic development assistance organizations and 13317
notifying them of the loan program for logistics and distribution 13318
projects; 13319

(5) Partnering with regional councils to foster local efforts 13320
to support minority-owned businesses or otherwise identify 13321
networks of minority-owned businesses, entrepreneurs, and 13322
individuals operating locally; 13323

(6) Identifying minority firms and notifying them of the 13324
opportunities that exist within the investment community, 13325
including the Ohio venture capital authority created under section 13326
150.02 of the Revised Code. 13327

(C) The director shall publish an annual report that includes 13328
all of the following: 13329

(1) Details of loans awarded for logistics and distribution 13330

projects; 13331

(2) The status of loan recipients' projects funded in 13332
previous years; 13333

(3) The amount of loans awarded for projects in economically 13334
distressed areas, and if possible to ascertain, the impact of the 13335
loans to those areas. 13336

(D) To the extent possible, outreach activities described in 13337
this section shall be conducted in conjunction with the EDGE 13338
program created in section ~~123.152~~122.922 of the Revised Code. 13339

Sec. 169.05. (A) Every holder required to file a report under 13340
section 169.03 of the Revised Code shall, at the time of filing, 13341
pay to the director of commerce ten per cent of the aggregate 13342
amount of unclaimed funds as shown on the report, except for 13343
aggregate amounts of fifty dollars or less in which case one 13344
hundred per cent shall be paid. The funds may be deposited by the 13345
director in the state treasury to the credit of the unclaimed 13346
funds trust fund, which is hereby created, or placed with a 13347
financial organization. Any interest earned on money in the trust 13348
fund shall be credited to the trust fund. The remainder of the 13349
aggregate amount of unclaimed funds as shown on the report, plus 13350
earnings accrued to date of payment to the director, shall, at the 13351
option of the director, be retained by the holder or paid to the 13352
director for deposit as agent for the mortgage funds with a 13353
financial organization as defined in section 169.01 of the Revised 13354
Code, with the funds to be in income-bearing accounts to the 13355
credit of the mortgage funds, or the holder may enter into an 13356
agreement with the director specifying the obligations of the 13357
United States in which funds are to be invested, and agree to pay 13358
the interest on the obligations to the state. Holders retaining 13359
any funds not in obligations of the United States shall enter into 13360
an agreement with the director specifying the classification of 13361

income-bearing account in which the funds will be held and pay the 13362
state interest on the funds at a rate equal to the prevailing 13363
market rate for similar funds. Moneys that the holder is required 13364
to pay to the director rather than to retain may be deposited with 13365
the treasurer of state, or placed with a financial organization. 13366

Securities and other intangible property transferred to the 13367
director shall, within a reasonable time, be converted to cash and 13368
the proceeds deposited as provided for other funds. 13369

One-half of the funds evidenced by agreements, in 13370
income-bearing accounts, or on deposit with the treasurer of state 13371
shall be allocated on the records of the director to the mortgage 13372
insurance fund created by section 122.561 of the Revised Code. Out 13373
of the remaining half, after allocation of sufficient moneys to 13374
the minority business bonding fund to meet the provisions of 13375
division (B) of this section, the remainder shall be allocated on 13376
the records of the director to the housing development fund 13377
created by division (A) of section 175.11 of the Revised Code. 13378

(B) The director shall serve as agent for the director of 13379
development and as agent for the Ohio housing finance agency in 13380
making deposits and withdrawals and maintaining records pertaining 13381
to the minority business bonding fund created by section 122.88 of 13382
the Revised Code, the mortgage insurance fund, and the housing 13383
development fund created by section 175.11 of the Revised Code. 13384
Funds from the mortgage insurance fund are available to the 13385
director of development when those funds are to be disbursed to 13386
prevent or cure, or upon the occurrence of, a default of a 13387
mortgage insured pursuant to section 122.451 of the Revised Code. 13388
Funds from the housing development fund are available upon request 13389
to the Ohio housing finance agency, in an amount not to exceed the 13390
funds allocated on the records of the director, for the purposes 13391
of section 175.05 of the Revised Code. Funds from the minority 13392
business bonding fund are available to the director of development 13393

upon request to pay obligations on bonds the director writes 13394
pursuant to section 122.88 of the Revised Code; except that, 13395
unless the general assembly authorizes additional amounts, the 13396
total maximum amount of moneys that may be allocated to the 13397
minority business bonding fund under this division is ten million 13398
dollars. 13399

When funds are to be disbursed, the appropriate agency shall 13400
call upon the director to transfer the necessary funds to it. The 13401
director shall first withdraw the funds paid by the holders and 13402
deposited with the treasurer of state or in a financial 13403
institution as agent for the funds. Whenever these funds are 13404
inadequate to meet the request, the director shall provide for a 13405
withdrawal of funds, within a reasonable time and in the amount 13406
necessary to meet the request, from financial institutions in 13407
which the funds were retained or placed by a holder and from other 13408
holders who have retained funds, in an equitable manner as the 13409
director prescribes. In the event that the amount to be withdrawn 13410
from any one holder is less than five hundred dollars, the amount 13411
to be withdrawn is at the director's discretion. The director 13412
shall then transfer to the agency the amount of funds requested. 13413

Funds deposited in the unclaimed funds trust fund are subject 13414
to call by the director when necessary to pay claims the director 13415
allows under section 169.08 of the Revised Code, in accordance 13416
with the director's rules, to defray the necessary costs of making 13417
publications this chapter requires and to pay other operating and 13418
administrative expenses the department of commerce incurs in the 13419
administration and enforcement of this chapter. 13420

The unclaimed funds trust fund shall be assessed a 13421
proportionate share of the administrative costs of the department 13422
of commerce in accordance with procedures the director of commerce 13423
prescribes ~~and the director of budget and management approves~~. The 13424
assessment shall be paid from the unclaimed funds trust fund to 13425

the division of administration fund. 13426

(C) Earnings on the accounts in financial organizations to 13427
the credit of the mortgage funds shall, at the option of the 13428
financial organization, be credited to the accounts at times and 13429
at rates as earnings are paid on other accounts of the same 13430
classification held in the financial organization or paid to the 13431
director. The director shall be notified annually, and at other 13432
times as the director may request, of the amount of the earnings 13433
credited to the accounts. Interest on unclaimed funds a holder 13434
retains shall be paid to the director or credited as specified in 13435
the agreement under which the organization retains the funds. 13436
Interest payable to the director under an agreement to invest 13437
unclaimed funds in income-bearing accounts or obligations of the 13438
United States shall be paid annually by the holder to the 13439
director. Any earnings or interest the director receives under 13440
this division shall be deposited in and credited to the mortgage 13441
funds. 13442

Sec. 169.07. (A) Upon the payment or delivery of unclaimed 13443
funds to the director of commerce ~~under section 169.05 of the~~ 13444
~~Revised Code~~ in good faith and in compliance with this chapter, 13445
the holder will be relieved of further responsibility for the 13446
safe-keeping thereof and will be held harmless by the state from 13447
any and all liabilities for any claim arising out of the transfer 13448
of such funds to the state to the extent of the value of the 13449
property paid or delivered determined as of the time of such 13450
payment or delivery. 13451

(B) If legal proceedings are instituted against a holder 13452
which has paid unclaimed funds to the director or entered into an 13453
agreement as provided in section 169.05 of the Revised Code in 13454
respect to such funds, such holder shall notify the director in 13455
writing of the pendency of such proceedings ~~and~~ not later than 13456

fourteen days after the date process was served on the holder. 13457
Failure to give such notice absolves the state from any liability 13458
that it may otherwise have with regard to such unclaimed funds 13459
beyond the value of the property paid or delivered to the 13460
director. 13461

Upon the proper notice, the director may take such action as 13462
the director considers necessary or expedient to protect the 13463
interests of the state. If the director shall elects to intervene 13464
and assume the defense of such proceedings. Failure to give such 13465
notice shall absolve the state from any and all liability which it 13466
may have with regard to such funds. If and judgment is entered 13467
against such holder, the director shall, upon proof of 13468
satisfaction of such judgment, forthwith reimburse such 13469
organization for the amount of the judgment or enter into an 13470
agreement modified to reflect the satisfaction of such judgment, 13471
if the holder retained such funds, and shall reimburse such holder 13472
for any legal fees, costs and other expenses incurred in such 13473
proceedings in the manner provided for the payment of claims under 13474
divisions (D) and (E) of section 169.08 of the Revised Code. 13475

If the director elects not to intervene and assume the 13476
defense of such proceedings, and judgment is entered against such 13477
holder for any amount paid to the director pursuant to this 13478
chapter, the director shall upon proof of satisfaction of such 13479
judgment, forthwith reimburse such organization for the amount so 13480
paid or enter into an agreement modified to reflect the 13481
satisfaction of such judgment, if the holder retained such funds, 13482
to the extent of the value of the property paid or delivered. 13483

(C) No person has a claim against the state, the holder, or a 13484
transfer agent, registrar, or other person acting for or on behalf 13485
of a holder for any change in the market value of unclaimed funds 13486
occurring after delivery by the holder to the division, or after 13487
sale of the property by the division. 13488

Sec. 173.012. The department of aging may develop and offer 13489
training programs to area agencies on aging, long-term care 13490
facilities, providers of long-term care services, and other 13491
interested parties. The department may charge fees for the 13492
training programs. Amounts collected from charging the fees shall 13493
be deposited into the state treasury to the credit of the senior 13494
community outreach fund, which is hereby created. Money credited 13495
to the fund may be used by the department to administer this 13496
section and to develop and offer additional training programs. 13497

Sec. 173.38. (A) As used in this section: 13498

(1) "Applicant" means a person who is under final 13499
consideration for employment with a responsible party in a 13500
full-time, part-time, or temporary direct-care position or is 13501
referred to a responsible party by an employment service for such 13502
a position. "Applicant" does not include a person being considered 13503
for a direct-care position as a volunteer. 13504

(2) "Area agency on aging" has the same meaning as in section 13505
173.14 of the Revised Code. 13506

(3) "Chief administrator of a responsible party" includes a 13507
consumer when the consumer is a responsible party. 13508

(4) "Community-based long-term care services" means 13509
community-based long-term care services, as defined in section 13510
173.14 of the Revised Code, that are provided under a program the 13511
department of aging administers. 13512

(5) "Consumer" means an individual who receives 13513
community-based long-term care services. 13514

(6) "Criminal records check" has the same meaning as in 13515
section 109.572 of the Revised Code. 13516

(7)(a) "Direct-care position" means an employment position in 13517

which an employee has either or both of the following:	13518
(i) In-person contact with one or more consumers;	13519
(ii) Access to one or more consumers' personal property or records.	13520 13521
(b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code.	13522 13523 13524
(8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	13525 13526 13527
(9) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer.	13528 13529 13530 13531 13532 13533
(10) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code.	13534 13535
(11) "Provider" has the same meaning as in section 173.39 of the Revised Code.	13536 13537
(12) "Responsible party" means the following:	13538
(a) An area agency on aging in the case of either of the following:	13539 13540
(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;	13541 13542 13543 13544
(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being	13545 13546 13547

referred to the agency by an employment service. 13548

(b) A PASSPORT administrative agency in the case of either of 13549
the following: 13550

(i) A person who is an applicant because the person is under 13551
final consideration for employment with the agency in a full-time, 13552
part-time, or temporary direct-care position or is referred to the 13553
agency by an employment service for such a position; 13554

(ii) A person who is an employee because the person is 13555
employed by the agency in a full-time, part-time, or temporary 13556
direct-care position or works in such a position due to being 13557
referred to the agency by an employment service. 13558

(c) A provider in the case of either of the following: 13559

(i) A person who is an applicant because the person is under 13560
final consideration for employment with the provider in a 13561
full-time, part-time, or temporary direct-care position or is 13562
referred to the provider by an employment service for such a 13563
position; 13564

(ii) A person who is an employee because the person is 13565
employed by the provider in a full-time, part-time, or temporary 13566
direct-care position or works in such a position due to being 13567
referred to the provider by an employment service. 13568

(d) A subcontractor in the case of either of the following: 13569

(i) A person who is an applicant because the person is under 13570
final consideration for employment with the subcontractor in a 13571
full-time, part-time, or temporary direct-care position or is 13572
referred to the subcontractor by an employment service for such a 13573
position; 13574

(ii) A person who is an employee because the person is 13575
employed by the subcontractor in a full-time, part-time, or 13576
temporary direct-care position or works in such a position due to 13577

being referred to the subcontractor by an employment service. 13578

(e) A consumer in the case of either of the following: 13579

(i) A person who is an applicant because the person is under 13580
final consideration for employment with the consumer in a 13581
full-time, part-time, or temporary direct-care position for which 13582
the consumer, as the employer of record, is to direct the person 13583
in the provision of community-based long-term care services the 13584
person is to provide the consumer or is referred to the consumer 13585
by an employment service for such a position; 13586

(ii) A person who is an employee because the person is 13587
employed by the consumer in a full-time, part-time, or temporary 13588
direct-care position for which the consumer, as the employer of 13589
record, directs the person in the provision of community-based 13590
long-term care services the person provides to the consumer or who 13591
works in such a position due to being referred to the consumer by 13592
an employment service. 13593

(13) "Subcontractor" has the meaning specified in rules 13594
adopted under this section. 13595

(14) "Volunteer" means a person who serves in a direct-care 13596
position without receiving or expecting to receive any form of 13597
remuneration other than reimbursement for actual expenses. 13598

(15) "Waiver agency" has the same meaning as in section 13599
5164.342 of the Revised Code. 13600

(B) This section does not apply to any individual who is 13601
subject to a database review or criminal records check under 13602
section 173.381 or ~~3701.881~~ 3740.11 of the Revised Code or to any 13603
individual who is subject to a criminal records check under 13604
section 3721.121 of the Revised Code. 13605

(C) No responsible party shall employ an applicant or 13606
continue to employ an employee in a direct-care position if any of 13607

the following apply: 13608

(1) A review of the databases listed in division (E) of this 13609
section reveals any of the following: 13610

(a) That the applicant or employee is included in one or more 13611
of the databases listed in divisions (E)(1) to (5) of this 13612
section; 13613

(b) That there is in the state nurse aide registry 13614
established under section 3721.32 of the Revised Code a statement 13615
detailing findings by the director of health that the applicant or 13616
employee abused, neglected, or exploited a long-term care facility 13617
or residential care facility resident or misappropriated property 13618
of such a resident; 13619

(c) That the applicant or employee is included in one or more 13620
of the databases, if any, specified in rules adopted under this 13621
section and the rules prohibit the responsible party from 13622
employing an applicant or continuing to employ an employee 13623
included in such a database in a direct-care position. 13624

(2) After the applicant or employee is provided, pursuant to 13625
division (F)(2)(a) of this section, a copy of the form prescribed 13626
pursuant to division (C)(1) of section 109.572 of the Revised Code 13627
and the standard impression sheet prescribed pursuant to division 13628
(C)(2) of that section, the applicant or employee fails to 13629
complete the form or provide the applicant's or employee's 13630
fingerprint impressions on the standard impression sheet. 13631

(3) Unless the applicant or employee meets standards 13632
specified in rules adopted under this section, the applicant or 13633
employee is found by a criminal records check required by this 13634
section to have been convicted of, pleaded guilty to, or been 13635
found eligible for intervention in lieu of conviction for a 13636
disqualifying offense. 13637

(D) Except as provided by division (G) of this section, the 13638

chief administrator of a responsible party shall inform each 13639
applicant of both of the following at the time of the applicant's 13640
initial application for employment or referral to the responsible 13641
party by an employment service for a direct-care position: 13642

(1) That a review of the databases listed in division (E) of 13643
this section will be conducted to determine whether the 13644
responsible party is prohibited by division (C)(1) of this section 13645
from employing the applicant in the direct-care position; 13646

(2) That, unless the database review reveals that the 13647
applicant may not be employed in the direct-care position, a 13648
criminal records check of the applicant will be conducted and the 13649
applicant is required to provide a set of the applicant's 13650
fingerprint impressions as part of the criminal records check. 13651

(E) As a condition of employing any applicant in a 13652
direct-care position, the chief administrator of a responsible 13653
party shall conduct a database review of the applicant in 13654
accordance with rules adopted under this section. If rules adopted 13655
under this section so require, the chief administrator of a 13656
responsible party shall conduct a database review of an employee 13657
in accordance with the rules as a condition of continuing to 13658
employ the employee in a direct-care position. However, a chief 13659
administrator is not required to conduct a database review of an 13660
applicant or employee if division (G) of this section applies. A 13661
database review shall determine whether the applicant or employee 13662
is included in any of the following: 13663

(1) The excluded parties list system that is maintained by 13664
the United States general services administration pursuant to 13665
subpart 9.4 of the federal acquisition regulation and available at 13666
the federal web site known as the system for award management; 13667

(2) The list of excluded individuals and entities maintained 13668
by the office of inspector general in the United States department 13669

of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 13670
13671

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code; 13672
13673

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code; 13674
13675
13676

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 13677
13678

(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 13679
13680

(7) Any other database, if any, specified in rules adopted under this section. 13681
13682

(F)(1) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a responsible party shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a direct-care position. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division (G) of this section applies or the responsible party is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a direct-care position. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is 13683
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requested or provide evidence that within that five-year period 13701
the superintendent has requested information about the applicant 13702
or employee from the federal bureau of investigation in a criminal 13703
records check, the chief administrator shall request that the 13704
superintendent obtain information from the federal bureau of 13705
investigation as part of the criminal records check. Even if an 13706
applicant or employee for whom a criminal records check request is 13707
required by this section presents proof of having been a resident 13708
of this state for the five-year period, the chief administrator 13709
may request that the superintendent include information from the 13710
federal bureau of investigation in the criminal records check. 13711

(2) The chief administrator shall do all of the following: 13712

(a) Provide to each applicant and employee for whom a 13713
criminal records check request is required by this section a copy 13714
of the form prescribed pursuant to division (C)(1) of section 13715
109.572 of the Revised Code and a standard impression sheet 13716
prescribed pursuant to division (C)(2) of that section; 13717

(b) Obtain the completed form and standard impression sheet 13718
from the applicant or employee; 13719

(c) Forward the completed form and standard impression sheet 13720
to the superintendent. 13721

(3) A responsible party shall pay to the bureau of criminal 13722
identification and investigation the fee prescribed pursuant to 13723
division (C)(3) of section 109.572 of the Revised Code for each 13724
criminal records check the responsible party requests under this 13725
section. A responsible party may charge an applicant a fee not 13726
exceeding the amount the responsible party pays to the bureau 13727
under this section if both of the following apply: 13728

(a) The responsible party notifies the applicant at the time 13729
of initial application for employment of the amount of the fee and 13730
that, unless the fee is paid, the applicant will not be considered 13731

for employment. 13732

(b) The medicaid program does not pay the responsible party 13733
for the fee it pays to the bureau under this section. 13734

(G) Divisions (D) to (F) of this section do not apply with 13735
regard to an applicant or employee if the applicant or employee is 13736
referred to a responsible party by an employment service that 13737
supplies full-time, part-time, or temporary staff for direct-care 13738
positions and both of the following apply: 13739

(1) The chief administrator of the responsible party receives 13740
from the employment service confirmation that a review of the 13741
databases listed in division (E) of this section was conducted of 13742
the applicant or employee. 13743

(2) The chief administrator of the responsible party receives 13744
from the employment service, applicant, or employee a report of 13745
the results of a criminal records check of the applicant or 13746
employee that has been conducted by the superintendent within the 13747
one-year period immediately preceding the following: 13748

(a) In the case of an applicant, the date of the applicant's 13749
referral by the employment service to the responsible party; 13750

(b) In the case of an employee, the date by which the 13751
responsible party would otherwise have to request a criminal 13752
records check of the employee under division (F) of this section. 13753

(H) (1) A responsible party may employ conditionally an 13754
applicant for whom a criminal records check request is required by 13755
this section prior to obtaining the results of the criminal 13756
records check if the responsible party is not prohibited by 13757
division (C) (1) of this section from employing the applicant in a 13758
direct-care position and either of the following applies: 13759

(a) The chief administrator of the responsible party requests 13760
the criminal records check in accordance with division (F) of this 13761

section before conditionally employing the applicant. 13762

(b) The applicant is referred to the responsible party by an 13763
employment service, the employment service or the applicant 13764
provides the chief administrator of the responsible party a letter 13765
that is on the letterhead of the employment service, the letter is 13766
dated and signed by a supervisor or another designated official of 13767
the employment service, and the letter states all of the 13768
following: 13769

(i) That the employment service has requested the 13770
superintendent to conduct a criminal records check regarding the 13771
applicant; 13772

(ii) That the requested criminal records check is to include 13773
a determination of whether the applicant has been convicted of, 13774
pleaded guilty to, or been found eligible for intervention in lieu 13775
of conviction for a disqualifying offense; 13776

(iii) That the employment service has not received the 13777
results of the criminal records check as of the date set forth on 13778
the letter; 13779

(iv) That the employment service promptly will send a copy of 13780
the results of the criminal records check to the chief 13781
administrator of the responsible party when the employment service 13782
receives the results. 13783

(2) If a responsible party employs an applicant conditionally 13784
pursuant to division (H)(1)(b) of this section, the employment 13785
service, on its receipt of the results of the criminal records 13786
check, promptly shall send a copy of the results to the chief 13787
administrator of the responsible party. 13788

(3) A responsible party that employs an applicant 13789
conditionally pursuant to division (H)(1)(a) or (b) of this 13790
section shall terminate the applicant's employment if the results 13791
of the criminal records check, other than the results of any 13792

request for information from the federal bureau of investigation, 13793
are not obtained within the period ending sixty days after the 13794
date the request for the criminal records check is made. 13795
Regardless of when the results of the criminal records check are 13796
obtained, if the results indicate that the applicant has been 13797
convicted of, pleaded guilty to, or been found eligible for 13798
intervention in lieu of conviction for a disqualifying offense, 13799
the responsible party shall terminate the applicant's employment 13800
unless the applicant meets standards specified in rules adopted 13801
under this section that permit the responsible party to employ the 13802
applicant and the responsible party chooses to employ the 13803
applicant. Termination of employment under this division shall be 13804
considered just cause for discharge for purposes of division 13805
(D) (2) of section 4141.29 of the Revised Code if the applicant 13806
makes any attempt to deceive the responsible party about the 13807
applicant's criminal record. 13808

(I) The report of any criminal records check conducted 13809
pursuant to a request made under this section is not a public 13810
record for the purposes of section 149.43 of the Revised Code and 13811
shall not be made available to any person other than the 13812
following: 13813

(1) The applicant or employee who is the subject of the 13814
criminal records check or the applicant's or employee's 13815
representative; 13816

(2) The chief administrator of the responsible party 13817
requesting the criminal records check or the administrator's 13818
representative; 13819

(3) The administrator of any other facility, agency, or 13820
program that provides community-based long-term care services that 13821
is owned or operated by the same entity that owns or operates the 13822
responsible party that requested the criminal records check; 13823

(4) The employment service that requested the criminal records check;	13824 13825
(5) The director of aging or a person authorized by the director to monitor a responsible party's compliance with this section;	13826 13827 13828
(6) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if any of the following apply:	13829 13830 13831
(a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency;	13832 13833 13834
(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a provider or subcontractor that also is a waiver agency;	13835 13836 13837 13838
(c) The criminal records check is requested by a consumer who is acting as a responsible party.	13839 13840
(7) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	13841 13842
(a) A denial of employment of the applicant or employee;	13843
(b) Employment or unemployment benefits of the applicant or employee;	13844 13845
(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.	13846 13847
(J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a direct-care position, all of the following shall apply:	13848 13849 13850 13851 13852
(1) If the responsible party employed the applicant or	13853

employee in good faith and reasonable reliance on the report of a 13854
criminal records check requested under this section, the 13855
responsible party shall not be found negligent solely because of 13856
its reliance on the report, even if the information in the report 13857
is determined later to have been incomplete or inaccurate. 13858

(2) If the responsible party employed the applicant in good 13859
faith on a conditional basis pursuant to division (H) of this 13860
section, the responsible party shall not be found negligent solely 13861
because it employed the applicant prior to receiving the report of 13862
a criminal records check requested under this section. 13863

(3) If the responsible party in good faith employed the 13864
applicant or employee because the applicant or employee meets 13865
standards specified in rules adopted under this section, the 13866
responsible party shall not be found negligent solely because the 13867
applicant or employee has been convicted of, pleaded guilty to, or 13868
been found eligible for intervention in lieu of conviction for a 13869
disqualifying offense. 13870

(K) The director of aging shall adopt rules in accordance 13871
with Chapter 119. of the Revised Code to implement this section. 13872

(1) The rules may do the following: 13873

(a) Require employees to undergo database reviews and 13874
criminal records checks under this section; 13875

(b) If the rules require employees to undergo database 13876
reviews and criminal records checks under this section, exempt one 13877
or more classes of employees from the requirements; 13878

(c) For the purpose of division (E) (7) of this section, 13879
specify other databases that are to be checked as part of a 13880
database review conducted under this section. 13881

(2) The rules shall specify all of the following: 13882

(a) The meaning of the term "subcontractor"; 13883

(b) The procedures for conducting database reviews under this section;	13884 13885
(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	13886 13887 13888 13889
(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;	13890 13891 13892 13893 13894
(e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.	13895 13896 13897 13898 13899 13900 13901
Sec. 173.381. (A) As used in this section:	13902
(1) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.	13903 13904 13905 13906
(2) "Community-based long-term care services certificate" means a certificate issued under section 173.391 of the Revised Code.	13907 13908 13909
(3) "Community-based long-term care services contract or grant" means a contract or grant awarded under section 173.392 of the Revised Code.	13910 13911 13912
(4) "Criminal records check" has the same meaning as in	13913

section 109.572 of the Revised Code.	13914
(5) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code.	13915 13916 13917
(6) "Provider" has the same meaning as in section 173.39 of the Revised Code.	13918 13919
(7) "Self-employed provider" means a provider who works for the provider's self and has no employees.	13920 13921
(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 <u>3740.11</u> of the Revised Code.	13922 13923 13924
(C) (1) The department of aging or its designee shall take the following actions when the circumstances specified in division (C) (2) of this section apply:	13925 13926 13927
(a) Refuse to issue a community-based long-term care services certificate to a self-employed provider;	13928 13929
(b) Revoke a self-employed provider's community-based long-term care services certificate;	13930 13931
(c) Refuse to award a community-based long-term care services contract or grant to a self-employed provider;	13932 13933
(d) Terminate a self-employed provider's community-based long-term care services contract or grant awarded on or after September 15, 2014.	13934 13935 13936
(2) The following are the circumstances that require the department of aging or its designee to take action under division (C) (1) of this section:	13937 13938 13939
(a) A review of the databases listed in division (E) of this section reveals any of the following:	13940 13941
(i) That the self-employed provider is included in one or	13942

more of the databases listed in divisions (E)(1) to (5) of this 13943
section; 13944

(ii) That there is in the state nurse aide registry 13945
established under section 3721.32 of the Revised Code a statement 13946
detailing findings by the director of health that the 13947
self-employed provider abused, neglected, or exploited a long-term 13948
care facility or residential care facility resident or 13949
misappropriated property of such a resident; 13950

(iii) That the self-employed provider is included in one or 13951
more of the databases, if any, specified in rules adopted under 13952
this section and the rules require the department or its designee 13953
to take action under division (C)(1) of this section if a 13954
self-employed provider is included in such a database. 13955

(b) After the self-employed provider is provided, pursuant to 13956
division (F)(2)(a) of this section, a copy of the form prescribed 13957
pursuant to division (C)(1) of section 109.572 of the Revised Code 13958
and the standard impression sheet prescribed pursuant to division 13959
(C)(2) of that section, the self-employed provider fails to 13960
complete the form or provide the self-employed provider's 13961
fingerprint impressions on the standard impression sheet. 13962

(c) Unless the self-employed provider meets standards 13963
specified in rules adopted under this section, the self-employed 13964
provider is found by a criminal records check required by this 13965
section to have been convicted of, pleaded guilty to, or been 13966
found eligible for intervention in lieu of conviction for a 13967
disqualifying offense. 13968

(D) The department of aging or its designee shall inform each 13969
self-employed provider of both of the following at the time of the 13970
self-employed provider's initial application for a community-based 13971
long-term care services certificate or initial bid for a 13972
community-based long-term care services contract or grant: 13973

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the department or its designee is required by division (C) of this section to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider;

(2) That, unless the database review reveals that the department or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider, a criminal records check of the self-employed provider will be conducted and the self-employed provider is required to provide a set of the self-employed provider's fingerprint impressions as part of the criminal records check.

(E) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall conduct a database review of the self-employed provider in accordance with rules adopted under this section. If rules adopted under this section so require, the department or its designee shall conduct a database review of a self-employed provider in accordance with the rules as a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. A database review shall determine whether the self-employed provider is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained	14006
by the office of inspector general in the United States department	14007
of health and human services pursuant to the "Social Security	14008
Act," 42 U.S.C. 1320a-7 and 1320c-5;	14009
(3) The registry of developmental disabilities employees	14010
established under section 5123.52 of the Revised Code;	14011
(4) The internet-based sex offender and child-victim offender	14012
database established under division (A) (11) of section 2950.13 of	14013
the Revised Code;	14014
(5) The internet-based database of inmates established under	14015
section 5120.66 of the Revised Code;	14016
(6) The state nurse aide registry established under section	14017
3721.32 of the Revised Code;	14018
(7) Any other database, if any, specified in rules adopted	14019
under this section.	14020
(F) (1) As a condition of issuing or awarding a	14021
community-based long-term care services certificate or	14022
community-based long-term care services contract or grant to a	14023
self-employed provider, the department of aging or its designee	14024
shall request that the superintendent of the bureau of criminal	14025
identification and investigation conduct a criminal records check	14026
of the self-employed provider. If rules adopted under this section	14027
so require, the department or its designee shall request that the	14028
superintendent conduct a criminal records check of a self-employed	14029
provider at times specified in the rules as a condition of not	14030
revoking or terminating the self-employed provider's	14031
community-based long-term care services certificate or	14032
community-based long-term care services contract or grant.	14033
However, the department or its designee is not required to request	14034
the criminal records check of the self-employed provider if the	14035
department or its designee, because of circumstances specified in	14036

division (C) (2) (a) of this section, is required to refuse to issue 14037
or award a community-based long-term care services certificate or 14038
community-based long-term care services contract or grant to the 14039
self-employed provider or to revoke or terminate the self-employed 14040
provider's certificate or contract or grant. 14041

If a self-employed provider for whom a criminal records check 14042
request is required by this section does not present proof of 14043
having been a resident of this state for the five-year period 14044
immediately prior to the date the criminal records check is 14045
requested or provide evidence that within that five-year period 14046
the superintendent has requested information about the 14047
self-employed provider from the federal bureau of investigation in 14048
a criminal records check, the department or its designee shall 14049
request that the superintendent obtain information from the 14050
federal bureau of investigation as part of the criminal records 14051
check. Even if a self-employed provider for whom a criminal 14052
records check request is required by this section presents proof 14053
of having been a resident of this state for the five-year period, 14054
the department or its designee may request that the superintendent 14055
include information from the federal bureau of investigation in 14056
the criminal records check. 14057

(2) The department or its designee shall do all of the 14058
following: 14059

(a) Provide to each self-employed provider for whom a 14060
criminal records check request is required by this section a copy 14061
of the form prescribed pursuant to division (C) (1) of section 14062
109.572 of the Revised Code and a standard impression sheet 14063
prescribed pursuant to division (C) (2) of that section; 14064

(b) Obtain the completed form and standard impression sheet 14065
from the self-employed provider; 14066

(c) Forward the completed form and standard impression sheet 14067

to the superintendent. 14068

(3) The department or its designee shall pay to the bureau of 14069
criminal identification and investigation the fee prescribed 14070
pursuant to division (C)(3) of section 109.572 of the Revised Code 14071
for each criminal records check of a self-employed provider the 14072
department or its designee requests under this section. The 14073
department or its designee may charge the self-employed provider a 14074
fee that does not exceed the amount the department or its designee 14075
pays to the bureau. 14076

(G) The report of any criminal records check of a 14077
self-employed provider conducted pursuant to a request made under 14078
this section is not a public record for the purposes of section 14079
149.43 of the Revised Code and shall not be made available to any 14080
person other than the following: 14081

(1) The self-employed provider or the self-employed 14082
provider's representative; 14083

(2) The department of aging, the department's designee, or a 14084
representative of the department or its designee; 14085

(3) The medicaid director and the staff of the department of 14086
medicaid who are involved in the administration of the medicaid 14087
program if the self-employed provider is to provide, or provides, 14088
community-based long-term care services under a component of the 14089
medicaid program that the department of aging administers; 14090

(4) A court, hearing officer, or other necessary individual 14091
involved in a case dealing with any of the following: 14092

(a) A refusal to issue or award a community-based long-term 14093
services certificate or community-based long-term care services 14094
contract or grant to the self-employed provider; 14095

(b) A revocation or termination of the self-employed 14096
provider's community-based long-term care services certificate or 14097

community-based long-term care services contract or grant; 14098

(c) A civil or criminal action regarding a program the 14099
department of aging administers. 14100

(H) In a tort or other civil action for damages that is 14101
brought as the result of an injury, death, or loss to person or 14102
property caused by a self-employed provider, both of the following 14103
shall apply: 14104

(1) If the department of aging or its designee, in good faith 14105
and reasonable reliance on the report of a criminal records check 14106
requested under this section, issued or awarded a community-based 14107
long-term care services certificate or community-based long-term 14108
care services contract or grant to the self-employed provider or 14109
did not revoke or terminate the self-employed provider's 14110
certificate or contract or grant, the department and its designee 14111
shall not be found negligent solely because of its reliance on the 14112
report, even if the information in the report is determined later 14113
to have been incomplete or inaccurate. 14114

(2) If the department or its designee in good faith issued or 14115
awarded a community-based long-term care services certificate or 14116
community-based long-term care services contract or grant to the 14117
self-employed provider or did not revoke or terminate the 14118
self-employed provider's certificate or contract or grant because 14119
the self-employed provider meets standards specified in rules 14120
adopted under this section, the department and its designee shall 14121
not be found negligent solely because the self-employed provider 14122
has been convicted of, pleaded guilty to, or been found eligible 14123
for intervention in lieu of conviction for a disqualifying 14124
offense. 14125

(I) The director of aging shall adopt rules in accordance 14126
with Chapter 119. of the Revised Code to implement this section. 14127

(1) The rules may do the following: 14128

(a) Require self-employed providers who have been issued or 14129
awarded community-based long-term care services certificates or 14130
community-based long-term care services contracts or grants to 14131
undergo database reviews and criminal records checks under this 14132
section; 14133

(b) If the rules require self-employed providers who have 14134
been issued or awarded community-based long-term care services 14135
certificates or community-based long-term care services contracts 14136
or grants to undergo database reviews and criminal records checks 14137
under this section, exempt one or more classes of such 14138
self-employed providers from the requirements; 14139

(c) For the purpose of division (E)(7) of this section, 14140
specify other databases that are to be checked as part of a 14141
database review conducted under this section. 14142

(2) The rules shall specify all of the following: 14143

(a) The procedures for conducting database reviews under this 14144
section; 14145

(b) If the rules require self-employed providers who have 14146
been issued or awarded community-based long-term care services 14147
certificates or community-based long-term care services contracts 14148
or grants to undergo database reviews and criminal records checks 14149
under this section, the times at which the database reviews and 14150
criminal records checks are to be conducted; 14151

(c) If the rules specify other databases to be checked as 14152
part of the database reviews, the circumstances under which the 14153
department of aging or its designee is required to refuse to issue 14154
or award a community-based long-term care services certificate or 14155
community-based long-term care services contract or grant to a 14156
self-employed provider or to revoke or terminate a self-employed 14157
provider's certificate or contract or grant when the self-employed 14158
provider is found by a database review to be included in one or 14159

more of those databases; 14160

(d) Standards that a self-employed provider must meet for the 14161
department or its designee to be permitted to issue or award a 14162
community-based long-term care services certificate or 14163
community-based long-term care services contract or grant to the 14164
self-employed provider or not to revoke or terminate the 14165
self-employed provider's certificate or contract or grant if the 14166
self-employed provider is found by a criminal records check 14167
required by this section to have been convicted of, pleaded guilty 14168
to, or been found eligible for intervention in lieu of conviction 14169
for a disqualifying offense. 14170

Sec. 173.39. (A) As used in sections 173.39 to 173.393 of the 14171
Revised Code: 14172

(1) "Provider" means a person or government entity that 14173
provides any services, including community-based long-term care 14174
services, under a program the department of aging administers. 14175
"Provider" includes a person or government entity that provides 14176
home and community-based services to older adults through the 14177
PASSPORT program or assisted living program as defined in section 14178
173.51 of the Revised Code. 14179

(2) "Community-based long-term care services" has the same 14180
meaning as in section 173.14 of the Revised Code. 14181

(3) "PASSPORT program" and "assisted living program" have the 14182
same meanings as in section 173.51 of the Revised Code. 14183

(B) ~~Except as provided in section 173.392 of the Revised~~ 14184
~~Code, the~~ The department of aging ~~may~~ shall not pay a provider for 14185
providing any service, including community-based long-term care 14186
services, ~~under a~~ the PASSPORT program or assisted living program 14187
unless the provider is certified under section 173.391 of the 14188
Revised Code and the service is in fact provided. 14189

The department may require a provider under any other program 14190
the department administers to be certified under section 173.391 14191
of the Revised Code. If the department requires this 14192
certification, the department shall not pay the provider for 14193
providing any service under that program unless the provider is 14194
certified under section 173.391 of the Revised Code and ~~provides~~ 14195
~~the services~~ the service is in fact provided. If the department 14196
does not require this certification, the department shall not pay 14197
the provider for providing any service under that program unless 14198
the provider complies with section 173.392 of the Revised Code. 14199

Sec. 173.391. (A) Subject to section 173.381 of the Revised 14200
Code, the department of aging or its designee shall do all of the 14201
following in accordance with Chapter 119. of the Revised Code: 14202

(1) Certify a provider to provide services, including 14203
community-based long-term care services, under a program the 14204
department administers if the provider satisfies the requirements 14205
for certification established by rules adopted under division (B) 14206
of this section and pays the fee, if any, established by rules 14207
adopted under division (G) of this section; 14208

(2) When required to do so by rules adopted under division 14209
(B) of this section, take one or more of the following 14210
disciplinary actions against a provider certified under division 14211
(A) (1) of this section: 14212

(a) Issue a written warning; 14213

(b) Require the submission of a plan of correction or 14214
evidence of compliance with requirements identified by the 14215
department; 14216

(c) Suspend referrals; 14217

(d) Remove clients; 14218

(e) Impose a fiscal sanction such as a civil monetary penalty 14219

or an order that unearned funds be repaid;	14220
(f) Suspend the certification;	14221
(g) Revoke the certification;	14222
(h) Impose another sanction.	14223
(3) Except as provided in division (E) of this section, hold	14224
hearings when there is a dispute between the department or its	14225
designee and a provider concerning actions the department or its	14226
designee takes regarding a decision not to certify the provider	14227
under division (A) (1) of this section or a disciplinary action	14228
under divisions (A) (2) (e) to (h) of this section.	14229
(B) The director of aging shall adopt rules in accordance	14230
with Chapter 119. of the Revised Code establishing certification	14231
requirements and standards for determining which type of	14232
disciplinary action to take under division (A) (2) of this section	14233
in individual situations. The rules shall establish procedures for	14234
all of the following:	14235
(1) Ensuring that providers comply with sections 173.38 and	14236
173.381 of the Revised Code;	14237
(2) Evaluating the services provided by the providers to	14238
ensure that the services are provided in a quality manner	14239
advantageous to the individual receiving the services;	14240
(3) In a manner consistent with section 173.381 of the	14241
Revised Code, determining when to take disciplinary action under	14242
division (A) (2) of this section and which disciplinary action to	14243
take;	14244
(4) Determining what constitutes another sanction for	14245
purposes of division (A) (2) (h) of this section.	14246
(C) The procedures established in rules adopted under	14247
division (B) (2) of this section shall require that all of the	14248
following be considered as part of an evaluation described in	14249

division (B) (2) of this section:	14250
(1) The provider's experience and financial responsibility;	14251
(2) The provider's ability to comply with standards for the	14252
<u>services, including</u> community-based long-term care services, that	14253
the provider provides under a program the department administers;	14254
(3) The provider's ability to meet the needs of the	14255
individuals served;	14256
(4) Any other factor the director considers relevant.	14257
(D) The rules adopted under division (B) (3) of this section	14258
shall specify that the reasons disciplinary action may be taken	14259
under division (A) (2) of this section include good cause,	14260
including misfeasance, malfeasance, nonfeasance, confirmed abuse	14261
or neglect, financial irresponsibility, or other conduct the	14262
director determines is injurious, or poses a threat, to the health	14263
or safety of individuals being served.	14264
(E) Subject to division (F) of this section, the department	14265
is not required to hold hearings under division (A) (3) of this	14266
section if any of the following conditions apply:	14267
(1) Rules adopted by the director of aging pursuant to this	14268
chapter require the provider to be a party to a provider	14269
agreement; hold a license, certificate, or permit; or maintain a	14270
certification, any of which is required or issued by a state or	14271
federal government entity other than the department of aging, and	14272
either of the following is the case:	14273
(a) The provider agreement has not been entered into or the	14274
license, certificate, permit, or certification has not been	14275
obtained or maintained.	14276
(b) The provider agreement, license, certificate, permit, or	14277
certification has been denied, revoked, not renewed, or suspended	14278
or has been otherwise restricted.	14279

(2) The provider's certification under this section has been 14280
denied, suspended, or revoked for any of the following reasons: 14281

(a) A government entity of this state, other than the 14282
department of aging, has terminated or refused to renew any of the 14283
following held by, or has denied any of the following sought by, a 14284
provider: a provider agreement, license, certificate, permit, or 14285
certification. Division (E)(2)(a) of this section applies 14286
regardless of whether the provider has entered into a provider 14287
agreement in, or holds a license, certificate, permit, or 14288
certification issued by, another state. 14289

(b) The provider or a principal owner or manager of the 14290
provider who provides direct care has entered a guilty plea for, 14291
or has been convicted of, an offense materially related to the 14292
medicaid program. 14293

(c) A principal owner or manager of the provider who provides 14294
direct care has entered a guilty plea for, been convicted of, or 14295
been found eligible for intervention in lieu of conviction for an 14296
offense listed or described in divisions (A)(3)(a) to (e) of 14297
section 109.572 of the Revised Code, but only if the provider, 14298
principal owner, or manager does not meet standards specified by 14299
the director in rules adopted under section 173.38 of the Revised 14300
Code. 14301

(d) The department or its designee is required by section 14302
173.381 of the Revised Code to deny or revoke the provider's 14303
certification. 14304

(e) The United States department of health and human services 14305
has taken adverse action against the provider and that action 14306
impacts the provider's participation in the medicaid program. 14307

(f) The provider has failed to enter into or renew a provider 14308
agreement with the PASSPORT administrative agency, as that term is 14309
defined in section 173.42 of the Revised Code, that administers 14310

programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services.

(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review.

(i) The provider has ceased doing business.

(j) The provider has voluntarily relinquished its certification for any reason.

(3) The provider's provider agreement with the department of medicaid has been suspended under section 5164.36 of the Revised Code.

(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.36 of the Revised Code.

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department is taking under divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail.

(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged

by the department of aging or its designee for certification 14341
issued under this section. 14342

(H) Any amounts collected by the department or its designee 14343
under this section shall be deposited in the state treasury to the 14344
credit of the provider certification fund, which is hereby 14345
created. Money credited to the fund shall be used to pay for 14346
services, including community-based long-term care services, to 14347
pay for administrative costs associated with provider 14348
certification under this section, and to pay for administrative 14349
costs related to the publication of the Ohio long-term care 14350
consumer guide. 14351

Sec. 173.392. (A) ~~The~~ In the case of a provider that the 14352
department of aging under section 173.39 of the Revised Code has 14353
not required to be certified under section 173.391 of the Revised 14354
Code, the department of aging may pay a the provider for providing 14355
services, including community-based long-term care services, under 14356
a program the department administers, ~~even though the provider is~~ 14357
~~not certified under section 173.391 of the Revised Code,~~ but only 14358
if all of the following are the case: 14359

(1) The provider has a contract with the department of aging 14360
or the department's designee to provide the services in accordance 14361
with the contract or has received a grant from the department or 14362
its designee to provide the services in accordance with a grant 14363
agreement; 14364

(2) The contract or grant agreement includes detailed 14365
conditions of participation for the provider and service standards 14366
that the provider is required to satisfy; 14367

(3) The provider complies with the contract or grant 14368
agreement; 14369

(4) The contract or grant is not for medicaid-funded 14370

services, other than services provided under the PACE program 14371
administered by the department of aging under section 173.50 of 14372
the Revised Code. 14373

(B) (1) The director of aging shall adopt rules in accordance 14374
with Chapter 119. of the Revised Code governing both of the 14375
following: 14376

(a) Contracts and grant agreements between the department of 14377
aging or its designee and providers; 14378

(b) The department's payment for services, including 14379
community-based long-term care services, under this section. 14380

(2) The rules adopted under this section shall be consistent 14381
with section 173.381 of the Revised Code. 14382

Sec. 173.393. (A) Except as provided in division (B) of this 14383
section, the records of an evaluation conducted in accordance with 14384
rules adopted under division (B) (2) of section 173.391 of the 14385
Revised Code are public records for purposes of section 149.43 of 14386
the Revised Code and shall be made available on request of any 14387
person, including individuals receiving or seeking any services, 14388
including community-based long-term care services, under a program 14389
the department of aging administers. 14390

(B) A part of a record of an evaluation that is otherwise 14391
available as a public record under division (A) of this section is 14392
not available as a public record if its release would violate a 14393
federal or state statute, regulation, or rule, including 14394
regulations adopted by the United States department of health and 14395
human services to implement the health information privacy 14396
provisions of the "Health Insurance Portability and Accountability 14397
Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as 14398
amended. 14399

Sec. 173.50. (A) Pursuant to a contract entered into with the 14400

department of medicaid as an interagency agreement under section 14401
5162.35 of the Revised Code, the department of aging shall carry 14402
out the day-to-day administration of the component of the medicaid 14403
program known as the program of all-inclusive care for the elderly 14404
or PACE. The department of aging shall carry out its PACE 14405
administrative duties in accordance with the provisions of the 14406
interagency agreement and all applicable federal laws, including 14407
the "Social Security Act," section 1934, 42 U.S.C. 1396u-4. 14408

(B) Not later than December 31, 2021, the department of aging 14409
shall issue a request for proposals from organizations interested 14410
in serving individuals who meet PACE program eligibility 14411
requirements in the cities of Columbus, Cincinnati, Dayton, 14412
Lorain, and Toledo. Proposals shall be submitted to the department 14413
within six months from the date the department issues the request 14414
for proposals. 14415

(C) To be eligible for selection by the department, a 14416
prospective PACE program organization shall meet all of the 14417
following requirements: 14418

(1) Be a nonprofit entity that is exempt from federal income 14419
taxation under section 501(c)(3) of the Internal Revenue Code; 14420

(2) Have a current, valid provider agreement, as defined in 14421
section 5164.01 of the Revised Code, or be eligible to enter into 14422
a provider agreement; 14423

(3) Meet all federal requirements applicable to PACE program 14424
providers; 14425

(4) Demonstrate to the satisfaction of the department that 14426
the organization has experience providing health care services to 14427
individuals fifty-five years old and older; 14428

(5) Be located or offer services in a city identified in 14429
division (B) of this section. 14430

(D) The department shall review all proposals submitted in accordance with this section and select one organization to serve as a PACE program organization in each of the cities identified in division (B) of this section. 14431
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14433
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(E) Each organization selected to serve as a PACE program organization under this section shall begin providing services to eligible individuals not later than two years after the organization receives notice of its selection. A PACE program organization is authorized to make eligibility determinations for individuals seeking to enroll in the PACE program. 14435
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(F) So long as a PACE program organization is providing access to PACE program services for all eligible individuals in the area served by the PACE program organization, the department shall not authorize any other organization to serve as a PACE program organization for that area. 14441
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For purposes of this division, an individual is considered to have access to PACE program services if there is a PACE program services provider within a forty-five-minute drive from the individual's place of residence. 14446
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14449

(G) Funding for PACE program services shall be determined by the legislature in an amount and manner similar to that of other medicaid managed care plans serving similarly eligible individuals. On an annual basis, the department shall make adjustments to PACE program capitated payments to reflect cost increases associated with providing care to individuals enrolled in the PACE program. 14450
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(H) To the extent authorized by rules authorized by section 5162.021 of the Revised Code, the director of aging may adopt rules in accordance with Chapter 119. of the Revised Code regarding the PACE program, including rules establishing priorities for enrolling in the program pursuant to section 14457
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14459
14460
14461

173.501 of the Revised Code. The rules shall address only those 14462
issues that are not addressed in rules adopted by the medicaid 14463
director for the PACE program. 14464

Sec. 174.01. As used in this chapter: 14465

(A) "Financial assistance" means grants, loans, loan 14466
guarantees, an equity position in a project, or loan subsidies. 14467

(B) "Grant" means funding the department of development 14468
~~services agency~~ or the Ohio housing finance agency provides for 14469
which the relevant agency does not require repayment. 14470

(C) "Housing" means housing for owner-occupancy and 14471
multifamily rental housing. 14472

(D) "Housing for owner-occupancy" means housing that is 14473
intended for occupancy by an owner as a principal residence. 14474
"Housing for owner-occupancy" may be any type of structure and may 14475
be owned in any type of ownership. 14476

(E) "Housing trust fund" means the low- and moderate-income 14477
housing trust fund created and administered pursuant to Chapter 14478
174. of the Revised Code. 14479

(F) "Lending institution" means any financial institution 14480
qualified to conduct business in this state, a subsidiary 14481
corporation that is wholly owned by a financial institution 14482
qualified to conduct business in this state, and a mortgage lender 14483
whose regular business is originating, servicing, or brokering 14484
real estate loans and who is qualified to do business in this 14485
state. 14486

(G) "Loan" means any extension of credit or other form of 14487
financing or indebtedness directly or indirectly to a borrower 14488
with the expectation that it will be repaid in accordance with the 14489
terms of the underlying loan agreement or other pertinent 14490
document. "Loan" includes financing extended to lending 14491

institutions and indebtedness purchased from lending institutions. 14492

(H) "Loan guarantee" means any agreement in favor of a 14493
lending institution or other lender in which the credit and 14494
resources of the housing trust fund are pledged to secure the 14495
payment or collection of financing extended to a borrower for the 14496
acquisition, construction, improvement, rehabilitation or 14497
preservation of housing, or to refinance any financing previously 14498
extended for those purposes by any lender. 14499

(I) "Loan subsidy" means any deposit of funds into a lending 14500
institution with the authorization or direction that the income or 14501
revenues the deposit earns, or could have earned at competitive 14502
rates, be applied directly or indirectly to the benefit of housing 14503
assistance or financial assistance. 14504

(J) "Low- and moderate-income persons" means individuals and 14505
families who qualify as low- and moderate-income persons pursuant 14506
to guidelines the ~~development services agency~~ department 14507
establishes. 14508

(K) "Multifamily rental housing" means multiple unit housing 14509
intended for rental occupancy. 14510

(L) "Nonprofit organization" means a nonprofit organization 14511
in good standing and qualified to conduct business in this state 14512
including any corporation whose members are members of a 14513
metropolitan housing authority. 14514

~~(M) "Department of development" means the development 14515
services agency and "director of development" means the director 14516
of development services. 14517~~

Sec. 174.02. (A) The low- and moderate-income housing trust 14518
fund is hereby created in the state treasury. The fund consists of 14519
all appropriations made to the fund, housing trust fund fees 14520
collected by county recorders pursuant to section 317.36 of the 14521

Revised Code and deposited into the fund pursuant to section 14522
319.63 of the Revised Code, and all grants, gifts, loan 14523
repayments, and contributions of money made from any source to the 14524
department of development ~~services agency~~ for deposit in the fund. 14525
All investment earnings of the fund shall be credited to the fund. 14526
The director of development ~~services~~ shall allocate a portion of 14527
the money in the fund to an account of the Ohio housing finance 14528
agency. The ~~development services agency~~ department shall 14529
administer the fund. The Ohio housing finance agency shall use 14530
money allocated to it for implementing and administering its 14531
programs and duties under sections 174.03 and 174.05 of the 14532
Revised Code, and the ~~development services agency~~ department shall 14533
use the remaining money in the fund for implementing and 14534
administering its programs and duties under sections 174.03 to 14535
174.06 of the Revised Code. Use of all money drawn from the fund 14536
is subject to the following restrictions: 14537

(1) (a) Not more than five per cent of the current year 14538
appropriation authority for the fund shall be allocated between 14539
grants to community development corporations for the community 14540
development corporation grant program and grants and loans to the 14541
Ohio community development finance fund, a private nonprofit 14542
corporation. 14543

(b) In any year in which the amount in the fund exceeds one 14544
hundred thousand dollars and at least that much is allocated for 14545
the uses described in this section, not less than one hundred 14546
thousand dollars shall be used to provide training, technical 14547
assistance, and capacity building assistance to nonprofit 14548
development organizations. 14549

(2) Not more than ten per cent of any current year 14550
appropriation authority for the fund shall be used for the 14551
emergency shelter housing grants program to make grants to 14552
private, nonprofit organizations and municipal corporations, 14553

counties, and townships for emergency shelter housing for the 14554
homeless and emergency shelter facilities serving unaccompanied 14555
youth seventeen years of age and younger. The grants shall be 14556
distributed pursuant to rules the director adopts and qualify as 14557
matching funds for funds obtained pursuant to the McKinney Act, 14558
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 14559

(3) In any fiscal year in which the amount in the fund 14560
exceeds the amount awarded pursuant to division (A)(1)(b) of this 14561
section by at least two hundred fifty thousand dollars, at least 14562
two hundred fifty thousand dollars from the fund shall be provided 14563
to the department of aging for the resident services coordinator 14564
program as established in section 173.08 of the Revised Code. 14565

(4) Of all current year appropriation authority for the fund, 14566
not more than five per cent shall be used for administration. 14567

(5) Not less than forty-five per cent of the funds awarded 14568
during any one fiscal year shall be for grants and loans to 14569
nonprofit organizations under section 174.03 of the Revised Code. 14570

(6) Not less than fifty per cent of the funds awarded during 14571
any one fiscal year, excluding the amounts awarded pursuant to 14572
divisions (A)(1), (2), and (7) of this section, shall be for 14573
grants and loans for activities that provide housing and housing 14574
assistance to families and individuals in rural areas and small 14575
cities that are not eligible to participate as a participating 14576
jurisdiction under the "HOME Investment Partnerships Act," 104 14577
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 14578

(7) No money in the fund shall be used to pay for any legal 14579
services other than the usual and customary legal services 14580
associated with the acquisition of housing. 14581

(8) Money in the fund may be used as matching money for 14582
federal funds received by the state, counties, municipal 14583
corporations, and townships for the activities listed in section 14584

174.03 of the Revised Code. 14585

(B) If, after the second quarter of any year, it appears to 14586
the director ~~of development services~~ that the full amount of the 14587
money in the fund designated in that year for activities that 14588
provide housing and housing assistance to families and individuals 14589
in rural areas and small cities under division (A) of this section 14590
will not be used for that purpose, the director may reallocate all 14591
or a portion of that amount for other housing activities. In 14592
determining whether or how to reallocate money under this 14593
division, the director may consult with and shall receive advice 14594
from the housing trust fund advisory committee. 14595

Sec. 183.021. (A) No money from the tobacco master settlement 14596
agreement fund, as that fund existed prior to the repeal of 14597
section 183.02 of the Revised Code by H.B. 119 of the 127th 14598
general assembly, shall be expended to do any of the following: 14599

(1) Hire an executive agency lobbyist, as defined under 14600
section 121.60 of the Revised Code, or a legislative agent, as 14601
defined under section 101.70 of the Revised Code; 14602
14603

(2) Support or oppose candidates, ballot questions, 14604
referendums, or ballot initiatives. 14605

(B) Nothing in this section prohibits ~~either of the following~~ 14606
the members or employees of the third frontier commission or the 14607
members of the third frontier advisory board from advocating on 14608
behalf of the specific objectives of a program funded under this 14609
chapter. 14610

~~(1) The members of the board of trustees, executive director,~~ 14611
~~or employees of the southern Ohio agricultural and community~~ 14612
~~development foundation;~~ 14613

~~(2) The members or employees of the third frontier commission~~ 14614

~~or the members of the third frontier advisory board.~~ 14615

Sec. 183.33. No money shall be appropriated or transferred 14616
from the general revenue fund to the law enforcement improvements 14617
trust fund, ~~southern Ohio agricultural and community development~~ 14618
~~foundation endowment fund~~, biomedical research and technology 14619
transfer trust fund, or education technology trust fund. 14620

Sec. 184.01. (A) There is hereby created the third frontier 14621
commission in the department of development ~~services agency~~. The 14622
purpose of the commission is to coordinate and administer science 14623
and technology programs to promote the welfare of the people of 14624
the state and to maximize the economic growth of the state through 14625
expansion of both of the following: 14626

(1) The state's high technology research and development 14627
capabilities; 14628

(2) The state's product and process innovation and 14629
commercialization. 14630

(B) (1) The commission shall consist of eleven members: the 14631
director of development ~~services~~, the chancellor of ~~the Ohio board~~ 14632
~~of regents~~ higher education, the governor's science and technology 14633
advisor, the chief investment officer of the nonprofit corporation 14634
formed under section 187.01 of the Revised Code, and seven persons 14635
appointed by the governor with the advice and consent of the 14636
senate. 14637

(2) Of the seven persons appointed by the governor, one shall 14638
represent the central region, which is composed of the counties of 14639
Delaware, Fairfield, Fayette, Franklin, Hocking, Knox, Licking, 14640
Logan, Madison, Marion, Morrow, Perry, Pickaway, Ross, and Union; 14641
one shall represent the west central region, which is composed of 14642
the counties of Champaign, Clark, Darke, Greene, Miami, 14643
Montgomery, Preble, and Shelby; one shall represent the northeast 14644

region, which is composed of the counties of Ashland, Ashtabula, 14645
Carroll, Crawford, Columbiana, Cuyahoga, Erie, Geauga, Holmes, 14646
Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, 14647
Summit, Trumbull, Tuscarawas, and Wayne; one shall represent the 14648
northwest region, which is composed of the counties of Allen, 14649
Auglaize, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Mercer, 14650
Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, 14651
Wood, and Wyandot; one shall represent the southeast region, which 14652
shall represent the counties of Adams, Athens, Belmont, Coshocton, 14653
Gallia, Guernsey, Harrison, Jackson, Jefferson, Lawrence, Meigs, 14654
Monroe, Morgan, Muskingum, Noble, Pike, Scioto, Vinton, and 14655
Washington; one shall represent the southwest region, which is 14656
composed of the counties of Butler, Brown, Clermont, Clinton, 14657
Hamilton, Highland, and Warren; and one shall represent the public 14658
at large. Of the initial appointments, two shall be for one year, 14659
two shall be for two years, and two shall be for three years as 14660
assigned by the governor. Thereafter, appointments shall be for 14661
three-year terms. Members may be reappointed and vacancies shall 14662
be filled in the same manner as appointments. A person must have a 14663
background in business or research in order to be eligible for 14664
appointment to the commission. 14665

(3) The governor shall select a chairperson from among the 14666
members, who shall serve in that role at the pleasure of the 14667
governor. Sections 101.82 to 101.87 of the Revised Code do not 14668
apply to the commission. 14669

(C) The commission shall meet at least once during each 14670
quarter of the calendar year or at the call of the chairperson. A 14671
majority of all members of the commission constitutes a quorum, 14672
and no action shall be taken without the concurrence of a majority 14673
of the members. 14674

(D) The commission shall administer any money that may be 14675
appropriated to it by the general assembly. The commission may use 14676

such money for research and commercialization and for any other 14677
purposes that may be designated by the commission. 14678

(E) The ~~development services agency~~ department shall provide 14679
office space and facilities for the commission. Administrative 14680
costs associated with the operation of the commission or with any 14681
program or activity administered by the commission shall be paid 14682
from amounts appropriated to the commission or to the ~~agency~~ 14683
department for such purposes. 14684

(F) The attorney general shall serve as the legal 14685
representative for the commission and may appoint other counsel as 14686
necessary for that purpose in accordance with section 109.07 of 14687
the Revised Code. 14688

(G) Members of the commission shall serve without 14689
compensation, but shall receive their reasonable and necessary 14690
expenses incurred in the conduct of commission business. 14691

(H) Members of the commission shall file financial disclosure 14692
statements described in division (B) of section 102.02 of the 14693
Revised Code. 14694

Sec. 184.173. The third frontier commission shall conduct the 14695
outreach activities described in sections 184.171 and 184.172 of 14696
the Revised Code in conjunction with the EDGE program created 14697
under section ~~123.152~~ 122.922 of the Revised Code. 14698

Sec. 187.03. (A) JobsOhio may perform such functions as 14699
permitted and shall perform such duties as prescribed by law and 14700
as set forth in any contract entered into under section 187.04 of 14701
the Revised Code, but shall not be considered a state or public 14702
department, agency, office, body, institution, or instrumentality 14703
for purposes of section 1.60 or Chapter 102., 121., 125., or 149. 14704
of the Revised Code. JobsOhio and its board of directors are not 14705
subject to the following sections of Chapter 1702. of the Revised 14706

Code: sections 1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 14707
1702.26, 1702.27, 1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 14708
1702.37, 1702.38, 1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 14709
1702.58, 1702.59, 1702.60, 1702.80, and 1702.99. Nothing in this 14710
division shall be construed to impair the powers and duties of the 14711
Ohio ethics commission described in section 102.06 of the Revised 14712
Code to investigate and enforce section 102.02 of the Revised Code 14713
with regard to individuals required to file statements under 14714
division (B) (2) of this section. 14715

(B) (1) Directors and employees of JobsOhio are not employees 14716
or officials of the state and, except as provided in division 14717
(B) (2) of this section, are not subject to Chapter 102., 124., 14718
145., or 4117. of the Revised Code. 14719

(2) The chief investment officer, any other officer or 14720
employee with significant administrative, supervisory, 14721
contracting, or investment authority, and any director of JobsOhio 14722
shall file, with the Ohio ethics commission, a financial 14723
disclosure statement pursuant to section 102.02 of the Revised 14724
Code that includes, in place of the information required by 14725
divisions (A) (2) (b), (g), (h), and (i) of that section, the 14726
information required by divisions (A) and (B) of section 102.022 14727
of the Revised Code. The governor shall comply with all applicable 14728
requirements of section 102.02 of the Revised Code. 14729

(3) Actual or in-kind expenditures for the travel, meals, or 14730
lodging of the governor or of any public official or employee 14731
designated by the governor for the purpose of this division shall 14732
not be considered a violation of section 102.03 of the Revised 14733
Code if the expenditures are made by the corporation, or on behalf 14734
of the corporation by any person, in connection with the 14735
governor's performance of official duties related to JobsOhio. The 14736
governor may designate any person, including a person who is a 14737

public official or employee as defined in section 102.01 of the Revised Code, for the purpose of this division if such expenditures are made on behalf of the person in connection with the governor's performance of official duties related to JobsOhio. A public official or employee so designated by the governor shall comply with all applicable requirements of section 102.02 of the Revised Code.

At the times and frequency agreed to under division (B) (2) (b) of section 187.04 of the Revised Code, beginning in 2012, the corporation shall file with the department of development ~~services agency~~ a written report of all such expenditures paid or incurred during the preceding calendar year. The report shall state the dollar value and purpose of each expenditure, the date of each expenditure, the name of the person that paid or incurred each expenditure, and the location, if any, where services or benefits of an expenditure were received, provided that any such information that may disclose proprietary information as defined in division (C) of this section shall not be included in the report.

(4) The prohibition applicable to former public officials or employees in division (A) (1) of section 102.03 of the Revised Code does not apply to any person appointed to be a director or hired as an employee of JobsOhio.

(5) Notwithstanding division (A) (2) of section 145.01 of the Revised Code, any person who is a former state employee shall no longer be considered a public employee for purposes of Chapter 145. of the Revised Code upon commencement of employment with JobsOhio.

(6) Any director, officer, or employee of JobsOhio may request an advisory opinion from the Ohio ethics commission with regard to questions concerning the provisions of sections 102.02 and 102.022 of the Revised Code to which the person is subject.

(C) Meetings of the board of directors at which a quorum of the board is required to be physically present pursuant to division (F) of section 187.01 of the Revised Code shall be open to the public except, by a majority vote of the directors present at the meeting, such a meeting may be closed to the public only for one or more of the following purposes:

(1) To consider business strategy of the corporation;

(2) To consider proprietary information belonging to potential applicants or potential recipients of business recruitment, retention, or creation incentives. For the purposes of this division, "proprietary information" means marketing plans, specific business strategy, production techniques and trade secrets, financial projections, or personal financial statements of applicants or members of the applicants' immediate family, including, but not limited to, tax records or other similar information not open to the public inspection.

(3) To consider legal matters, including litigation, in which the corporation is or may be involved;

(4) To consider personnel matters related to an individual employee of the corporation.

(D) The board of directors shall establish a reasonable method whereby any person may obtain the time and place of all public meetings described in division (C) of this section. The method shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all such meetings.

(E) The board of directors shall promptly prepare, file, and maintain minutes of all public meetings described in division (C) of this section.

(F) Not later than ~~March 1, 2012, and~~ the first day of ~~March~~ July of each year ~~thereafter~~, the chief investment officer of

JobsOhio shall prepare and submit a report of the corporation's 14801
activities for the preceding year to the governor, the speaker and 14802
minority leader of the house of representatives, and the president 14803
and minority leader of the senate. The annual report shall include 14804
the following: 14805

(1) An analysis of the state's economy; 14806

(2) A description of the structure, operation, and financial 14807
status of the corporation; 14808

(3) A description of the corporation's strategy to improve 14809
the state economy and the standards of measure used to evaluate 14810
its progress; 14811

(4) An evaluation of the performance of current strategies 14812
and major initiatives; 14813

(5) An analysis of any statutory or administrative barriers 14814
to successful economic development, business recruitment, and job 14815
growth in the state identified by JobsOhio during the preceding 14816
year. 14817

~~Sec. 301.30. For twelve months after the effective date of~~ 14818
~~the enactment of this section by H.B. 242 of the 133rd general~~ 14819
~~assembly, no~~ No county that has adopted a charter under Section 3 14820
of Article X, Ohio Constitution, may impose a fee, tax, 14821
assessment, or other charge on auxiliary containers, on the sales, 14822
use, or consumption of such containers, except as authorized in 14823
Chapters 5739. and 5741. of the Revised Code, or on the basis of 14824
receipts received from the sale of such containers. As used in 14825
this section, "auxiliary container" has the same meaning as in 14826
section 3767.32 of the Revised Code. 14827

Sec. 307.631. (A) A board of county commissioners may appoint 14828
a health commissioner of the board of health of a city or general 14829
health district that is entirely or partially located in the 14830

county in which the board of county commissioners is located to 14831
establish a drug overdose fatality review committee to review drug 14832
overdose deaths and opioid-involved deaths occurring in the 14833
county. 14834

(B) The boards of county commissioners of two or more 14835
counties may, by adopting a joint resolution passed by a majority 14836
of the members of each participating board of county 14837
commissioners, create a regional drug overdose fatality review 14838
committee to review drug overdose deaths and opioid-involved 14839
deaths occurring in participating counties. The joint resolution 14840
shall appoint, for each county participating as part of the 14841
regional review committee, one health commissioner from a board of 14842
health of a city or general health district located at least in 14843
part in each county. The health commissioners appointed shall 14844
select one of their number as the health commissioner to establish 14845
the regional review committee. 14846

(C) In any county that, on the effective date of this 14847
section, has a body that is acting as a drug overdose fatality 14848
review committee and is comprised of the members described in 14849
divisions (A)(1) and (B)(1) of section 307.632 of the Revised 14850
Code, including a public health official or designee, that body 14851
shall continue to function as the drug overdose fatality review 14852
committee for the county. The body shall have the same duties, 14853
obligations, and protections as a drug overdose fatality review 14854
committee appointed by a health commissioner. 14855

Sec. 307.632. (A)(1) If a health commissioner establishes a 14856
drug overdose fatality review committee as described in division 14857
(A) of section 307.631 of the Revised Code, the commissioner shall 14858
select four members to serve on the review committee along with 14859
the commissioner. The review committee shall consist of the 14860
following: 14861

<u>(a) The chief of police of a police department in the county</u>	14862
<u>or the county sheriff or a designee of the chief or sheriff;</u>	14863
<u>(b) A public health official or the official's designee;</u>	14864
<u>(c) The executive director of the board of alcohol, drug</u>	14865
<u>addiction, and mental health services for the county or the</u>	14866
<u>executive director's designee;</u>	14867
<u>(d) A physician who is authorized under Chapter 4731. of the</u>	14868
<u>Revised Code to practice medicine and surgery or osteopathic</u>	14869
<u>medicine and surgery.</u>	14870
<u>(2) If a health commissioner establishes a drug overdose</u>	14871
<u>fatality review committee as described in division (B) of section</u>	14872
<u>307.631 of the Revised Code, the commissioner shall select four</u>	14873
<u>members to serve on the review committee along with the</u>	14874
<u>commissioner. The review committee shall consist of the following:</u>	14875
<u>(a) The chief of police of a police department or a sheriff</u>	14876
<u>or a designee of the chief or sheriff;</u>	14877
<u>(b) A public health official or the official's designee;</u>	14878
<u>(c) The executive director of a board of alcohol, drug</u>	14879
<u>addiction, and mental health services or the executive director's</u>	14880
<u>designee;</u>	14881
<u>(d) A physician who is authorized under Chapter 4731. of the</u>	14882
<u>Revised Code to practice medicine and surgery or osteopathic</u>	14883
<u>medicine and surgery.</u>	14884
<u>The members described in divisions (A) (2) (a) to (c) of this</u>	14885
<u>section shall be representatives from the most populous county</u>	14886
<u>served by the committee.</u>	14887
<u>(B) (1) The review committee shall invite the county coroner</u>	14888
<u>or, in the case of a regional review committee, the county coroner</u>	14889
<u>from the most populous county, to serve on the committee. The</u>	14890
<u>review committee shall extend the invitation each time a county</u>	14891

coroner assumes the office. The coroner shall not be required to 14892
accept the invitation. If the coroner accepts the invitation, the 14893
coroner shall have the same authority, duties, and 14894
responsibilities as members described in division (A) of this 14895
section. 14896

(2) The majority of the members of a review committee may 14897
invite additional members to serve on the committee. The 14898
additional members shall serve for a period of time determined by 14899
a majority of the members described in division (A) of this 14900
section. Each additional member shall have the same authority, 14901
duties, and responsibilities as members described in division (A) 14902
of this section. 14903

(C) A vacancy in a drug overdose review committee shall be 14904
filled in the same manner as the original appointment. If the 14905
health commissioner who made the original appointment as described 14906
in division (A) of this section is no longer serving in that 14907
capacity, a successor of the commissioner shall fill the vacancy. 14908

(D) A drug overdose fatality review committee member shall 14909
not receive any compensation for, and shall not be paid for any 14910
expenses incurred pursuant to, fulfilling the member's duties on 14911
the committee unless compensation for, or payment for expenses 14912
incurred pursuant to, those duties is received pursuant to a 14913
member's regular employment. 14914

Sec. 307.633. If a drug overdose fatality review committee is 14915
established under division (A) or (B) of section 307.631 of the 14916
Revised Code, the board of county commissioners, or if a regional 14917
drug overdose fatality review committee is established, the group 14918
of health commissioners appointed to select the health 14919
commissioner to establish the regional review committee, shall 14920
designate either the health commissioner that establishes the 14921
review committee or a representative of the health commissioner to 14922

convene meetings and be the chairperson of the review committee. 14923

Sec. 307.634. The purpose of a drug overdose fatality review committee is to decrease the incidence of preventable overdose deaths by doing all of the following: 14924
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(A) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, or entities engaged in drug abuse prevention, education, or treatment efforts; 14927
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(B) Maintaining a comprehensive database of all overdose deaths that occur in the county or region served by the review committee in order to develop an understanding of the causes and incidence of those deaths; 14930
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(C) Recommending and developing plans for implementing local service and program changes and changes to the groups, professions, agencies, or entities that serve local residents that might prevent overdose deaths; 14934
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(D) Providing the department of health with aggregate data, trends, and patterns concerning overdose deaths. 14938
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Sec. 307.635. A drug overdose fatality review committee may not conduct a review of a death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the review committee of the conclusion. 14940
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Sec. 307.636. (A) A drug overdose fatality review committee shall establish a system for collecting and maintaining information necessary for the review of drug overdose or opioid-involved deaths in the county or region. In an effort to 14948
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<u>ensure confidentiality, each committee shall do all of the</u>	14952
<u>following:</u>	14953
<u>(1) Maintain all records in a secure location;</u>	14954
<u>(2) Develop security measures to prevent unauthorized access</u>	14955
<u>to records containing information that could reasonably identify</u>	14956
<u>any person;</u>	14957
<u>(3) Develop a system for storing, processing, indexing,</u>	14958
<u>retrieving, and destroying information obtained in the course of</u>	14959
<u>reviewing a drug overdose or opioid-involved death.</u>	14960
<u>(B) For each drug overdose or opioid-involved death reviewed</u>	14961
<u>by a committee, the committee shall collect all of the following:</u>	14962
<u>(1) Demographic information of the deceased, including age,</u>	14963
<u>sex, race, and ethnicity;</u>	14964
<u>(2) The year in which the death occurred;</u>	14965
<u>(3) The geographic location of the death;</u>	14966
<u>(4) The cause of death;</u>	14967
<u>(5) Any factors contributing to the death;</u>	14968
<u>(6) Any other information the committee considers relevant.</u>	14969
<u>(C) By the first day of April of each year, the person</u>	14970
<u>convening a drug overdose fatality review committee shall prepare</u>	14971
<u>and submit to the Ohio department of health in the manner and</u>	14972
<u>format prescribed by the department a report that includes all of</u>	14973
<u>the following information for the previous calendar year:</u>	14974
<u>(1) The total number of drug overdose or opioid-involved</u>	14975
<u>deaths in the county or region;</u>	14976
<u>(2) The total number of drug overdose or opioid-involved</u>	14977
<u>deaths reviewed by the committee;</u>	14978
<u>(3) A summary of demographic information for the deaths</u>	14979
<u>reviewed, including age, sex, race, and ethnicity;</u>	14980

(4) A summary of any trends or patterns identified by the 14981
committee. 14982

The report shall specify the number of drug overdose or 14983
opioid-involved deaths that were not reviewed during the previous 14984
calendar year. 14985

The report shall include recommendations for actions that 14986
might prevent other deaths, as well as any other information the 14987
review board determines should be included. 14988

(D) Reports prepared under division (C) of this section shall 14989
be considered public records under section 149.43 of the Revised 14990
Code. 14991

Sec. 307.637. (A) (1) Notwithstanding section 3701.17 and any 14992
other section of the Revised Code pertaining to confidentiality, 14993
any individual, law enforcement agency, or other public or private 14994
entity that provided services to a person whose death is being 14995
reviewed by a drug overdose fatality review committee, on the 14996
request of the review committee, shall submit to the review 14997
committee a summary sheet of information. 14998

(a) With respect to a request made to a health care entity, 14999
the summary sheet shall contain only information available and 15000
reasonably drawn from the person's medical record created by the 15001
health care entity. 15002

(b) With respect to a request made to any other individual or 15003
entity, the summary sheet shall contain only information available 15004
and reasonably drawn from any record involving the person to which 15005
the individual or entity has access. 15006

(c) On the request of the review committee, an individual or 15007
entity may, at the individual or entity's discretion, make any 15008
additional information, documents, or reports available to the 15009
review committee. 15010

(2) On the request of the review committee, a county coroner shall make available to the review committee the coroner's full and complete record as described in section 313.10 of the Revised Code that relates to the person whose death is being reviewed by the committee. 15011
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(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a person to a drug overdose fatality review committee while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney has agreed pursuant to section 307.635 of the Revised Code to allow review of the death. 15016
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Sec. 307.638. (A) An individual or public or private entity providing information, documents, or reports to a drug overdose fatality review committee is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the information, documents, or reports to the review committee. 15023
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(B) Each member of a review committee is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the review committee. 15029
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Sec. 307.639. Any information, document, or report presented to a drug overdose fatality review committee, all statements made by review committee members during meetings of the review committee, all work products of the review committee, and data submitted by the review committee to the department of health, other than the report prepared pursuant to section 307.636 of the Revised Code, are confidential and shall be used by the review committee, its members, and the department of health only in the 15033
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exercise of the proper functions of the review committee and the 15041
department. 15042

Sec. 307.641. (A) A board of county commissioners may appoint 15043
a health commissioner of the board of health of a city or general 15044
health district that is entirely or partially located in the 15045
county in which the board of county commissioners is located to 15046
establish a suicide fatality review committee to review deaths by 15047
suicide occurring in the county. 15048

(B) The boards of county commissioners of two or more 15049
counties may, by adopting a joint resolution passed by a majority 15050
of the members of each participating board of county 15051
commissioners, create a regional suicide fatality review committee 15052
to serve all participating counties. The joint resolution shall 15053
appoint, for each county participating as part of the regional 15054
review committee, one health commissioner from a board of health 15055
of a city or general health district located at least in part in 15056
each county. The health commissioners appointed shall select one 15057
of their number as the health commissioner to establish the 15058
regional review committee. 15059

(C) In any county that, on the effective date of this 15060
section, has a body that is acting as a suicide fatality review 15061
committee and is comprised of the members described in divisions 15062
(A)(1) and (B)(1) of section 307.642 of the Revised Code, 15063
including a public health official or designee, that body shall 15064
continue to function as the suicide fatality review committee for 15065
the county. The body shall have the same duties, obligations, and 15066
protections as a suicide fatality review committee appointed by a 15067
health commissioner. 15068

Sec. 307.642. (A)(1) If a health commissioner is appointed 15069
under division (A) of section 307.641 of the Revised Code to 15070

establish a suicide fatality review committee, the commissioner 15071
shall select four members to serve on the review committee along 15072
with the commissioner. The review committee shall consist of the 15073
following: 15074

(a) The chief of police of a police department in the county 15075
or region or the county sheriff or a designee of the chief or 15076
sheriff; 15077

(b) A public health official or the official's designee; 15078

(c) The executive director of a board of alcohol, drug 15079
addiction, and mental health services or the executive director's 15080
designee; 15081

(d) A physician authorized under Chapter 4731. of the Revised 15082
Code to practice medicine and surgery or osteopathic medicine and 15083
surgery. 15084

(2) If a health commissioner is appointed under division (B) 15085
of section 307.641 of the Revised Code to establish a suicide 15086
fatality review committee, the commissioner shall select four 15087
members to serve on the review committee along with the 15088
commissioner. The review committee shall consist of the following: 15089

(a) The chief of police of a police department or sheriff or 15090
a designee of the chief or sheriff; 15091

(b) A public health official or the official's designee; 15092

(c) The executive director of a board of alcohol, drug 15093
addiction, and mental health services or the executive director's 15094
designee; 15095

(d) A physician authorized under Chapter 4731. of the Revised 15096
Code to practice medicine and surgery or osteopathic medicine and 15097
surgery. 15098

The members described in divisions (A) (2) (a) to (c) of this 15099
section shall be representatives from the most populous county 15100

served by the committee. 15101

(B) (1) The review committee shall invite the county coroner 15102
or, in the case of a regional review committee, the county coroner 15103
from the most populous county, to serve on the committee. The 15104
review committee shall extend the invitation each time a county 15105
coroner assumes the office. The coroner shall not be required to 15106
accept the invitation. If the coroner accepts the invitation, the 15107
coroner shall have the same authority, duties, and 15108
responsibilities as members described in division (A) of this 15109
section. 15110

(2) The majority of the members of a review committee may 15111
invite additional members to serve on the committee. The 15112
additional members shall serve for a period of time determined by 15113
a majority of the members described in division (A) of this 15114
section. An additional member has the same authority, duties, and 15115
responsibilities as members described in division (A) of this 15116
section. 15117

(C) A vacancy in a suicide fatality review committee shall be 15118
filled in the same manner as the original appointment. 15119

(D) A suicide fatality review committee member shall not 15120
receive any compensation for, and shall not be paid for any 15121
expenses incurred pursuant to, fulfilling the member's duties on 15122
the committee unless compensation for, or payment for expenses 15123
incurred pursuant to, those duties is received pursuant to a 15124
member's regular employment. 15125

Sec. 307.643. The purpose of a suicide fatality review 15126
committee is to decrease the incidence of preventable suicide 15127
deaths by doing all of the following: 15128

(A) Promoting cooperation, collaboration, and communication 15129
between all groups, professions, agencies, or entities engaged in 15130

suicide prevention, education, or mental health treatment efforts; 15131

(B) Maintaining a comprehensive database of all suicide 15132
deaths that occur in the county or region served by the review 15133
committee in order to develop an understanding of the causes and 15134
incidence of those deaths; 15135

(C) Recommending and developing plans for implementing local 15136
service and program changes and changes to the groups, 15137
professions, agencies, or entities that serve local residents that 15138
might prevent suicide deaths; 15139

(D) Advising the department of health of aggregate data, 15140
trends, and patterns concerning suicide deaths. 15141

Sec. 307.644. If a suicide fatality review committee is 15142
established under division (A) or (B) of section 307.641 of the 15143
Revised Code, the board of county commissioners, or if a regional 15144
suicide fatality review committee is established, the group of 15145
health commissioners appointed to select the health commissioner 15146
to establish the regional review committee, shall designate either 15147
the health commissioner that establishes the review committee or a 15148
representative of the health commissioner to convene meetings and 15149
be the chairperson of the review committee. If a regional review 15150
committee includes a county with more than one health district, 15151
the regional review committee meeting shall be convened in that 15152
county. If more than one of the counties participating on the 15153
regional review committee has more than one health district, the 15154
person convening the meeting shall select one of the counties with 15155
more than one health district as the county in which to convene 15156
the meeting. 15157

Sec. 307.645. A suicide fatality review committee may not 15158
conduct a review of a death while an investigation of the death or 15159
prosecution of a person for causing the death is pending unless 15160

the prosecuting attorney agrees to allow the review. The law 15161
enforcement agency conducting the criminal investigation, on the 15162
conclusion of the investigation, and the prosecuting attorney 15163
prosecuting the case, on the conclusion of the prosecution, shall 15164
notify the chairperson of the review committee of the conclusion. 15165

Sec. 307.646. (A) A suicide fatality review committee shall 15166
establish a system for collecting and maintaining information 15167
necessary for the review of suicide deaths in the county or 15168
region. In an effort to ensure confidentiality, each committee 15169
shall do all of the following: 15170

(1) Maintain all records in a secure location; 15171

(2) Develop security measures to prevent unauthorized access 15172
to records containing information that could reasonably identify 15173
any person; 15174

(3) Develop a system for storing, processing, indexing, 15175
retrieving, and destroying information obtained in the course of 15176
reviewing a death resulting from suicide. 15177

(B) For each death resulting from suicide reviewed by a 15178
committee, the committee shall collect all of the following: 15179

(1) Demographic information of the deceased, including age, 15180
sex, race, and ethnicity; 15181

(2) The year in which the death occurred; 15182

(3) The geographic location of the death; 15183

(4) The cause of death; 15184

(5) Any factors contributing to the death; 15185

(6) Any other information the committee considers relevant. 15186

(C) By the first day of April of each year, the person 15187
convening a suicide fatality review committee shall prepare and 15188
submit to the Ohio department of health a report that summarizes 15189

<u>the following information about suicide deaths reviewed by the</u>	15190
<u>committee in the previous calendar year:</u>	15191
<u>(1) The cause of death;</u>	15192
<u>(2) Factors contributing to death;</u>	15193
<u>(3) Age;</u>	15194
<u>(4) Sex;</u>	15195
<u>(5) Race;</u>	15196
<u>(6) The geographic location of death;</u>	15197
<u>(7) The year of death.</u>	15198
<u>The report shall specify the number of suicide deaths that</u>	15199
<u>were not reviewed during the previous calendar year.</u>	15200
<u>The report may include recommendations for actions that might</u>	15201
<u>prevent other suicide deaths, as well as any other information the</u>	15202
<u>review committee determines should be included.</u>	15203
<u>(D) Reports prepared under division (C) of this section are</u>	15204
<u>public records under section 149.43 of the Revised Code.</u>	15205
<u>Sec. 307.647. (A) (1) Notwithstanding section 3701.17 and any</u>	15206
<u>other section of the Revised Code pertaining to confidentiality,</u>	15207
<u>any individual, law enforcement agency, or other public or private</u>	15208
<u>entity that provided services to a person whose death is being</u>	15209
<u>reviewed by a suicide fatality review committee, on the request of</u>	15210
<u>the review committee, shall submit to the review committee a</u>	15211
<u>summary sheet of information.</u>	15212
<u>(a) With respect to a request made to a health care entity,</u>	15213
<u>the summary sheet shall contain only information available and</u>	15214
<u>reasonably drawn from the person's medical record created by the</u>	15215
<u>health care entity.</u>	15216
<u>(b) With respect to a request made to any other individual or</u>	15217

entity, the summary sheet shall contain only information available 15218
and reasonably drawn from any record involving the person that the 15219
individual or entity develops in the normal course of business. 15220

(c) On the request of the review committee, an individual or 15221
entity may, at the individual or entity's discretion, make any 15222
additional information, documents, or reports available to the 15223
review committee. 15224

(2) For purposes of the review, the committee shall have 15225
access to confidential information provided to the committee under 15226
this section or division (I) (4) of section 2151.421 of the Revised 15227
Code, and each member of the committee shall preserve the 15228
confidentiality of that information. 15229

(3) On the request of the review committee, a county coroner 15230
shall make available to the review committee the coroner's full 15231
and complete record as described in section 313.10 of the Revised 15232
Code that relates to the person whose death is being reviewed by 15233
the committee. 15234

(B) Notwithstanding division (A) of this section, no person, 15235
entity, law enforcement agency, or prosecuting attorney shall 15236
provide any information regarding the death of a person to a 15237
suicide fatality review committee while an investigation of the 15238
death or prosecution of a person for causing the death is pending 15239
unless the prosecuting attorney has agreed pursuant to section 15240
307.645 of the Revised Code to allow review of the death. 15241

Sec. 307.648. (A) An individual or public or private entity 15242
providing information, documents, or reports to a suicide fatality 15243
review committee is immune from any civil liability for injury, 15244
death, or loss to person or property that otherwise might be 15245
incurred or imposed as a result of providing the information, 15246
documents, or reports to the review committee. 15247

(B) Each member of a review committee is immune from any 15248
civil liability for injury, death, or loss to person or property 15249
that might otherwise be incurred or imposed as a result of the 15250
member's participation on the review committee. 15251

Sec. 307.649. Any information, document, or report presented 15252
to a suicide fatality review committee, all statements made by 15253
review committee members during meetings of the review committee, 15254
all work products of the review committee, and data submitted by 15255
the review committee to the department of health, other than the 15256
report prepared pursuant to section 307.646 of the Revised Code, 15257
are confidential and shall be used by the review committee, its 15258
members, and the department of health only in the exercise of the 15259
proper functions of the review committee and the department. 15260

Sec. 307.6410. A board of county commissioners may appoint a 15261
health commissioner of the board of health of a city or general 15262
health district that is entirely or partially located in the 15263
county in which the board of county commissioners is located to 15264
establish a hybrid drug overdose fatality and suicide fatality 15265
review committee to review drug overdose deaths, opioid-involved 15266
deaths, and deaths by suicide occurring in the county. In such 15267
case, the board and hybrid committee shall follow the procedures 15268
described in sections 307.631 to 307.639 and 307.641 to 307.649 of 15269
the Revised Code. Any reference to a drug overdose fatality review 15270
committee or suicide fatality review committee shall be construed 15271
to include a hybrid committee described in this section. 15272

Sec. 307.921. From any contracts to be awarded under sections 15273
307.86 to 307.92 of the Revised Code, the contracting authority, 15274
as defined in section 307.92 of the Revised Code, may develop a 15275
policy to assist minority business enterprises, as defined in 15276
sections 122.71 and ~~123.151~~ 122.921 of the Revised Code. 15277

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Sec. 307.93. (A) (1) The boards of county commissioners of two 15279
or more adjacent counties may contract for the joint establishment 15280
of a multicounty correctional center, and the board of county 15281
commissioners of a county or the boards of two or more counties 15282
may contract with any municipal corporation or municipal 15283
corporations located in that county or those counties for the 15284
joint establishment of a municipal-county or multicounty-municipal 15285
correctional center. The center shall augment county and, where 15286
applicable, municipal jail programs and facilities by providing 15287
custody and rehabilitative programs for those persons under the 15288
charge of the sheriff of any of the contracting counties or of the 15289
officer or officers of the contracting municipal corporation or 15290
municipal corporations having charge of persons incarcerated in 15291
the municipal jail, workhouse, or other correctional facility who, 15292
in the opinion of the sentencing court, need programs of custody 15293
and rehabilitation not available at the county or municipal jail 15294
and by providing custody and rehabilitative programs in accordance 15295
with division (C) of this section, if applicable. The contract may 15296
include, but need not be limited to, provisions regarding the 15297
acquisition, construction, maintenance, repair, termination of 15298
operations, and administration of the center. ~~The acquisition of~~ 15299
~~the facility, to the extent appropriate, may include the leasing~~ 15300
~~of the Ohio river valley facility or a specified portion of that~~ 15301
~~facility pursuant to division (B) (3) of this section.~~ The contract 15302
shall prescribe the manner of funding of, and debt assumption for, 15303
the center and the standards and procedures to be followed in the 15304
operation of the center. Except as provided in division (G) of 15305
this section, the contracting counties and municipal corporations 15306
shall form a corrections commission to oversee the administration 15307
of the center. Members of the commission shall consist of the 15308
sheriff of each participating county, a member of the board of 15309

county commissioners of each participating county, the chief of 15310
police of each participating municipal corporation, and the mayor 15311
or city manager of each participating municipal corporation. Any 15312
of the foregoing officers may appoint a designee to serve in the 15313
officer's place on the corrections commission. 15314

The standards and procedures prescribed under this division 15315
shall be formulated and agreed to by the commission and may be 15316
amended at any time during the life of the contract by agreement 15317
of a majority of the voting members of the commission or by other 15318
means set forth in the contract between the contracting counties 15319
and municipal corporations. The standards and procedures 15320
formulated by the commission and amendments to them shall include, 15321
but need not be limited to, designation of the person in charge of 15322
the center, designation of a fiscal agent, the categories of 15323
employees to be employed at the center, the appointing authority 15324
of the center, and the standards of treatment and security to be 15325
maintained at the center. The person in charge of, and all persons 15326
employed to work at, the center shall have all the powers of 15327
police officers that are necessary for the proper performance of 15328
the duties and work responsibilities of the center, provided that 15329
the corrections officers of the center may carry firearms in the 15330
performance of those duties and responsibilities only in 15331
accordance with division (A)(2) of this section. 15332

(2) The person in charge of a multicounty correctional 15333
center, or of a municipal-county or multicounty-municipal 15334
correctional center, may grant permission to a corrections officer 15335
of the center to carry firearms when required in the discharge of 15336
official duties if the corrections officer has successfully 15337
completed a basic firearm training program that is approved by the 15338
executive director of the Ohio peace officer training commission. 15339
A corrections officer who has been granted permission to carry 15340
firearms in the discharge of official duties annually shall 15341

successfully complete a firearms requalification program in 15342
accordance with section 109.801 of the Revised Code. A corrections 15343
officer may carry firearms under authority of this division only 15344
while the officer is acting within the scope of the officer's 15345
official duties. 15346

(B) (1) Upon the establishment of a corrections commission 15347
under division (A) of this section, the judges specified in this 15348
division shall form a judicial advisory board for the purpose of 15349
making recommendations to the corrections commission on issues of 15350
bed allocation, expansion of the center that the corrections 15351
commission oversees, and other issues concerning the 15352
administration of sentences or any other matter determined to be 15353
appropriate by the board. The judges who shall form the judicial 15354
advisory board for a corrections commission are the administrative 15355
judge of the general division of the court of common pleas of each 15356
county participating in the corrections center, the presiding 15357
judge of the municipal court of each municipal corporation 15358
participating in the corrections center, and the presiding judge 15359
of each county court of each county participating in the 15360
corrections center. If the number of the foregoing members of the 15361
board is even, the county auditor or the county auditor of the 15362
most populous county if the board serves more than one county 15363
shall also be a member of the board. Any of the foregoing judges 15364
may appoint a designee to serve in the judge's place on the 15365
judicial advisory board, provided that the designee shall be a 15366
judge of the same court as the judge who makes the appointment. 15367
The judicial advisory board for a corrections commission shall 15368
meet with the corrections commission at least once each year. 15369

(2) Each board of county commissioners that enters a contract 15370
under division (A) of this section may appoint a building 15371
commission pursuant to section 153.21 of the Revised Code. If any 15372
commissions are appointed, they shall function jointly in the 15373

construction of a multicounty or multicounty-municipal 15374
correctional center with all the powers and duties authorized by 15375
law. 15376

~~(3) Subject to the limitation described in this division, the 15377
boards of county commissioners that contract or have contracted 15378
for the joint establishment of a multicounty correctional center 15379
under division (A) of this section, or the boards of county 15380
commissioners of the counties and legislative authorities of the 15381
municipal corporations that contract or have contracted for the 15382
joint establishment of a municipal county or multicounty municipal 15383
correctional center under that division, may enter into an 15384
agreement with the director of administrative services pursuant to 15385
which the contracting counties and municipal corporations shall 15386
use the Ohio river valley facility or a specified portion of that 15387
facility as the multicounty correctional center, municipal county 15388
correctional center, or multicounty municipal correctional center 15389
covered by the contract entered into under division (A) of this 15390
section. A contract with the director of administrative services 15391
may be entered into under this division only if one or more of the 15392
contracting counties is adjacent to Scioto county. 15393~~

~~The department may enter into an agreement as described in 15394
this division at any time on or after September 29, 2017, or, if 15395
the department had entered into an agreement with the board of 15396
county commissioners of Lawrence county pursuant to section 15397
341.121 of the Revised Code for the use by the sheriff of that 15398
county of a specified portion of the facility as a jail for 15399
Lawrence county, at any time on or after the date that control of 15400
the specified portion of the facility reverts to the state under 15401
division (B) (4) or (C) of that section. 15402~~

(C) Prior to the acceptance for custody and rehabilitation 15403
into a center established under this section of any persons who 15404
are designated by the department of rehabilitation and correction, 15405

who plead guilty to or are convicted of a felony of the fourth or 15406
fifth degree, and who satisfy the other requirements listed in 15407
section 5120.161 of the Revised Code, the corrections commission 15408
of a center established under this section shall enter into an 15409
agreement with the department of rehabilitation and correction 15410
under section 5120.161 of the Revised Code for the custody and 15411
rehabilitation in the center of persons who are designated by the 15412
department, who plead guilty to or are convicted of a felony of 15413
the fourth or fifth degree, and who satisfy the other requirements 15414
listed in that section, in exchange for a per diem fee per person. 15415
Persons incarcerated in the center pursuant to an agreement 15416
entered into under this division shall be subject to supervision 15417
and control in the manner described in section 5120.161 of the 15418
Revised Code. This division does not affect the authority of a 15419
court to directly sentence a person who is convicted of or pleads 15420
guilty to a felony to the center in accordance with section 15421
2929.16 of the Revised Code. 15422

(D) Pursuant to section 2929.37 of the Revised Code, each 15423
board of county commissioners and the legislative authority of 15424
each municipal corporation that enters into a contract under 15425
division (A) of this section may require a person who was 15426
convicted of an offense, who is under the charge of the sheriff of 15427
their county or of the officer or officers of the contracting 15428
municipal corporation or municipal corporations having charge of 15429
persons incarcerated in the municipal jail, workhouse, or other 15430
correctional facility, and who is confined in the multicounty, 15431
municipal-county, or multicounty-municipal correctional center as 15432
provided in that division, to reimburse the applicable county or 15433
municipal corporation for its expenses incurred by reason of the 15434
person's confinement in the center. 15435

(E) Notwithstanding any contrary provision in this section or 15436
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 15437

corrections commission of a center may establish a policy that 15438
complies with section 2929.38 of the Revised Code and that 15439
requires any person who is not indigent and who is confined in the 15440
multicounty, municipal-county, or multicounty-municipal 15441
correctional center to pay a reception fee, a fee for medical 15442
treatment or service requested by and provided to that person, or 15443
the fee for a random drug test assessed under division (E) of 15444
section 341.26 of the Revised Code. 15445

(F) (1) The corrections commission of a center established 15446
under this section may establish a commissary for the center. The 15447
commissary may be established either in-house or by another 15448
arrangement. If a commissary is established, all persons 15449
incarcerated in the center shall receive commissary privileges. A 15450
person's purchases from the commissary shall be deducted from the 15451
person's account record in the center's business office. The 15452
commissary shall provide for the distribution to indigent persons 15453
incarcerated in the center of necessary hygiene articles and 15454
writing materials. 15455

(2) If a commissary is established, the corrections 15456
commission of a center established under this section shall 15457
establish a commissary fund for the center. The management of 15458
funds in the commissary fund shall be strictly controlled in 15459
accordance with procedures adopted by the auditor of state. 15460
Commissary fund revenue over and above operating costs and reserve 15461
shall be considered profits. All profits from the commissary fund 15462
shall be used to purchase supplies and equipment for the benefit 15463
of persons incarcerated in the center and to pay salary and 15464
benefits for employees of the center, or for any other persons, 15465
who work in or are employed for the sole purpose of providing 15466
service to the commissary. The corrections commission shall adopt 15467
rules and regulations for the operation of any commissary fund it 15468
establishes. 15469

(G) In lieu of forming a corrections commission to administer 15470
a multicounty correctional center or a municipal-county or 15471
multicounty-municipal correctional center, the boards of county 15472
commissioners and the legislative authorities of the municipal 15473
corporations contracting to establish the center may also agree to 15474
contract for the private operation and management of the center as 15475
provided in section 9.06 of the Revised Code, but only if the 15476
center houses only misdemeanor inmates. In order to enter into a 15477
contract under section 9.06 of the Revised Code, all the boards 15478
and legislative authorities establishing the center shall approve 15479
and be parties to the contract. 15480

(H) If a person who is convicted of or pleads guilty to an 15481
offense is sentenced to a term in a multicounty correctional 15482
center or a municipal-county or multicounty-municipal correctional 15483
center or is incarcerated in the center in the manner described in 15484
division (C) of this section, or if a person who is arrested for 15485
an offense, and who has been denied bail or has had bail set and 15486
has not been released on bail is confined in a multicounty 15487
correctional center or a municipal-county or multicounty-municipal 15488
correctional center pending trial, at the time of reception and at 15489
other times the officer, officers, or other person in charge of 15490
the operation of the center determines to be appropriate, the 15491
officer, officers, or other person in charge of the operation of 15492
the center may cause the convicted or accused offender to be 15493
examined and tested for tuberculosis, HIV infection, hepatitis, 15494
including but not limited to hepatitis A, B, and C, and other 15495
contagious diseases. The officer, officers, or other person in 15496
charge of the operation of the center may cause a convicted or 15497
accused offender in the center who refuses to be tested or treated 15498
for tuberculosis, HIV infection, hepatitis, including but not 15499
limited to hepatitis A, B, and C, or another contagious disease to 15500
be tested and treated involuntarily. 15501

(I) As used in this section: 15502

~~(1) "Multicounty municipal", "multicounty-municipal" means 15503
more than one county and a municipal corporation, or more than one 15504
municipal corporation and a county, or more than one municipal 15505
corporation and more than one county. 15506~~

~~(2) "Ohio river valley facility" has the same meaning as in 15507
section 341.121 of the Revised Code. 15508~~

Sec. 319.54. (A) On all moneys collected by the county 15509
treasurer on any tax duplicate of the county, other than estate 15510
tax duplicates, and on all moneys received as advance payments of 15511
personal property and classified property taxes, the county 15512
auditor, on settlement with the treasurer and tax commissioner, on 15513
or before the date prescribed by law for such settlement or any 15514
lawful extension of such date, shall be allowed as compensation 15515
for the county auditor's services the following percentages: 15516

(1) On the first one hundred thousand dollars, two and 15517
one-half per cent; 15518

(2) On the next two million dollars, eight thousand three 15519
hundred eighteen ten-thousandths of one per cent; 15520

(3) On the next two million dollars, six thousand six hundred 15521
fifty-five ten-thousandths of one per cent; 15522

(4) On all further sums, one thousand six hundred sixty-three 15523
ten-thousandths of one per cent. 15524

If any settlement is not made on or before the date 15525
prescribed by law for such settlement or any lawful extension of 15526
such date, the aggregate compensation allowed to the auditor shall 15527
be reduced one per cent for each day such settlement is delayed 15528
after the prescribed date. No penalty shall apply if the auditor 15529
and treasurer grant all requests for advances up to ninety per 15530
cent of the settlement pursuant to section 321.34 of the Revised 15531

Code. The compensation allowed in accordance with this section on 15532
settlements made before the dates prescribed by law, or the 15533
reduced compensation allowed in accordance with this section on 15534
settlements made after the date prescribed by law or any lawful 15535
extension of such date, shall be apportioned ratably by the 15536
auditor and deducted from the shares or portions of the revenue 15537
payable to the state as well as to the county, townships, 15538
municipal corporations, and school districts. 15539

(B) For the purpose of reimbursing county auditors for the 15540
expenses associated with the increased number of applications for 15541
reductions in real property taxes under sections 323.152 and 15542
4503.065 of the Revised Code that result from the amendment of 15543
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 15544
there shall be paid from the state's general revenue fund to the 15545
county treasury, to the credit of the real estate assessment fund 15546
created by section 325.31 of the Revised Code, an amount equal to 15547
one per cent of the total annual amount of property tax relief 15548
reimbursement paid to that county under sections 323.156 and 15549
4503.068 of the Revised Code for the preceding tax year. Payments 15550
made under this division shall be made at the same times and in 15551
the same manner as payments made under section 323.156 of the 15552
Revised Code. 15553

(C) From all moneys collected by the county treasurer on any 15554
tax duplicate of the county, other than estate tax duplicates, and 15555
on all moneys received as advance payments of personal property 15556
and classified property taxes, there shall be paid into the county 15557
treasury to the credit of the real estate assessment fund created 15558
by section 325.31 of the Revised Code, an amount to be determined 15559
by the county auditor, which shall not exceed the percentages 15560
prescribed in divisions (C)(1) and (2) of this section. 15561

(1) For payments made after June 30, 2007, and before 2011, 15562
the following percentages: 15563

(a) On the first five hundred thousand dollars, four per cent;	15564 15565
(b) On the next five million dollars, two per cent;	15566
(c) On the next five million dollars, one per cent;	15567
(d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;	15568 15569
(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.	15570 15571
(2) For payments made in or after 2011, the following percentages:	15572 15573
(a) On the first five hundred thousand dollars, four per cent;	15574 15575
(b) On the next ten million dollars, two per cent;	15576
(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.	15577 15578
Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.	15579 15580 15581 15582
(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.	15583 15584 15585 15586
(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement annually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:	15587 15588 15589 15590 15591
(1) Four per cent on the first one hundred thousand dollars,	15592

~~(2) One half of one per cent on all additional sums.~~ 15593

~~Such percentages shall be computed upon two per cent of the 15594
amount collected and reported at ~~each annual settlement~~ that year 15595
in excess of refunds distributed, and shall be for the use of the 15596
general fund of the county. 15597~~

(F) On all cigarette license moneys collected by the county 15598
treasurer, the county auditor, on settlement semiannually with the 15599
treasurer, shall be allowed as compensation for the auditor's 15600
services in the issuing of such licenses one-half of one per cent 15601
of such moneys, to be apportioned ratably and deducted from the 15602
shares of the revenue payable to the county and subdivisions, for 15603
the use of the general fund of the county. 15604

(G) The county auditor shall charge and receive fees as 15605
follows: 15606

(1) For deeds of land sold for taxes to be paid by the 15607
purchaser, five dollars; 15608

(2) For the transfer or entry of land, lot, or part of lot, 15609
or the transfer or entry on or after January 1, 2000, of a used 15610
manufactured home or mobile home as defined in section 5739.0210 15611
of the Revised Code, fifty cents for each transfer or entry, to be 15612
paid by the person requiring it; 15613

(3) For receiving statements of value and administering 15614
section 319.202 of the Revised Code, one dollar, or ten cents for 15615
each one hundred dollars or fraction of one hundred dollars, 15616
whichever is greater, of the value of the real property 15617
transferred or, for sales occurring on or after January 1, 2000, 15618
the value of the used manufactured home or used mobile home, as 15619
defined in section 5739.0210 of the Revised Code, transferred, 15620
except no fee shall be charged when the transfer is made: 15621

(a) To or from the United States, this state, or any 15622
instrumentality, agency, or political subdivision of the United 15623

States or this state; 15624

(b) Solely in order to provide or release security for a debt 15625
or obligation; 15626

(c) To confirm or correct a deed previously executed and 15627
recorded or when a current owner on any record made available to 15628
the general public on the internet or a publicly accessible 15629
database and the general tax list of real and public utility 15630
property and the general duplicate of real and public utility 15631
property is a peace officer, parole officer, prosecuting attorney, 15632
assistant prosecuting attorney, correctional employee, youth 15633
services employee, firefighter, EMT, or investigator of the bureau 15634
of criminal identification and investigation and is changing the 15635
current owner name listed on any record made available to the 15636
general public on the internet or a publicly accessible database 15637
and the general tax list of real and public utility property and 15638
the general duplicate of real and public utility property to the 15639
initials of the current owner as prescribed in division (B)(1) of 15640
section 319.28 of the Revised Code; 15641

(d) To evidence a gift, in trust or otherwise and whether 15642
revocable or irrevocable, between husband and wife, or parent and 15643
child or the spouse of either; 15644

(e) On sale for delinquent taxes or assessments; 15645

(f) Pursuant to court order, to the extent that such transfer 15646
is not the result of a sale effected or completed pursuant to such 15647
order; 15648

(g) Pursuant to a reorganization of corporations or 15649
unincorporated associations or pursuant to the dissolution of a 15650
corporation, to the extent that the corporation conveys the 15651
property to a stockholder as a distribution in kind of the 15652
corporation's assets in exchange for the stockholder's shares in 15653
the dissolved corporation; 15654

- (h) By a subsidiary corporation to its parent corporation for 15655
no consideration, nominal consideration, or in sole consideration 15656
of the cancellation or surrender of the subsidiary's stock; 15657
- (i) By lease, whether or not it extends to mineral or mineral 15658
rights, unless the lease is for a term of years renewable forever; 15659
- (j) When the value of the real property or the manufactured 15660
or mobile home or the value of the interest that is conveyed does 15661
not exceed one hundred dollars; 15662
- (k) Of an occupied residential property, including a 15663
manufactured or mobile home, being transferred to the builder of a 15664
new residence or to the dealer of a new manufactured or mobile 15665
home when the former residence is traded as part of the 15666
consideration for the new residence or new manufactured or mobile 15667
home; 15668
- (l) To a grantee other than a dealer in real property or in 15669
manufactured or mobile homes, solely for the purpose of, and as a 15670
step in, the prompt sale of the real property or manufactured or 15671
mobile home to others; 15672
- (m) To or from a person when no money or other valuable and 15673
tangible consideration readily convertible into money is paid or 15674
to be paid for the real estate or manufactured or mobile home and 15675
the transaction is not a gift; 15676
- (n) Pursuant to division (B) of section 317.22 of the Revised 15677
Code, or section 2113.61 of the Revised Code, between spouses or 15678
to a surviving spouse pursuant to section 5302.17 of the Revised 15679
Code as it existed prior to April 4, 1985, between persons 15680
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 15681
after April 4, 1985, to a person who is a surviving, survivorship 15682
tenant pursuant to section 5302.17 of the Revised Code on or after 15683
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 15684
- (o) To a trustee acting on behalf of minor children of the 15685

deceased;	15686
(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;	15687 15688
(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;	15689 15690
(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;	15691 15692 15693 15694 15695
(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;	15696 15697 15698 15699
(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;	15700 15701
(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;	15702 15703 15704 15705
(v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;	15706 15707 15708 15709
(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;	15710 15711
(x) Between persons pursuant to section 5302.18 of the Revised Code;	15712 15713
(y) From a county land reutilization corporation organized under Chapter 1724. of the Revised Code, or its wholly owned	15714 15715

subsidiary, to a third party. 15716

(4) For the cost of publishing the delinquent manufactured 15717
home tax list, the delinquent tax list, and the delinquent vacant 15718
land tax list, a flat fee, as determined by the county auditor, to 15719
be charged to the owner of a home on the delinquent manufactured 15720
home tax list or the property owner of land on the delinquent tax 15721
list or the delinquent vacant land tax list. 15722

The auditor shall compute and collect the fee. The auditor 15723
shall maintain a numbered receipt system, as prescribed by the tax 15724
commissioner, and use such receipt system to provide a receipt to 15725
each person paying a fee. The auditor shall deposit the receipts 15726
of the fees on conveyances in the county treasury daily to the 15727
credit of the general fund of the county, except that fees charged 15728
and received under division (G)(3) of this section for a transfer 15729
of real property to a county land reutilization corporation shall 15730
be credited to the county land reutilization corporation fund 15731
established under section 321.263 of the Revised Code. 15732

The real property transfer fee provided for in division 15733
(G)(3) of this section shall be applicable to any conveyance of 15734
real property presented to the auditor on or after January 1, 15735
1968, regardless of its time of execution or delivery. 15736

The transfer fee for a used manufactured home or used mobile 15737
home shall be computed by and paid to the county auditor of the 15738
county in which the home is located immediately prior to the 15739
transfer. 15740

Sec. 321.27. (A) On settlement annually with the county 15741
auditor, the county treasurer shall be allowed as fees on all 15742
moneys collected by the treasurer on estate tax duplicates ~~the~~ 15743
~~following percentages: three per cent on the first one hundred~~ 15744
~~thousand dollars; two per cent on the next one hundred thousand~~ 15745
~~dollars; five tenths per cent on all additional sums. Such~~ 15746

~~percentages shall be computed upon~~ of the amount collected and 15747
~~reported at each annual settlement~~ that year in excess of refunds 15748
~~distributed, and shall be~~ for the use of the general fund of the 15749
county. 15750

(B) On settlement semiannually with the county auditor, the 15751
county treasurer shall be allowed as fees on all cigarette license 15752
moneys collected by the treasurer one-half per cent on the amount 15753
received, to be paid upon the warrant of the auditor and 15754
apportioned ratably and deducted from the shares of revenue 15755
payable to the county and subdivisions of the county under section 15756
5743.15 of the Revised Code, for the use of the general fund of 15757
the county. 15758

Sec. 323.153. (A) To obtain a reduction in real property 15759
taxes under division (A) or (B) of section 323.152 of the Revised 15760
Code or in manufactured home taxes under division (B) of section 15761
323.152 of the Revised Code, the owner shall file an application 15762
with the county auditor of the county in which the owner's 15763
homestead is located. 15764

To obtain a reduction in real property taxes under division 15765
(A) of section 323.152 of the Revised Code, the occupant of a 15766
homestead in a housing cooperative shall file an application with 15767
the nonprofit corporation that owns and operates the housing 15768
cooperative, in accordance with this paragraph. Not later than the 15769
first day of March each year, the corporation shall obtain 15770
applications from the county auditor's office and provide one to 15771
each new occupant. Not later than the first day of May, any 15772
occupant who may be eligible for a reduction in taxes under 15773
division (A) of section 323.152 of the Revised Code shall submit 15774
the completed application to the corporation. Not later than the 15775
fifteenth day of May, the corporation shall file all completed 15776
applications, and the information required by division (B) of 15777

section 323.159 of the Revised Code, with the county auditor of 15778
the county in which the occupants' homesteads are located. 15779
Continuing applications shall be furnished to an occupant in the 15780
manner provided in division (C) (4) of this section. 15781

(1) An application for reduction based upon a physical 15782
disability shall be accompanied by a certificate signed by a 15783
physician, and an application for reduction based upon a mental 15784
disability shall be accompanied by a certificate signed by a 15785
physician or psychologist licensed to practice in this state, 15786
attesting to the fact that the applicant is permanently and 15787
totally disabled. The certificate shall be in a form that the tax 15788
commissioner requires and shall include the definition of 15789
permanently and totally disabled as set forth in section 323.151 15790
of the Revised Code. An application for reduction based upon a 15791
disability certified as permanent and total by a state or federal 15792
agency having the function of so classifying persons shall be 15793
accompanied by a certificate from that agency. 15794

An application by a disabled veteran for the reduction under 15795
division (A) (2) of section 323.152 of the Revised Code shall be 15796
accompanied by a letter or other written confirmation from the 15797
United States department of veterans affairs, or its predecessor 15798
or successor agency, showing that the veteran qualifies as a 15799
disabled veteran. 15800

An application by the surviving spouse of a public service 15801
officer killed in the line of duty for the reduction under 15802
division (A) (3) of section 323.152 of the Revised Code shall be 15803
accompanied by a letter or other written confirmation from an 15804
employee or officer of the board of trustees of a retirement or 15805
pension fund in this state or another state or from the chief or 15806
other chief executive of the department, agency, or other employer 15807
for which the public service officer served when killed in the 15808
line of duty affirming that the public service officer was killed 15809

in the line of duty. 15810

An application for a reduction under division (A) of section 15811
323.152 of the Revised Code constitutes a continuing application 15812
for a reduction in taxes for each year in which the dwelling is 15813
the applicant's homestead. 15814

(2) An application for a reduction in taxes under division 15815
(B) of section 323.152 of the Revised Code shall be filed only if 15816
the homestead or manufactured or mobile home was transferred in 15817
the preceding year or did not qualify for and receive the 15818
reduction in taxes under that division for the preceding tax year. 15819
The application for homesteads transferred in the preceding year 15820
shall be incorporated into any form used by the county auditor to 15821
administer the tax law in respect to the conveyance of real 15822
property pursuant to section 319.20 of the Revised Code or of used 15823
manufactured homes or used mobile homes as defined in section 15824
5739.0210 of the Revised Code. The owner of a manufactured or 15825
mobile home who has elected under division (D)(4) of section 15826
4503.06 of the Revised Code to be taxed under division (D)(2) of 15827
that section for the ensuing year may file the application at the 15828
time of making that election. The application shall contain a 15829
statement that failure by the applicant to affirm on the 15830
application that the dwelling on the property conveyed is the 15831
applicant's homestead prohibits the owner from receiving the 15832
reduction in taxes until a proper application is filed within the 15833
period prescribed by division (A)(3) of this section. Such an 15834
application constitutes a continuing application for a reduction 15835
in taxes for each year in which the dwelling is the applicant's 15836
homestead. 15837

(3) Failure to receive a new application filed under division 15838
(A)(1) or (2) or notification under division (C) of this section 15839
after an application for reduction has been approved is 15840
prima-facie evidence that the original applicant is entitled to 15841

the reduction in taxes calculated on the basis of the information 15842
contained in the original application. The original application 15843
and any subsequent application, including any late application, 15844
shall be in the form of a signed statement and shall be filed on 15845
or before the thirty-first day of December of the year for which 15846
the reduction is sought. The original application and any 15847
subsequent application for a reduction in manufactured home taxes 15848
shall be filed in the year preceding the year for which the 15849
reduction is sought. The statement shall be on a form, devised and 15850
supplied by the tax commissioner, which shall require no more 15851
information than is necessary to establish the applicant's 15852
eligibility for the reduction in taxes and the amount of the 15853
reduction, and, except for homesteads that are units in a housing 15854
cooperative, shall include an affirmation by the applicant that 15855
ownership of the homestead was not acquired from a person, other 15856
than the applicant's spouse, related to the owner by consanguinity 15857
or affinity for the purpose of qualifying for the real property or 15858
manufactured home tax reduction provided for in division (A) or 15859
(B) of section 323.152 of the Revised Code. The form shall contain 15860
a statement that conviction of willfully falsifying information to 15861
obtain a reduction in taxes or failing to comply with division (C) 15862
of this section results in the revocation of the right to the 15863
reduction for a period of three years. In the case of an 15864
application for a reduction in taxes for persons described in 15865
division (A) (1) (b) (iii) of section 323.152 of the Revised Code, 15866
the form shall contain a statement that signing the application 15867
constitutes a delegation of authority by the applicant to the tax 15868
commissioner or the county auditor, individually or in 15869
consultation with each other, to examine any tax or financial 15870
records relating to the income of the applicant as stated on the 15871
application for the purpose of determining eligibility for the 15872
exemption or a possible violation of division (D) or (E) of this 15873
section. 15874

(B) A late application for a tax reduction for the year 15875
preceding the year in which an original application is filed, or 15876
for a reduction in manufactured home taxes for the year in which 15877
an original application is filed, may be filed with the original 15878
application. If the county auditor determines the information 15879
contained in the late application is correct, the auditor shall 15880
determine the amount of the reduction in taxes to which the 15881
applicant would have been entitled for the preceding tax year had 15882
the applicant's application been timely filed and approved in that 15883
year. 15884

The amount of such reduction shall be treated by the auditor 15885
as an overpayment of taxes by the applicant and shall be refunded 15886
in the manner prescribed in section 5715.22 of the Revised Code 15887
for making refunds of overpayments. The county auditor shall 15888
certify the total amount of the reductions in taxes made in the 15889
current year under this division to the tax commissioner, who 15890
shall treat the full amount thereof as a reduction in taxes for 15891
the preceding tax year and shall make reimbursement to the county 15892
therefor in the manner prescribed by section 323.156 of the 15893
Revised Code, from money appropriated for that purpose. 15894

(C) (1) If, in any year after an application has been filed 15895
under division (A) (1) or (2) of this section, the owner does not 15896
qualify for a reduction in taxes on the homestead or on the 15897
manufactured or mobile home set forth on such application, the 15898
owner shall notify the county auditor that the owner is not 15899
qualified for a reduction in taxes. 15900

(2) If, in any year after an application has been filed under 15901
division (A) (1) of this section, the occupant of a homestead in a 15902
housing cooperative does not qualify for a reduction in taxes on 15903
the homestead, the occupant shall notify the county auditor that 15904
the occupant is not qualified for a reduction in taxes or file a 15905
new application under division (A) (1) of this section. 15906

(3) If the county auditor or county treasurer discovers that 15907
the an owner of property or occupant of a homestead in a housing 15908
cooperative not entitled to the reduction in taxes under division 15909
(A) or (B) of section 323.152 of the Revised Code failed to notify 15910
the county auditor as required by division (C) (1) or (2) of this 15911
section, a charge shall be imposed against the property in the 15912
amount by which taxes were reduced under that division for each 15913
tax year the county auditor ascertains that the property was not 15914
entitled to the reduction and was owned by the current owner or, 15915
in the case of a homestead in a housing cooperative, occupied by 15916
the current occupant. Interest shall accrue in the manner 15917
prescribed by division (B) of section 323.121 or division (G) (2) 15918
of section 4503.06 of the Revised Code on the amount by which 15919
taxes were reduced for each such tax year as if the reduction 15920
became delinquent taxes at the close of the last day the second 15921
installment of taxes for that tax year could be paid without 15922
penalty. The county auditor shall notify the owner or occupant, by 15923
ordinary mail, of the charge, of the owner's or occupant's right 15924
to appeal the charge, and of the manner in which the owner or 15925
occupant may appeal. The owner or occupant may appeal the 15926
imposition of the charge and interest by filing an appeal with the 15927
county board of revision not later than the last day prescribed 15928
for payment of real and public utility property taxes under 15929
section 323.12 of the Revised Code following receipt of the notice 15930
and occurring at least ninety days after receipt of the notice. 15931
The appeal shall be treated in the same manner as a complaint 15932
relating to the valuation or assessment of real property under 15933
Chapter 5715. of the Revised Code. The charge and any interest 15934
shall be collected as other delinquent taxes. 15935

(4) Each year during January, the county auditor shall 15936
furnish by ordinary mail a continuing application to each person 15937
receiving a reduction under division (A) of section 323.152 of the 15938
Revised Code. The continuing application shall be used to report 15939

changes in total income, ownership, occupancy, disability, and 15940
other information earlier furnished the auditor relative to the 15941
reduction in taxes on the property. The continuing application 15942
shall be returned to the auditor not later than the thirty-first 15943
day of December; provided, that if such changes do not affect the 15944
status of the homestead exemption or the amount of the reduction 15945
to which the owner is entitled under division (A) of section 15946
323.152 of the Revised Code or to which the occupant is entitled 15947
under section 323.159 of the Revised Code, the application does 15948
not need to be returned. 15949

(5) Each year during February, the county auditor, except as 15950
otherwise provided in this paragraph, shall furnish by ordinary 15951
mail an original application to the owner, as of the first day of 15952
January of that year, of a homestead or a manufactured or mobile 15953
home that transferred during the preceding calendar year and that 15954
qualified for and received a reduction in taxes under division (B) 15955
of section 323.152 of the Revised Code for the preceding tax year. 15956
In order to receive the reduction under that division, the owner 15957
shall file the application with the county auditor not later than 15958
the thirty-first day of December. If the application is not timely 15959
filed, the auditor shall not grant a reduction in taxes for the 15960
homestead for the current year, and shall notify the owner that 15961
the reduction in taxes has not been granted, in the same manner 15962
prescribed under section 323.154 of the Revised Code for 15963
notification of denial of an application. Failure of an owner to 15964
receive an application does not excuse the failure of the owner to 15965
file an original application. The county auditor is not required 15966
to furnish an application under this paragraph for any homestead 15967
for which application has previously been made on a form 15968
incorporated into any form used by the county auditor to 15969
administer the tax law in respect to the conveyance of real 15970
property or of used manufactured homes or used mobile homes, and 15971
an owner who previously has applied on such a form is not required 15972

to return an application furnished under this paragraph. 15973

(D) No person shall knowingly make a false statement for the 15974
purpose of obtaining a reduction in the person's real property or 15975
manufactured home taxes under section 323.152 of the Revised Code. 15976

(E) No person shall knowingly fail to notify the county 15977
auditor of changes required by division (C) of this section that 15978
have the effect of maintaining or securing a reduction in taxes 15979
under section 323.152 of the Revised Code. 15980

(F) No person shall knowingly make a false statement or 15981
certification attesting to any person's physical or mental 15982
condition for purposes of qualifying such person for tax relief 15983
pursuant to sections 323.151 to 323.159 of the Revised Code. 15984

Sec. 329.12. (A) A county department of job and family 15985
services may establish an individual development account program 15986
for residents of the county. The program shall provide for 15987
establishment of accounts for participants and acceptance of 15988
contributions from individuals and entities, including the county 15989
department, to be used as matching funds for deposit in the 15990
accounts. 15991

(B) A county department shall select a fiduciary organization 15992
to administer its individual development account program. In 15993
selecting a fiduciary organization, the department shall consider 15994
all of the following regarding the organization: 15995

(1) Its ability to market the program to potential 15996
participants and matching fund contributors; 15997

(2) Its ability to invest money in the accounts in a way that 15998
provides for return with minimal risk of loss; 15999

(3) Its overall administrative capacity, including the 16000
ability to verify eligibility of individuals for participation in 16001
the program, prevent unauthorized use of matching contributions, 16002

and enforce any penalties for unauthorized uses that may be 16003
provided for by rule adopted by the director of job and family 16004
services under section 5101.971 of the Revised Code; 16005

(4) Its ability to provide financial counseling to 16006
participants; 16007

(5) Its affiliation with other activities designed to 16008
increase the independence of individuals and families through 16009
postsecondary education, home ownership, and business development; 16010

(6) Any other factor the county department considers 16011
appropriate. 16012

(C) At the time it commences the program and on the first day 16013
of each subsequent program year, the county department may make a 16014
grant to the fiduciary organization to pay all or part of the 16015
administrative costs of the program. 16016

(D) The county department shall require the fiduciary 16017
organization to collect and maintain information regarding the 16018
program, including all of the following: 16019

(1) The number of accounts established; 16020

(2) The amount deposited by each participant and the amount 16021
matched by contributions; 16022

(3) The uses of funds withdrawn from the account, including 16023
the number of participants who used funds for postsecondary 16024
educational expenses and the institutions attended, the number of 16025
personal residences purchased, and the number of participants who 16026
used funds for business capitalization; 16027

(4) The demographics of program participants; 16028

(5) The number of participants who withdrew from the program 16029
and the reasons for withdrawal. 16030

~~(E) The county department shall prepare and file with the 16031
department of job and family services a semiannual report 16032~~

~~containing the information the director of job and family services 16033
requires by rule adopted under section 5101.971 of the Revised 16034
Code, with the first report being filed at the end of the 16035
six month period following October 1, 1997. 16036~~

Sec. 340.022. (A) Notwithstanding the membership requirements 16037
of section 340.02 of the Revised Code, if the director of mental 16038
health and addiction services during the period beginning January 16039
1, 2021, and ending December 31, 2022, grants approval to a board 16040
of county commissioners of a county with a population of at least 16041
seventy thousand but not more than eighty thousand, according to 16042
data from the 2010 federal census, to withdraw from a joint-county 16043
alcohol, drug addiction, and mental health service district 16044
pursuant to section 340.01 of the Revised Code, a board of 16045
alcohol, drug addiction, and mental health services that is 16046
established as a result of that withdrawal shall meet the 16047
requirements of this section. 16048

The size of the board shall be determined by the board of 16049
county commissioners representing the county that constitutes the 16050
alcohol, drug addiction, and mental health service district. The 16051
determination shall be made from among the options that may be 16052
selected under division (B) of this section. Once an option is 16053
selected, the board of county commissioners shall adopt a 16054
resolution specifying the selection that has been made and shall 16055
notify the department of mental health and addiction services. 16056
After the resolution is adopted and the department is notified, 16057
the determination of size is final. 16058

(B) (1) In the case of a board of alcohol, drug addiction, and 16059
mental health services that is established on or after the date 16060
the director grants the approval to withdraw described in division 16061
(A) of this section, any of the following options may be selected 16062
by the board of county commissioners when making the determination 16063

required under that division: 16064

(a) To establish the board as an eighteen-member board; 16065

(b) To establish the board as a fourteen-member board; 16066

(c) To establish the board by selecting a number of members 16067
that is not less than seven nor more than nine. 16068

(2) In the case of a board of alcohol, drug addiction, and 16069
mental health services that existed immediately prior to the date 16070
the director grants the approval to withdraw described in division 16071
(A) of this section, either of the following options may be 16072
selected when making the determination required under that 16073
division: 16074

(a) To continue the board's operation as an eighteen-member 16075
or fourteen-member board, as a board of that size was authorized 16076
by section 340.02 of the Revised Code at the time the board was 16077
established; 16078

(b) Subject to division (B)(3) of this section, to reduce the 16079
board's size by selecting a number of members that is not less 16080
than seven nor more than nine. 16081

(3) The option to reduce the size of the board, as described 16082
in division (B)(2)(b) of this section, is available only during 16083
the period beginning on the date the director grants the approval 16084
to withdraw described in division (A) of this section and ending 16085
on the date that is six months thereafter. Before exercising this 16086
option, the board of county commissioners shall notify the board 16087
of alcohol, drug addiction, and mental health services and provide 16088
an opportunity for the board of alcohol, drug addiction, and 16089
mental health services to participate in a public hearing, in 16090
accordance with section 121.22 of the Revised Code, regarding the 16091
proposed reduction. 16092

If a reduction is implemented, the reduction may occur by 16093

attrition as members' terms expire or vacancies otherwise occur. 16094

(C) The director of mental health and addiction services 16095
shall appoint four members of an eighteen-member board, three 16096
members of a fourteen-member board, and two members of a seven- to 16097
nine-member board. The board of county commissioners representing 16098
the county constituting the service district shall appoint 16099
fourteen members of an eighteen-member board, eleven members of a 16100
fourteen-member board, and the remaining members of a seven- to 16101
nine-member board. 16102

As the appointing authorities for a board of alcohol, drug 16103
addiction, and mental health services, the director of mental 16104
health and addiction services and the board of county 16105
commissioners shall ensure that at least one member of the board 16106
is a person who has received or is receiving mental health 16107
services or is a parent or other relative of such a person and at 16108
least one member of the board is a person who has received or is 16109
receiving addiction services or is a parent or guardian of such a 16110
person. 16111

When a board is established on or after the effective date of 16112
this section, the initial appointments shall be staggered among 16113
the members as equally as possible with terms of two years, three 16114
years, and four years. 16115

(D) (1) Notwithstanding the membership requirements of section 16116
340.02 of the Revised Code, if a county with a population of at 16117
least thirty-five thousand but not more than forty-five thousand, 16118
according to data from the 2010 federal census, joins an existing 16119
alcohol, drug addiction, and mental health service district during 16120
the period beginning on June 30, 2021, and ending June 30, 2023, 16121
the existing board of alcohol, drug addiction, and mental health 16122
services serving that district may elect to expand its membership 16123
to eighteen members if the existing board has fourteen members. 16124

(2) The option to expand the board, as provided in division (D)(1) of this section, is available only during the twelve-month period beginning on the date the county with a population of at least thirty-five thousand but not more than forty-five thousand joins the alcohol, drug addiction, and mental health service district served by the board. The additional members shall be appointed in the manner specified in section 340.02 of the Revised Code. 16125
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Sec. 340.13. (A) As used in this section: 16133

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code. 16134
16135

(2) "EDGE business enterprise" has the same meaning as in section ~~123.152~~122.922 of the Revised Code. 16136
16137

(B) Any minority business enterprise that desires to bid on a contract under division (C) of this section shall first apply to the ~~equal employment opportunity coordinator in the department of administrative services~~department of development for certification as a minority business enterprise. Any EDGE business enterprise that desires to bid on a contract under division (D) of this section shall first apply to the ~~equal employment opportunity coordinator of the department of administrative services~~department of development for certification as an EDGE business enterprise. The ~~coordinator~~director of development shall approve the application of any minority business enterprise or EDGE business enterprise that complies with the rules adopted under section 122.71 or ~~123.152~~122.922 of the Revised Code, respectively. The ~~coordinator~~director shall prepare and maintain a list of minority business enterprises and EDGE business enterprises certified under those sections. 16138
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(C) From the contracts to be awarded for the purchases of equipment, materials, supplies, or services, other than contracts 16154
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entered into under section 340.036 of the Revised Code, each board 16156
of alcohol, drug addiction, and mental health services shall 16157
select a number of contracts with an aggregate value of 16158
approximately fifteen per cent of the total estimated value of 16159
contracts to be awarded in the current fiscal year. The board 16160
shall set aside the contracts so selected for bidding by minority 16161
business enterprises only. The bidding procedures for such 16162
contracts shall be the same as for all other contracts awarded 16163
under section 307.86 of the Revised Code, except that only 16164
minority business enterprises certified and listed pursuant to 16165
division (B) of this section shall be qualified to submit bids. 16166

(D) To the extent that a board is authorized to enter into 16167
contracts for construction, the board shall strive to attain a 16168
yearly contract dollar procurement goal the aggregate value of 16169
which equals approximately five per cent of the aggregate value of 16170
construction contracts for the current fiscal year for EDGE 16171
business enterprises only. 16172

(E) (1) In the case of contracts set aside under division (C) 16173
of this section, if no bid is submitted by a minority business 16174
enterprise, the contract shall be awarded according to normal 16175
bidding procedures. The board shall from time to time set aside 16176
such additional contracts as are necessary to replace those 16177
contracts previously set aside on which no minority business 16178
enterprise bid. 16179

(2) If a board, after having made a good faith effort, is 16180
unable to comply with the goal of procurement for contracting with 16181
EDGE business enterprises pursuant to division (D) of this 16182
section, the board may apply in writing, on a form prescribed by 16183
the department of administrative services, to the director of 16184
mental health and addiction services for a waiver or modification 16185
of the goal. 16186

(F) This section does not preclude any minority business 16187

enterprise or EDGE business enterprise from bidding on any other 16188
contract not specifically set aside for minority business 16189
enterprises or subject to procurement goals for EDGE business 16190
enterprises. 16191

(G) Within ninety days after the beginning of each fiscal 16192
year, each board shall file a report with the department of mental 16193
health and addiction services that shows for that fiscal year the 16194
name of each minority business enterprise and EDGE business 16195
enterprise with which the board entered into a contract, the value 16196
and type of each such contract, the total value of contracts 16197
awarded under divisions (C) and (D) of this section, the total 16198
value of contracts awarded for the purchases of equipment, 16199
materials, supplies, or services, other than contracts entered 16200
into under section 340.036 of the Revised Code, and the total 16201
value of contracts entered into for construction. 16202

(H) Any person who intentionally misrepresents self as 16203
owning, controlling, operating, or participating in a minority 16204
business enterprise or an EDGE business enterprise for the purpose 16205
of obtaining contracts or any other benefits under this section 16206
shall be guilty of theft by deception as provided for in section 16207
2913.02 of the Revised Code. 16208

Sec. 341.12. ~~(A)~~ In a county not having a sufficient jail or 16209
staff, ~~subject to division (B) of this section~~, the sheriff shall 16210
convey any person charged with the commission of an offense, 16211
sentenced to imprisonment in the county jail, or in custody upon 16212
civil process to a jail in any county the sheriff considers most 16213
convenient and secure. As used in this paragraph, any county 16214
includes a contiguous county in an adjoining state. 16215

The sheriff may call such aid as is necessary in guarding, 16216
transporting, or returning such person. Whoever neglects or 16217
refuses to render such aid, when so called upon, shall forfeit and 16218

pay the sum of ten dollars, to be recovered by an action in the 16219
name and for the use of the county. 16220

Such sheriff and the sheriff's assistants shall receive such 16221
compensation for their services as the county auditor of the 16222
county from which such person was removed considers reasonable. 16223
The compensation shall be paid from the county treasury on the 16224
warrant of the auditor. 16225

The receiving sheriff shall not, pursuant to this section, 16226
convey the person received to any county other than the one from 16227
which the person was removed. 16228

~~(B) (1) If Lawrence county does not have sufficient jail space 16229
in the county or staff based upon the minimum standards for jails 16230
in Ohio promulgated pursuant to section 5120.10 of the Revised 16231
Code, instead of conveying a person in a category described in 16232
division (A) of this section to a jail in any county pursuant to 16233
that division, the Lawrence county sheriff may convey the person 16234
to the Ohio river valley facility in accordance with section 16235
341.121 of the Revised Code if an agreement for the Lawrence 16236
county sheriff's use of a portion of that facility entered into 16237
under that section then is in effect. 16238~~

~~(2) If a county other than Lawrence county does not have 16239
sufficient jail space or staff based upon the minimum standards 16240
for jails in Ohio promulgated pursuant to section 5120.10 of the 16241
Revised Code and has entered into an agreement to jail persons 16242
with the Lawrence county sheriff, instead of conveying a person in 16243
a category described in division (A) of this section to a jail in 16244
any county pursuant to that division, the sheriff of the other 16245
county may convey the person to the Ohio river valley facility in 16246
accordance with section 341.121 of the Revised Code if an 16247
agreement for the Lawrence county sheriff's use of a portion of 16248
that facility entered into under that section then is in effect. 16249~~

~~(3) As used in divisions (B) (1) and (2) of this section, 16250
"Ohio river valley facility" has the same meaning as in section 16251
341.121 of the Revised Code. 16252~~

Sec. 349.01. As used in this chapter: 16253

(A) "New community" means a community or development of 16254
property in relation to an existing community planned so that the 16255
resulting community includes facilities for the conduct of 16256
industrial, commercial, residential, cultural, educational, and 16257
recreational activities, and designed in accordance with planning 16258
concepts for the placement of utility, open space, and other 16259
supportive facilities. 16260

(B) "New community development program" means a program for 16261
the development of a new community characterized by well-balanced 16262
and diversified land use patterns and which includes land 16263
acquisition and land development, the acquisition, construction, 16264
operation, and maintenance of community facilities, and the 16265
provision of services authorized in this chapter. 16266

A new community development program may take into account any 16267
existing community in relation to which a new community is 16268
developed for purposes of being characterized by well-balanced and 16269
diversified land use patterns. 16270

(C) "New community district" means the area of land described 16271
by the developer in the petition as set forth in division (A) of 16272
section 349.03 of the Revised Code for development as a new 16273
community and any lands added to the district by amendment of the 16274
resolution establishing the community authority. 16275

(D) "New community authority" means a body corporate and 16276
politic in this state, established pursuant to section 349.03 of 16277
the Revised Code and governed by a board of trustees as provided 16278
in section 349.04 of the Revised Code. 16279

(E) "Developer" means any person, organized for carrying out a new community development program who owns or controls, through leases of at least seventy-five years' duration, options, or contracts to purchase, the land within a new community district, or any municipal corporation, county, or port authority that owns the land within a new community district, or has the ability to acquire such land, either by voluntary acquisition or condemnation in order to eliminate slum, blighted, and deteriorated or deteriorating areas and to prevent the recurrence thereof. "Developer" may also mean a person, municipal corporation, county, or port authority that controls land within a new community district through leases of at least seventy-five years' duration. "Developer" includes a lessor that continues to own and control land for purposes of this chapter pursuant to leases with a ninety-nine-year renewable term, so long as all of the following apply:

(1) The developer's new community district consists of at least five leases described in this section.

(2) The leases are subject to forfeiture for all of the following:

(a) Failing to pay taxes and assessments;

(b) Failing to pay an annual fee of up to one per cent of rent for sanitary purposes and improvements made to streets;

(c) Failing to keep the premises as required by sanitary and police regulations of the developer.

(3) The new community authority is established on or before December 31, 2021.

(F) "Organizational board of commissioners" means the following:

(1) For a new community district that is located in only one

county, the board of county commissioners of that county; 16310

(2) For a new community district that is located in more than 16311
one county, a board consisting of the members of the board of 16312
county commissioners of each of the counties in which the district 16313
is located, provided that action of the board shall require a 16314
majority vote of the members of each separate board of county 16315
commissioners; or 16316

(3) For a new community district that is located entirely 16317
within the boundaries of a municipal corporation or for a new 16318
community district where more than half of the new community 16319
district is located within the boundaries of the most populous 16320
municipal corporation of a county, the legislative authority of 16321
the municipal corporation. 16322

(G) "Land acquisition" means the acquisition of real property 16323
and interests in real property as part of a new community 16324
development program. 16325

(H) "Land development" means the process of clearing and 16326
grading land, making, installing, or constructing water 16327
distribution systems, sewers, sewage collection systems, steam, 16328
gas, and electric lines, roads, streets, curbs, gutters, 16329
sidewalks, storm drainage facilities, and other installations or 16330
work, whether within or without the new community district, and 16331
the construction of community facilities. 16332

(I) "Community facilities" means all real property, 16333
buildings, structures, or other facilities, including related 16334
fixtures, equipment, and furnishings, to be owned, operated, 16335
financed, constructed, and maintained under this chapter or in 16336
furtherance of community activities, whether within or without the 16337
new community district, including public, community, village, 16338
neighborhood, or town buildings, centers and plazas, auditoriums, 16339
day care centers, recreation halls, educational facilities, health 16340

care facilities including hospital facilities as defined in 16341
section 140.01 of the Revised Code, telecommunications facilities, 16342
including all facilities necessary to provide telecommunications 16343
service as defined in section 4927.01 of the Revised Code, 16344
recreational facilities, natural resource facilities, including 16345
parks and other open space land, lakes and streams, cultural 16346
facilities, community streets and off-street parking facilities, 16347
pathway and bikeway systems, pedestrian underpasses and 16348
overpasses, lighting facilities, design amenities, or other 16349
community facilities, and buildings needed in connection with 16350
water supply or sewage disposal installations, or energy 16351
facilities including those for renewable or sustainable energy 16352
sources, and steam, gas, or electric lines or installation. 16353

(J) "Cost" as applied to a new community development program 16354
means all costs related to land acquisition and land development, 16355
the acquisition, construction, maintenance, and operation of 16356
community facilities and offices of the community authority, and 16357
of providing furnishings and equipment therefor, financing charges 16358
including interest prior to and during construction and for the 16359
duration of the new community development program, planning 16360
expenses, engineering expenses, administrative expenses including 16361
working capital, and all other expenses necessary and incident to 16362
the carrying forward of the new community development program. 16363

(K) "Income source" means any and all sources of income to 16364
the community authority, including community development charges 16365
of which the new community authority is the beneficiary as 16366
provided in section 349.07 of the Revised Code, rentals, user fees 16367
and other charges received by the new community authority, any 16368
gift or grant received, any moneys received from any funds 16369
invested by or on behalf of the new community authority, and 16370
proceeds from the sale or lease of land and community facilities. 16371

(L) "Community development charge" means: 16372

(1) A dollar amount which shall be determined on the basis of 16373
the assessed valuation of real property or interests in real 16374
property in a new community district, the income of the residents 16375
of such property subject to such charge under section 349.07 of 16376
the Revised Code, if such property is devoted to residential uses 16377
or to the profits, gross receipts, or other revenues of any 16378
business including, but not limited to, rentals received from 16379
leases of real property located in the district, a uniform or 16380
other fee on each parcel of such real property in a new community 16381
district, or any combination of the foregoing bases. 16382

(2) If a new community authority imposes a community 16383
development charge determined on the basis of rentals received 16384
from leases of real property, improvements of any real property 16385
located in the new community district and subject to that charge 16386
may not be exempted from taxation under section 5709.40, 5709.41, 16387
5709.73, or 5709.78 of the Revised Code. 16388

(M) "Proximate city" means the following: 16389

(1) For a new community district other than a new community 16390
district described in division (M)(2) or (3) of this section, any 16391
city that, as of the date of filing of the petition under section 16392
349.03 of the Revised Code, is the city with the greatest 16393
population located in the county in which the proposed new 16394
community district is located, is the city with the greatest 16395
population located in an adjoining county if any portion of such 16396
city is within five miles of any part of the boundaries of such 16397
district, or exercises extraterritorial subdivision authority 16398
under section 711.09 of the Revised Code with respect to any part 16399
of such district. 16400

(2) A municipal corporation in which, at the time of filing 16401
the petition under section 349.03 of the Revised Code, any portion 16402
of the proposed new community district is located. 16403

(3) For a new community district other than a new community district described in division (M)(2) of this section, if at the time of filing the petition under section 349.03 of the Revised Code, more than one-half of the proposed district is contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code, the township containing the greatest portion of the territory of the joint economic development district.

(N) "Community activities" means cultural, educational, governmental, recreational, residential, industrial, commercial, distribution and research activities, or any combination thereof that includes residential activities.

Sec. 503.56. (A) As used in this section:

(1) "Tourism development district" means a district designated by a township under this section.

(2) "Territory of a tourism development district" means all of the area included within the territorial boundaries of a tourism development district.

(3) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district. A business "operates within the proposed district" if the business would be subject to a tax levied in the proposed tourism development district pursuant to division (C) of section 5739.101 of the Revised Code.

(4) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with the

authority to make decisions legally binding upon a business. The 16434
signature of any owner of a business operates as the signature of 16435
the business. 16436

(5) "Eligible township" means a township wholly or partly 16437
located in a county having a population greater than three hundred 16438
seventy-five thousand but less than four hundred thousand that 16439
levies taxes under section 5739.021 or 5739.026 of the Revised 16440
Code, the aggregate rate of which does not exceed one-half of one 16441
per cent on September 29, 2015. 16442

(B) (1) The board of trustees of an eligible township, by 16443
resolution, may declare an unincorporated area of the township to 16444
be a tourism development district for the purpose of fostering and 16445
developing tourism in the district if all of the following 16446
criteria are met: 16447

(a) The district's area does not exceed six hundred acres. 16448

(b) All territory in the district is contiguous. 16449

(c) Before adopting that resolution or ordinance, the board 16450
holds at least two public hearings concerning the creation of the 16451
tourism development district. 16452

(d) Before adopting the resolution or ordinance, the board 16453
receives a petition signed by every record owner of a parcel of 16454
real property located in the proposed district and the owner of 16455
every business that operates in the proposed district. 16456

(e) The board adopts the resolution on or before December 31, 16457
2020. 16458

(2) The petition described in division (B) (1) (d) of this 16459
section shall include an explanation of the taxes and charges that 16460
may be levied or imposed in the proposed district. 16461

(3) The board shall certify the resolution to the tax 16462
commissioner within five days after its adoption, along with a 16463

description of the boundaries of the district authorized in the 16464
resolution. That description shall include sufficient information 16465
for the commissioner to determine if the address of a vendor is 16466
within the boundaries of the district. 16467

(4) Subject to the limitations of division (B)(1)(a) and (b) 16468
of this section, the board of trustees of an eligible township may 16469
enlarge the territory of an existing tourism development district 16470
in the manner prescribed for the creation of a district under 16471
divisions (B)(1) to (3) of this section, except that the petition 16472
described in division (B)(1)(d) of this section must be signed by 16473
every record owner of a parcel of real property located in the 16474
area proposed to be added to the district and the owner of every 16475
business that operates in the area proposed to be added to the 16476
district. Division (B)(1)(e) of this section does not apply to a 16477
resolution enlarging the territory of an existing tourism 16478
development district. 16479

(C) For the purpose of fostering and developing tourism in a 16480
tourism development district, a lessor leasing real property in a 16481
tourism development district may impose and collect a uniform fee 16482
on each parcel of real property leased by the lessor, to be paid 16483
by each of the person's lessees. A lessee is subject to such a fee 16484
only if the lease separately states the amount of the fee. Before 16485
a lessor may impose and collect such a fee, the lessor shall file 16486
a copy of such lease with the fiscal officer of the township that 16487
designated the tourism development district. A lessor that imposes 16488
such a fee shall remit all collections of the fee to the fiscal 16489
officer of the township in which the real property is located. 16490

The board shall establish all regulations necessary to 16491
provide for the administration and remittance of such fees. The 16492
regulations may prescribe the time for payment of the fee, and may 16493
provide for the imposition of a penalty or interest, or both, for 16494
late remittances, provided that the penalty does not exceed ten 16495

per cent of the amount of fee due, and the rate at which interest 16496
accrues does not exceed the rate per annum prescribed pursuant to 16497
section 5703.47 of the Revised Code. The regulations shall 16498
provide, after deducting the real and actual costs of 16499
administering the fee, that the revenue be used exclusively for 16500
fostering and developing tourism within the tourism development 16501
district. 16502

(D) The board of trustees of an eligible township that has 16503
designated a tourism development district under this section may 16504
levy one or both of the taxes authorized under section 503.57 or 16505
5739.101 of the Revised Code. If the board does not levy a tax 16506
under section 5739.101 of the Revised Code, the board may enter 16507
into and enforce agreements imposing a development charge under 16508
section 503.58 of the Revised Code. 16509

(E) On or before the first day of each January and July, 16510
beginning after the designation of the tourism development 16511
district, the fiscal officer of the township shall certify a list 16512
of vendors located within the tourism development district to the 16513
tax commissioner, which shall include the name, address, and 16514
vendor's license number for each vendor. 16515

Sec. 504.04. (A) A township that adopts a limited home rule 16516
government may do all of the following by resolution, provided 16517
that any of these resolutions, other than a resolution to supply 16518
water or sewer services in accordance with sections 504.18 to 16519
504.20 of the Revised Code, may be enforced only by the imposition 16520
of civil fines as authorized in this chapter: 16521

(1) Exercise all powers of local self-government within the 16522
unincorporated area of the township, other than powers that are in 16523
conflict with general laws, except that the township shall comply 16524
with the requirements and prohibitions of this chapter, and shall 16525
enact no taxes other than those authorized by general law, and 16526

except that no resolution adopted pursuant to this chapter shall 16527
encroach upon the powers, duties, and privileges of elected 16528
township officers or change, alter, combine, eliminate, or 16529
otherwise modify the form or structure of the township government 16530
unless the change is required or permitted by this chapter; 16531

(2) Adopt and enforce within the unincorporated area of the 16532
township local police, sanitary, and other similar regulations 16533
that are not in conflict with general laws or otherwise prohibited 16534
by division (B) of this section; 16535

(3) Supply water and sewer services to users within the 16536
unincorporated area of the township in accordance with sections 16537
504.18 to 504.20 of the Revised Code; 16538

(4) Adopt and enforce within the unincorporated area of the 16539
township any resolution of a type described in section 503.52 or 16540
503.60 of the Revised Code. 16541

(B) No resolution adopted pursuant to this chapter shall do 16542
any of the following: 16543

(1) Create a criminal offense or impose criminal penalties, 16544
except as authorized by division (A) of this section or by section 16545
503.52 of the Revised Code; 16546

(2) Impose civil fines other than as authorized by this 16547
chapter; 16548

(3) Establish or revise subdivision regulations, road 16549
construction standards, urban sediment rules, or storm water and 16550
drainage regulations, except as provided in section 504.21 of the 16551
Revised Code; 16552

(4) Establish or revise building standards, building codes, 16553
and other standard codes except as provided in section 504.13 of 16554
the Revised Code; 16555

(5) Increase, decrease, or otherwise alter the powers or 16556

duties of a township under any other chapter of the Revised Code 16557
pertaining to agriculture or the conservation or development of 16558
natural resources; 16559

(6) Establish regulations affecting hunting, trapping, 16560
fishing, or the possession, use, or sale of firearms; 16561

(7) Establish or revise water or sewer regulations, except in 16562
accordance with section 504.18, 504.19, or 504.21 of the Revised 16563
Code; 16564

(8) ~~For twelve months after the effective date of the~~ 16565
~~amendment of this section by H.B. 242 of the 133rd general~~ 16566
~~assembly, impose~~ Impose a fee, assessment, or other charge on 16567
auxiliary containers, on the sale, use, or consumption of such 16568
containers, or on the basis of receipts received from the sale of 16569
such containers. As used in this division, "auxiliary container" 16570
has the same meaning as in section 3767.32 of the Revised Code. 16571

Nothing in this chapter shall be construed as affecting the 16572
powers of counties with regard to the subjects listed in divisions 16573
(B) (3) to (5) of this section. 16574

(C) Under a limited home rule government, all officers shall 16575
have the qualifications, and be nominated, elected, or appointed, 16576
as provided in Chapter 505. of the Revised Code, except that the 16577
board of township trustees shall appoint a full-time or part-time 16578
law director pursuant to section 504.15 of the Revised Code, and 16579
except that a five-member board of township trustees approved for 16580
the township before September 26, 2003, shall continue to serve as 16581
the legislative authority with successive members serving for 16582
four-year terms of office until a termination of a limited home 16583
rule government under section 504.03 of the Revised Code. 16584

(D) In case of conflict between resolutions enacted by a 16585
board of township trustees and municipal ordinances or 16586
resolutions, the ordinance or resolution enacted by the municipal 16587

corporation prevails. In case of conflict between resolutions 16588
enacted by a board of township trustees and any county resolution, 16589
the resolution enacted by the board of township trustees prevails. 16590

Sec. 507.021. (A) The township fiscal officer may hire and 16591
appoint one or more persons as the fiscal officer finds necessary 16592
to provide assistance to the township fiscal officer or deputy 16593
fiscal officer. The township fiscal officer may set the 16594
compensation of those persons subject to ~~the prior approval of the~~ 16595
~~board of township trustees~~ division (B) of this section. Those 16596
persons shall serve at the pleasure of the township fiscal officer 16597
or, in the absence of the township fiscal officer, the deputy 16598
fiscal officer. The township fiscal officer may delegate to an 16599
assistant any of the duties the fiscal officer is otherwise 16600
required to perform. The appointment of assistants under this 16601
section does not relieve the township fiscal officer of 16602
responsibility to discharge the duties of the office but shall 16603
serve to provide assistance to the fiscal officer in performing 16604
those duties. 16605

(B) The compensation of an assistant appointed under this 16606
section shall be included in the estimate of contemplated 16607
expenditures for the township fiscal officer's office that is 16608
submitted to the board of township trustees for approval as 16609
provided in section 5705.28 of the Revised Code. 16610

(C) Except as otherwise provided in section 3.061 of the 16611
Revised Code, before serving, an assistant to the township fiscal 16612
officer shall give bond for the faithful discharge of the duties 16613
of the office as may be delegated by the fiscal officer. The bond 16614
shall be payable to the board of township trustees and shall be 16615
for the same sum as required under section 507.03 of the Revised 16616
Code for the township fiscal officer, with sureties approved by 16617
the board, and conditioned for the faithful performance of duties 16618

delegated by the fiscal officer. The bond shall be recorded by the township fiscal officer, filed with the county treasurer, and carefully preserved.

Sec. 701.10. (A) (1) The legislative authority of a municipal corporation that has established a rate or charge, payable to the municipal corporation, for the provision of collection or disposal services for garbage, ashes, animal and vegetable refuse, dead animals, or animal offal may certify to the county auditor, by ordinance, the amount of the rate or charge that has not been paid in accordance with applicable requirements by a person using the collection or disposal services, when ~~the~~ either of the following applies:

(a) The unpaid amount is at least equal to or greater than two hundred fifty dollars; or

(b) The unpaid amount is equal to or greater than the applicable annual rate or charge imposed by the municipal corporation upon the person using the collection or disposal services, regardless of the actual cost incurred by the municipal corporation in providing the collection or disposal services. The

(2) The amount certified shall be a lien on the person's property to which services are provided, placed on the tax list in a separate column, collected as other taxes, and paid into the general fund of the municipal corporation.

(B) A municipal corporation that collects all rates or charges for such services in a manner consistent with the collection of other taxes, rather than making that rate or charge payable to the municipal corporation, may collect amounts in such manner without being subject to the limitation in division (A) (1) of this section.

Sec. 715.013. (A) Except as otherwise expressly authorized by

the Revised Code, no municipal corporation shall levy a tax that 16649
is the same as or similar to a tax levied under Chapter 322., 16650
3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 16651
5707., 5725., 5726., 5727., 5728., 5729., 5731., 5735., 5736., 16652
5737., 5739., 5741., 5743., 5747., 5749., or 5751. of the Revised 16653
Code. 16654

~~(B) For twelve months after the effective date of the~~ 16655
~~amendment of this section by H.B. 242 of the 133rd general~~ 16656
~~assembly, no~~ No municipal corporation may impose any tax, fee, 16657
assessment, or other charge on auxiliary containers, on the sale, 16658
use, or consumption of such containers, or on the basis of 16659
receipts received from the sale of such containers. As used in 16660
this division, "auxiliary container" has the same meaning as in 16661
section 3767.32 of the Revised Code. 16662

(C) This section does not prohibit a municipal corporation 16663
from levying an income tax or withholding tax in accordance with 16664
Chapter 718. of the Revised Code, or a tax on any of the 16665
following: 16666

(1) Amounts received for admission to any place; 16667

(2) The income of an electric company or combined company, as 16668
defined in section 5727.01 of the Revised Code; 16669

(3) On and after January 1, 2004, the income of a telephone 16670
company, as defined in section 5727.01 of the Revised Code. 16671

Sec. 715.014. (A) As used in this section: 16672

(1) "Tourism development district" means a district 16673
designated by a municipal corporation under this section. 16674

(2) "Territory of a tourism development district" means all 16675
of the area included within the territorial boundaries of a 16676
tourism development district. 16677

(3) "Business" and "owner" have the same meanings as in section 503.56 of the Revised Code. 16678
16679

(4) "Eligible municipal corporation" means a municipal corporation wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which does not exceed one-half of one per cent on September 29, 2015. 16680
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(5) "Fiscal officer" means the city auditor, village clerk, or other municipal officer having the duties and functions of a city auditor or village clerk. 16687
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(B) (1) The legislative authority of an eligible municipal corporation, by resolution or ordinance, may declare an area of the municipal corporation to be a tourism development district for the purpose of fostering and developing tourism in the district if all of the following criteria are met: 16690
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(a) The district's area does not exceed six hundred acres. 16695

(b) All territory in the district is contiguous. 16696

(c) Before adopting the resolution or ordinance, the legislative authority holds at least two public hearings concerning the creation of the tourism development district. 16697
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(d) Before adopting the resolution or ordinance, the legislative authority receives a petition signed by every record owner of a parcel of real property located in the proposed district and the owner of every business that operates in the proposed district. 16700
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(e) The legislative authority adopts the resolution or ordinance on or before December 31, 2020. 16705
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A legislative authority may declare more than one area of the 16707

municipal corporation to be a tourism development district under 16708
this section. 16709

(2) The petition described in division (B) (1) (d) of this 16710
section shall include an explanation of the taxes and charges that 16711
may be levied or imposed in the proposed district. 16712

(3) The legislative authority shall certify the resolution or 16713
ordinance to the tax commissioner within five days after its 16714
adoption, along with a description of the boundaries of the 16715
district authorized in the resolution. That description shall 16716
include sufficient information for the commissioner to determine 16717
if the address of a vendor is within the boundaries of the 16718
district. 16719

(4) Subject to the limitations of divisions (B) (1) (a) and (b) 16720
of this section, the legislative authority of an eligible 16721
municipal corporation may enlarge the territory of an existing 16722
tourism development district in the manner prescribed for the 16723
creation of a district under divisions (B) (1) to (3) of this 16724
section, except that the petition described in division (B) (1) (d) 16725
of this section must be signed by every record owner of a parcel 16726
of real property located in the area proposed to be added to the 16727
district and the owner of every business that operates in the area 16728
proposed to be added to the district. Division (B) (1) (e) of this 16729
section does not apply to a resolution or ordinance enlarging the 16730
territory of an existing tourism development district. 16731

(C) For the purpose of fostering and developing tourism in a 16732
tourism development district, a lessor leasing real property in a 16733
tourism development district may impose and collect a uniform fee 16734
on each parcel of real property leased by the lessor, to be paid 16735
by each of the person's lessees. A lessee is subject to such a fee 16736
only if the lease separately states the amount of the fee. Before 16737
a lessor may impose and collect such a fee, the lessor shall file 16738
a copy of such lease with the fiscal officer. A lessor that 16739

imposes such a fee shall remit all collections of the fee to the 16740
municipal corporation in which the real property is located. 16741

The legislative authority of that municipal corporation shall 16742
establish all regulations necessary to provide for the 16743
administration and remittance of such fees. The regulations may 16744
prescribe the time for payment of the fee, and may provide for the 16745
imposition of a penalty or interest, or both, for late 16746
remittances, provided that the penalty does not exceed ten per 16747
cent of the amount of fee due, and the rate at which interest 16748
accrues does not exceed the rate per annum prescribed pursuant to 16749
section 5703.47 of the Revised Code. The regulations shall 16750
provide, after deducting the real and actual costs of 16751
administering the fee, that the revenue be used exclusively for 16752
fostering and developing tourism within the tourism development 16753
district. 16754

(D) The legislative authority of an eligible municipal 16755
corporation that has designated a tourism development district may 16756
levy the tax authorized under section 5739.101 of the Revised Code 16757
or enter into and enforce agreements imposing a development charge 16758
under section 715.015 of the Revised Code. Nothing in this section 16759
limits the power of the legislative authority of a municipal 16760
corporation to levy a tax on the basis of admissions in a tourism 16761
development district pursuant to its powers of local 16762
self-government conferred by Section 3 of Article XVIII, Ohio 16763
Constitution. 16764

(E) On or before the first day of each January and July, 16765
beginning after the designation of a tourism development district, 16766
the fiscal officer shall certify a list of vendors located within 16767
the tourism development district to the tax commissioner, which 16768
shall include the name, address, and vendor's license number for 16769
each vendor. 16770

Sec. 715.72. (A) As used in this section: 16771

(1) "Contracting parties" means one or more municipal 16772
corporations, one or more townships, and, under division (D) of 16773
this section, one or more counties that have entered into a 16774
contract under this section to create a joint economic development 16775
district. 16776

(2) "District" means a joint economic development district 16777
created under this section. 16778

(3) "Contract for utility services" means a contract under 16779
which a municipal corporation agrees to provide to a township or 16780
another municipal corporation water, sewer, electric, or other 16781
utility services necessary to the public health, safety, and 16782
welfare. 16783

(4) "Business" means a sole proprietorship, a corporation for 16784
profit, a pass-through entity as defined in section 5733.04 of the 16785
Revised Code, the federal government, the state, the state's 16786
political subdivisions, a nonprofit organization, or a school 16787
district. 16788

(5) "Owner" means a partner of a partnership, a member of a 16789
limited liability company, a majority shareholder of an S 16790
corporation, a person with a majority ownership interest in a 16791
pass-through entity, or any officer, employee, or agent with 16792
authority to make decisions legally binding upon a business. 16793

(6) "Record owner" means the person or persons in whose name 16794
a parcel is listed on the tax list or exempt list compiled by the 16795
county auditor under section 319.28 or 5713.08 of the Revised 16796
Code. 16797

(7) A business "operates within" a district if the net 16798
profits of the business or the income of employees of the business 16799
would be subject to an income tax levied within the district. 16800

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

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

(10) "Water or sewer service plan or agreement" means either of the following:

(a) A state water quality management plan adopted by the Ohio environmental protection agency or another authorized planning agency pursuant to 33 U.S.C. 1288 and 1313 that contemplates that a non-contracting municipal corporation will provide sanitary sewer disposal services to an area within a proposed joint economic development district;

(b) A binding agreement between a municipal corporation and a third-party water or sanitary sewer services provider, including another municipal corporation or other public or private provider, that provides that a non-contracting municipal corporation or another provider that is not a contracting party will provide water or sanitary sewer services to an area within a proposed joint economic development district.

(11) "Non-contracting municipal corporation" means a municipal corporation that is not a contracting party.

(B) This section provides alternative procedures and requirements to those set forth in sections 715.70 and 715.71 of the Revised Code for creating and operating a joint economic development district. This section applies to municipal

corporations and townships that are located in the same county or 16832
in adjacent counties. 16833

(C) One or more municipal corporations, one or more 16834
townships, and, under division (D) of this section, one or more 16835
counties may enter into a contract pursuant to which they 16836
designate one or more areas as a joint economic development 16837
district for the purpose of facilitating economic development and 16838
redevelopment, to create or preserve jobs and employment 16839
opportunities, and to improve the economic welfare of the people 16840
in this state and in the area of the contracting parties. 16841

(1) Except as otherwise provided in division (C) (2) of this 16842
section, the territory of each of the contracting parties shall be 16843
contiguous to the territory of at least one other contracting 16844
party, or contiguous to the territory of a township, municipal 16845
corporation, or county that is contiguous to another contracting 16846
party, even if the intervening township or municipal corporation 16847
is not a contracting party. 16848

(2) Contracting parties that have entered into a contract 16849
under section 715.70 or 715.71 of the Revised Code creating a 16850
joint economic development district prior to November 15, 1995, 16851
may enter into a contract under this section even if the territory 16852
of each of the contracting parties is not contiguous to the 16853
territory of at least one other contracting party, or contiguous 16854
to the territory of a township or municipal corporation that is 16855
contiguous to another contracting party as otherwise required 16856
under division (C) (1) of this section. The contract and district 16857
shall meet the requirements of this section. 16858

(D) If, on or after December 30, 2008, but on or before June 16859
30, 2009, one or more municipal corporations and one or more 16860
townships enter into a contract or amend an existing contract 16861
under this section, one or more counties in which all of those 16862
municipal corporations or townships are located also may enter 16863

into the contract as a contracting party or parties. 16864

(E) (1) The area or areas to be included in a joint economic 16865
development district shall meet all of the following criteria: 16866

(a) The area or areas shall be located within the territory 16867
of one or more of the contracting parties and may consist of all 16868
of the territory of any or all of the contracting parties. 16869

(b) No electors, except those residing in a mixed-use 16870
development, shall reside within the area or areas on the 16871
effective date of the contract creating the district. 16872

(c) The area or areas shall not include any parcel of land 16873
owned in fee by or leased to a municipal corporation or township, 16874
unless the municipal corporation or township is a contracting 16875
party or has given its consent to have the parcel of land included 16876
in the district by the adoption of an ordinance or resolution. 16877

(d) The area or areas shall not include any parcel of land 16878
excluded pursuant to division (J) (2) of this section. 16879

(2) The contracting parties may designate excluded parcels 16880
within the boundaries of the joint economic development district. 16881
Excluded parcels are not part of the district and persons employed 16882
or residing on such parcels shall not be subject to any income tax 16883
imposed within the district under division (F) (5) of this section. 16884

(F) (1) The contract creating a joint economic development 16885
district shall provide for the amount or nature of the 16886
contribution of each contracting party to the development and 16887
operation of the district and may provide for the sharing of the 16888
costs of the operation of and improvements for the district. The 16889
contributions may be in any form to which the contracting parties 16890
agree and may include, but are not limited to, the provision of 16891
services, money, real or personal property, facilities, or 16892
equipment. 16893

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

(3) The contract shall include an economic development plan for the district that consists of a schedule for the provision of new, expanded, or additional services, facilities, or improvements. The contract may provide for expanded or additional capacity for or other enhancement of existing services, facilities, or improvements.

(4) The contract shall enumerate the specific powers, duties, and functions of the board of directors of the district described under division (P) of this section and shall designate procedures consistent with that division for appointing members to the board. The contract shall enumerate rules to govern the board in carrying out its business under this section.

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

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

Except as provided in this section, the income tax levied within the district is subject to Chapter 718. of the Revised Code, except that no vote shall be required. The rate of the

income tax shall be no higher than the highest rate being levied 16925
by a municipal corporation that is a contracting party. 16926

(c) If the board adopts a resolution to levy an income tax, 16927
it shall enter into an agreement with a municipal corporation that 16928
is a contracting party to administer, collect, and enforce the 16929
income tax on behalf of the district. 16930

(d) A resolution levying an income tax under this section 16931
shall require the contracting parties to annually set aside a 16932
percentage, to be stated in the resolution, of the amount of the 16933
income tax collected for the long-term maintenance of the 16934
district. 16935

(e) An income tax levied under this section shall apply in 16936
the district or the portion of the district in which the contract 16937
authorizes an income tax throughout the term of the contract 16938
creating the district. The tax shall not apply to any persons 16939
employed or residing on a parcel excluded from the district under 16940
division (E) (2) of this section. 16941

(6) If there is unincorporated territory in the district, the 16942
contract shall specify that restrictions on annexation proceedings 16943
under division (R) of this section apply to such unincorporated 16944
territory. The contract may prohibit proceedings under Chapter 16945
709. of the Revised Code proposing the annexation to, merger of, 16946
or consolidation with a municipal corporation that is a 16947
contracting party of any unincorporated territory within a 16948
township that is a contracting party during the term of the 16949
contract regardless of whether that territory is located within 16950
the district. 16951

(7) The contract may designate property as a community 16952
entertainment district, or may be amended to designate property as 16953
a community entertainment district, as prescribed in division (D) 16954
of section 4301.80 of the Revised Code. A contract or amendment 16955

designating a community entertainment district shall include all 16956
information and documentation described in divisions (B)(1) to (6) 16957
of section 4301.80 of the Revised Code. The public notice required 16958
under division (I) of this section shall specify that the contract 16959
designates a community entertainment district and describe the 16960
location of that district. Except as provided in division (F) of 16961
section 4301.80 of the Revised Code, an area designated as a 16962
community entertainment district under a joint economic 16963
development district contract shall not lose its designation even 16964
if the contract is canceled or terminated. 16965

(8) If any part of the district is located either within 16966
one-half of one mile of a non-contracting municipal corporation or 16967
within an area covered by or subject to a water or sewer service 16968
plan or agreement, the contract shall include all of the 16969
following: 16970

(a) A preliminary estimate of the costs of providing public 16971
utility services, facilities, and improvements to the district, 16972
prepared by a professional engineer; 16973

(b) An analysis of the anticipated sources for funding the 16974
costs of the public utilities infrastructure needed to serve the 16975
district and a projection of when such funds will be available and 16976
when such costs are likely to be incurred; 16977

(c) Evidence or estimates indicating that the construction of 16978
the public utility infrastructure needed to serve at least some 16979
portion of the district will be completed within five years after 16980
the creation of the district. 16981

(G) The contract creating a joint economic development 16982
district shall continue in existence throughout its term and shall 16983
be binding on the contracting parties and on any parties 16984
succeeding to the contracting parties, whether by annexation, 16985
merger, or consolidation. Except as provided in division (H) of 16986

this section, the contract may be amended, renewed, or terminated 16987
with the approval of the contracting parties or any parties 16988
succeeding to the contracting parties. If the contract is amended 16989
to add or remove an area to or from an existing district, the 16990
amendment shall be adopted in the manner prescribed under division 16991
(L) of this section. 16992

(H) If two or more contracting parties previously have 16993
entered into a separate contract for utility services, then 16994
amendment, renewal, or termination of the separate contract for 16995
utility services shall not constitute any part of the 16996
consideration for the contract creating a joint economic 16997
development district. A contract creating a joint economic 16998
development district shall be rebuttably presumed to violate this 16999
division if it is entered into within two years prior or five 17000
years subsequent to the amendment, renewal, or termination of a 17001
separate contract for utility services that two or more 17002
contracting parties previously have entered into. The presumption 17003
stated in this division may be rebutted by clear and convincing 17004
evidence of both of the following: 17005

(1) That other substantial consideration existed to support 17006
the contract creating a joint economic development district; 17007

(2) That the contracting parties entered into the contract 17008
creating a joint economic development district freely and without 17009
duress or coercion related to the amendment, renewal, or 17010
termination of the separate contract for utility services. 17011

A contract creating a joint economic development district 17012
that violates this division is void and unenforceable. 17013

(I) (1) Before the legislative authority of any of the 17014
contracting parties adopts an ordinance or resolution approving a 17015
contract to create a district, the legislative authority of each 17016
of the contracting parties shall hold a public hearing concerning 17017

the contract and district. Each legislative authority shall 17018
provide at least thirty days' public notice of the time and place 17019
of the public hearing in a newspaper of general circulation in the 17020
municipal corporation, township, or county, as applicable. During 17021
the thirty-day period prior to the public hearing and until the 17022
date that an ordinance or resolution is adopted under division (K) 17023
of this section to approve the joint economic development district 17024
contract, all of the following documents shall be available for 17025
public inspection in the office of the clerk of the legislative 17026
authority of a municipal corporation and county that is a 17027
contracting party and in the office of the fiscal officer of a 17028
township that is a contracting party: 17029

(a) A copy of the contract creating the district, including 17030
the economic development plan for the district and the schedule 17031
for the provision of new, expanded, or additional services, 17032
facilities, or improvements described in division (F)(3) of this 17033
section; 17034

(b) A description of the area or areas to be included in the 17035
district, including a map in sufficient detail to denote the 17036
specific boundaries of the area or areas and to indicate any 17037
zoning restrictions applicable to the area or areas, and the 17038
parcel number, provided for under section 319.28 of the Revised 17039
Code, of any parcel located within the boundaries of the joint 17040
economic development district and excluded from the district under 17041
division (E)(2) of this section; 17042

(c) If the contract authorizes the board of directors of the 17043
district to adopt a resolution to levy an income tax within the 17044
district or within portions of the district, a schedule for the 17045
collection of the tax. 17046

(2) At least thirty days before the first public hearing is 17047
to be held by one or more legislative authorities on a proposed 17048
district, notice shall be sent in writing to each non-contracting 17049

municipal corporation that is located within one-half of one mile 17050
of the proposed district or that is identified in a water or sewer 17051
service plan or agreement as a future provider of water or sewer 17052
services to all or part of the proposed district. 17053

(3) A public hearing held under this division shall allow for 17054
public comment and recommendations on the contract and district. 17055
The contracting parties may include in the contract any of those 17056
recommendations prior to approval of the contract. 17057

(J) (1) Before any of the contracting parties approves a 17058
contract under division (K) of this section, the contracting 17059
parties shall circulate one or more petitions to record owners of 17060
real property located within the proposed joint economic 17061
development district and owners of businesses operating within the 17062
proposed district. The petitions shall state that all of the 17063
documents described in divisions (I) (1) (a) to (c) of this section 17064
are available for public inspection in the office of the clerk of 17065
the legislative authority of each municipal corporation and county 17066
that is a contracting party or the office of the fiscal officer of 17067
each township that is a contracting party. The petitions shall 17068
clearly indicate that, by signing the petition, the record owner 17069
or owner consents to the proposed joint economic development 17070
district. 17071

A contracting party may send written notice of the petitions 17072
by certified mail with return receipt requested to the last known 17073
mailing addresses of any or all of the record owners of real 17074
property located within the proposed district or the owners of 17075
businesses operating within the proposed district. The contracting 17076
parties shall equally share the costs of complying with this 17077
division. 17078

(2) If any portion of property located within the proposed 17079
joint economic development district is also either located within 17080
one-half of one mile of a non-contracting municipal corporation or 17081

covered by or subject to a water or sewer service plan or 17082
agreement under which a non-contracting municipal corporation is 17083
identified as a future provider of water or sewer services to all 17084
or part of the proposed district, then that property and any 17085
property contiguous to that property if owned by the same person 17086
shall be excluded from the joint economic development district 17087
unless the owner of the property signs the petition. 17088

(K) (1) After the public hearings required under division (I) 17089
of this section have been held and the petitions described in 17090
division (J) of this section have been signed by the majority of 17091
the record owners of real property located within the proposed 17092
joint economic development district and by a majority of the 17093
owners of businesses, if any, operating within the proposed 17094
district, each contracting party may adopt an ordinance or 17095
resolution approving the contract to create a joint economic 17096
development district. Not later than ten days after all of the 17097
contracting parties have adopted ordinances or resolutions 17098
approving the district contract, each contracting party shall give 17099
notice of the proposed district to all of the following: 17100

(a) Each record owner of real property to be included in the 17101
district and in the territory of that contracting party who did 17102
not sign the petitions described in division (J) of this section; 17103

(b) An owner of each business operating within the district 17104
and in the territory of that contracting party no owner of which 17105
signed the petitions described in division (J) of this section. 17106

(2) Such notices shall be given by certified mail and shall 17107
specify that the property or business is located within an area to 17108
be included in the district and that all of the documents 17109
described in divisions (I) (1) (a) to (c) of this section are 17110
available for public inspection in the office of the clerk of the 17111
legislative authority of each municipal corporation and county 17112
that is a contracting party or the office of the fiscal officer of 17113

each township that is a contracting party. The contracting parties 17114
shall equally share the costs of complying with division (K) of 17115
this section. 17116

(L) (1) The contracting parties may amend the joint economic 17117
development district contract to add any area that was not 17118
originally included in the district if the area satisfies the 17119
criteria prescribed under division (E) of this section. The 17120
contracting parties may also amend the district contract to remove 17121
any area originally included in the district or exclude one or 17122
more parcels located within the district pursuant to division 17123
(E) (2) of this section. 17124

(2) An amendment adding an area to a district, removing an 17125
area from the district, or excluding one or more parcels from the 17126
district may be approved only by a resolution or ordinance adopted 17127
by each of the contracting parties. The contracting parties shall 17128
conduct public hearings on the amendment and provide notice in the 17129
manner required under division (I) of this section for original 17130
contracts. The contracting parties shall make available for public 17131
inspection a copy of the amendment, a description of the area to 17132
be added, removed, or excluded to or from the district, and a map 17133
of that area in sufficient detail to denote the specific 17134
boundaries of the area and to indicate any zoning restrictions 17135
applicable to the area. 17136

(3) Before adopting a resolution or ordinance approving the 17137
addition of an area to the district, the contracting parties shall 17138
circulate petitions to the record owners of real property located 17139
within the proposed addition to the district and owners of 17140
businesses operating within the proposed addition to the district 17141
in the same manner required under division (J) of this section for 17142
original contracts. The contracting parties may notify such record 17143
owners of real property and owners of businesses that the 17144
petitions are available for signing in the same manner provided by 17145

that division. The contracting parties shall equally share the 17146
costs of complying with this division. 17147

(4) The contracting parties to a joint economic development 17148
district may vote to approve an amendment to the district contract 17149
under this division after the public hearings required under 17150
division (L) (2) of this section are completed and, if the 17151
amendment adds an area or areas to the district, the petitions 17152
required under division (L) (3) of this section have been signed by 17153
the majority of record owners of real property located within the 17154
area or areas added to the district and by a majority of the 17155
owners of businesses, if any, operating within the proposed 17156
addition to the district. 17157

(5) Not later than ten days after all of the contracting 17158
parties have adopted ordinances or resolutions approving an 17159
amendment adding one or more areas to the district, each 17160
contracting party shall give notice of the addition to all of the 17161
following: 17162

(a) Each record owner of real property to be included in the 17163
addition to the district and in the territory of that contracting 17164
party who did not sign the petitions described in division (L) (3) 17165
of this section; 17166

(b) An owner of each business operating within the addition 17167
to the district and in the territory of that contracting party no 17168
owner of which signed the petitions described in division (L) (3) 17169
of this section. 17170

The contracting parties shall equally share the costs of 17171
complying with division (L) (5) of this section. 17172

(M) (1) A board of township trustees that is a party to a 17173
contract creating a joint economic development district may choose 17174
not to submit its resolution approving the contract to the 17175
electors of the township if all of the following conditions are 17176

satisfied: 17177

(a) The resolution has been approved by a unanimous vote of 17178
the members of the board of township trustees or, if a county is 17179
one of the contracting parties under division (D) of this section, 17180
the resolution has been approved by a majority vote of the members 17181
of the board of township trustees; 17182

(b) The contracting parties have circulated petitions as 17183
required under division (J) of this section and obtained the 17184
signatures required under division (L) of this section; 17185

(c) The territory to be included in the proposed district is 17186
zoned in a manner appropriate to the function of the district. 17187

(2) If the board of township trustees has not invoked its 17188
authority under division (M) (1) of this section, the board, at 17189
least ninety days before the date of the election, shall file its 17190
resolution approving the district contract with the board of 17191
elections for submission to the electors of the township for 17192
approval at the next succeeding general, primary, or special 17193
election. 17194

(3) Any contract creating a district in which a board of 17195
township trustees is a party shall provide that the contract is 17196
not effective before the thirty-first day after its approval, 17197
including approval by the electors of the township if required by 17198
this section. 17199

(4) If the board of township trustees invokes its authority 17200
under division (M) (1) of this section and does not submit the 17201
district contract to the electors for approval, the resolution of 17202
the board of township trustees approving the contract is subject 17203
to a referendum of the electors of the township when requested 17204
through a petition. When signed by ten per cent of the number of 17205
electors in the township who voted for the office of governor at 17206
the most recent general election, a referendum petition asking 17207

that the resolution be submitted to the electors of the township 17208
may be presented to the board of township trustees. Such a 17209
petition shall be presented within thirty days after the board of 17210
township trustees adopts the resolution approving the district 17211
contract. The board of township trustees shall, not later than 17212
four p.m. of the tenth day after receipt of the petition, certify 17213
the text of the resolution to the board of elections. The board of 17214
elections shall submit the resolution to the electors of the 17215
township for their approval or rejection at the next general, 17216
primary, or special election occurring at least ninety days after 17217
certification of the resolution. 17218

(N) The ballot respecting a resolution to create a district 17219
or a referendum of such a resolution shall be in the following 17220
form: 17221

"Shall the resolution of the board of township trustees 17222
approving the contract with (here insert name of 17223
every other contracting party) for the creation of a joint 17224
economic development district be approved? 17225

FOR THE RESOLUTION AND CONTRACT 17226

AGAINST THE RESOLUTION AND CONTRACT" 17227

If a majority of the electors of the township voting on the 17228
issue vote for the resolution and contract, the resolution shall 17229
become effective immediately and the contract shall go into effect 17230
on the thirty-first day after the election or thereafter in 17231
accordance with terms of the contract. 17232

(O) Upon the creation of a district under this section, one 17233
of the contracting parties shall file a copy of each of the 17234
following documents with the director of development ~~services~~: 17235

(1) All of the documents described in divisions (I) (1) (a) to 17236
(c) of this section; 17237

(2) Certified copies of the ordinances and resolutions of the contracting parties relating to the contract and district;	17238 17239
(3) Documentation from each contracting party that the public hearings required by division (I) of this section have been held, the date of the hearings, and evidence that notice of the hearings was published as required by that division;	17240 17241 17242 17243
(4) A copy of the signed petitions required under divisions (J) and (K) of this section.	17244 17245
(P) A board of directors shall govern each district created under this section.	17246 17247
(1) If there are businesses operating and persons employed within the district, the board shall be composed of the following members:	17248 17249 17250
(a) One member representing the municipal corporations that are contracting parties;	17251 17252
(b) One member representing the townships that are contracting parties;	17253 17254
(c) One member representing the owners of businesses operating within the district;	17255 17256
(d) One member representing the persons employed within the district;	17257 17258
(e) One member representing the counties that are contracting parties, or, if no contracting party is a county, one member selected by the members described in divisions (P) (1) (a) to (d) of this section.	17259 17260 17261 17262
The members of the board shall be appointed as provided in the district contract. Of the members initially appointed to the board, the member described in division (P) (1) (a) of this section shall serve a term of one year; the member described in division (P) (1) (b) of this section shall serve a term of two years; the	17263 17264 17265 17266 17267

member described in division (P) (1) (c) of this section shall serve 17268
a term of three years; and the members described in divisions 17269
(P) (1) (d) and (e) of this section shall serve terms of four years. 17270
Thereafter, terms for each member shall be for four years, each 17271
term ending on the same day of the same month of the year as did 17272
the term that it succeeds. A member may be reappointed to the 17273
board, but no member shall serve more than two consecutive terms 17274
on the board. 17275

The member described in division (P) (1) (e) of this section 17276
shall serve as chairperson of the board described under division 17277
(P) (1) of this section. 17278

(2) If there are no businesses operating or persons employed 17279
within the district, the board shall be composed of the following 17280
members: 17281

(a) One member representing the municipal corporations that 17282
are contracting parties; 17283

(b) One member representing the townships that are 17284
contracting parties; 17285

(c) One member representing the counties that are contracting 17286
parties, or if no contracting party is a county, one member 17287
selected by the members described in divisions (P) (2) (a) and (b) 17288
of this section. 17289

The members of the board shall be appointed as provided in 17290
the district contract. Of the members initially appointed to the 17291
board, the member described in division (P) (2) (a) of this section 17292
shall serve a term of one year; the member described in division 17293
(P) (2) (b) of this section shall serve a term of two years; and the 17294
member described in division (P) (2) (c) of this section shall serve 17295
a term of three years. Thereafter, terms for each member shall be 17296
for four years, each term ending on the same day of the same month 17297
of the year as did the term that it succeeds. A member may be 17298

reappointed to the board, but no member shall serve more than two 17299
consecutive terms on the board. 17300

The member described in division (P)(2)(c) of this section 17301
shall serve as chairperson of a board described under division 17302
(P)(2) of this section. 17303

(3) A board described under division (P)(1) or (2) of this 17304
section has no powers except as described in this section and in 17305
the contract creating the district. 17306

(4) Membership on the board of directors of a joint economic 17307
development district created under this section is not the holding 17308
of a public office or employment within the meaning of any section 17309
of the Revised Code prohibiting the holding of other public office 17310
or employment. Membership on such a board is not a direct or 17311
indirect interest in a contract or expenditure of money by a 17312
municipal corporation, township, county, or other political 17313
subdivision with which a member may be affiliated. Notwithstanding 17314
any provision of law to the contrary, no member of a board of 17315
directors of a joint economic development district shall forfeit 17316
or be disqualified from holding any public office or employment by 17317
reason of membership on the board. 17318

(5) The board of directors of a joint economic development 17319
district is a public body for the purposes of section 121.22 of 17320
the Revised Code. Chapter 2744. of the Revised Code applies to 17321
such a board and the district. 17322

(Q)(1) On or before the date occurring six months after the 17323
effective date of the district contract, an owner of a business 17324
operating within the district may, on behalf of the business and 17325
its employees, file a complaint with the court of common pleas of 17326
the county in which the majority of the territory of the district 17327
is located requesting exemption from any income tax imposed by the 17328
board of directors of the district under division (F)(5) of this 17329

section if all of the following apply: 17330

(a) The business operated within an unincorporated area of 17331
the district before the effective date of the district contract; 17332

(b) No owner of the business signed a petition described in 17333
division (J) of this section; 17334

(c) Neither the business nor its employees has derived or 17335
will derive any material benefit from the new, expanded, or 17336
additional services, facilities, or improvements described in the 17337
economic development plan for the district, or the material 17338
benefit that has, or will be, derived is negligible in comparison 17339
to the income tax revenue generated from the net profits of the 17340
business and the income of employees of the business. 17341

The legislative authority of each contracting party shall be 17342
made a party to the proceedings and the business owner filing the 17343
complaint shall serve notice of the complaint by certified mail to 17344
each such contracting party. The court shall not accept any 17345
complaint filed more than six months after the effective date of 17346
the district contract. 17347

(2) Any or all of the contracting parties may submit a 17348
written answer to the complaint submitted under division (Q) (1) of 17349
this section to the court within thirty days after notice of the 17350
complaint was served upon them. Such a contracting party shall 17351
submit to the court, along with the answer, documentation 17352
sufficient to prove that the contracting party sent copies of the 17353
answer to the owner of the business who filed the complaint. 17354

(3) The court shall review each complaint submitted by a 17355
business owner under division (Q) (1) of this section and each 17356
answer submitted by a contracting party under division (Q) (2) of 17357
this section. The court may make a determination on the record and 17358
the evidence thus submitted, or it may conduct a hearing and 17359
request the presence of the business owner and the contracting 17360

parties to present evidence relevant to the complaint. The court shall make a determination on the complaint not sooner than thirty days but not later than sixty days after the complaint is filed by the business owner. The court may make a determination more than sixty days after the complaint is filed if the business owner and all contracting parties to the district consent.

(4) The court shall grant the exemption requested in the complaint if all of the criteria described in divisions (Q) (1) (a) to (c) of this section are met.

(5) If all the criteria described in divisions (Q) (1) (a) to (c) of this section are not met, the court shall deny the complaint and the exemption.

(6) The court shall send notice of the determination with respect to the complaint to the owner of the business and each contracting party. If the court grants the exemption, the net profits of the business from operations within the district and the income of its employees from employment within the district are exempt from any income tax imposed by the board of directors of the district. If the court denies the exemption, the net profits of the business and the income of its employees shall be taxed according to the terms of the district contract and any taxes, penalties, and interest accrued before the date of the court's determination shall be paid in full. In addition, no owner of the business may submit another complaint under division (Q) (1) of this section for the same district contract. The court's determination on a complaint filed under division (Q) of this section is final.

(7) Chapter 2506. of the Revised Code does not apply to the proceedings described in division (Q) of this section.

(R) (1) No proceeding pursuant to Chapter 709. of the Revised Code that proposes the annexation to, merger of, or consolidation

with a municipal corporation of any unincorporated territory 17392
within a joint economic development district may be commenced at 17393
any time between the effective date of the contract creating the 17394
district and the date the contract expires, terminates, or is 17395
otherwise rendered unenforceable. This division does not apply if 17396
each board of township trustees whose territory is included within 17397
the district and whose territory is proposed to be annexed, 17398
merged, or consolidated adopts a resolution consenting to the 17399
commencement of the proceeding. Each such board of township 17400
trustees shall file a copy of the resolution with the clerk of the 17401
legislative authority of each county within which a contracting 17402
party is located. 17403

(2) The contract creating a joint economic development 17404
district may prohibit any annexation proceeding by a contracting 17405
municipal corporation of any unincorporated territory within the 17406
district or zone beyond the period described in division (R) (1) of 17407
this section. 17408

(3) No contracting party is divested or relieved of its 17409
rights or obligations under the contract creating a joint economic 17410
development district because of annexation, merger, or 17411
consolidation. 17412

(S) Contracting parties may enter into agreements pursuant to 17413
the contract creating a joint economic development district with 17414
respect to the substance and administration of zoning and other 17415
land use regulations, building codes, permanent public 17416
improvements, and other regulatory and proprietary matters 17417
determined to be for a public purpose. No contract, however, shall 17418
exempt the territory within the district from the procedures of 17419
land use regulation applicable pursuant to municipal corporation, 17420
township, and county regulations, including, but not limited to, 17421
zoning procedures. 17422

(T) The powers granted under this section are in addition to 17423

and not in the derogation of all other powers possessed by or 17424
granted to municipal corporations, townships, and counties 17425
pursuant to law. 17426

(1) When exercising a power or performing a function or duty 17427
under a contract entered into under this section, a municipal 17428
corporation may exercise all the powers of a municipal 17429
corporation, and may perform all the functions and duties of a 17430
municipal corporation, within the district, pursuant to and to the 17431
extent consistent with the contract. 17432

(2) When exercising a power or performing a function or duty 17433
under a contract entered into under division (D) of this section, 17434
a county may exercise all of the powers of a county, and may 17435
perform all the functions and duties of a county, within the 17436
district pursuant to and to the extent consistent with the 17437
contract. 17438

(3) When exercising a power or performing a function or duty 17439
under a contract entered into under this section, a township may 17440
exercise all the powers of a township, and may perform all the 17441
functions and duties of a township, within the district, pursuant 17442
to and to the extent consistent with the contract. 17443

(U) No political subdivision shall grant any tax exemption 17444
under Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 17445
5709.632 of the Revised Code on any property located within the 17446
district without the consent of all the contracting parties. The 17447
prohibition against granting a tax exemption under this section 17448
does not apply to any exemption filed, pending, or approved before 17449
the effective date of the contract entered into under this 17450
section. 17451

Sec. 723.52. Before letting or making any contract for the 17452
construction, reconstruction, widening, resurfacing, or repair of 17453
a street or other public way, the director of public service in a 17454

city, or the legislative authority in a village, shall make an estimate of the cost of such work using the force account project assessment form developed by the auditor of state under section 117.16 of the Revised Code. In municipal corporations having an engineer, or an officer having a different title but the duties and functions of an engineer, the estimate shall be made by the engineer or other officer. Where the total estimated cost of any such work is ~~thirty~~ ninety thousand dollars or less, the proper officers may proceed by force account.

Where the total estimated cost of any such work exceeds ~~thirty~~ ninety thousand dollars, the proper officers of the municipal corporation shall be required to invite and receive competitive bids for furnishing all the labor, materials, and equipment and doing the work, after newspaper advertisement as provided by law. The officers shall consider and may reject such bids. If the bids are rejected, the officers may order the work done by force account or direct labor. When such bids are received, considered, and rejected, and the work done by force account or direct labor, such work shall be performed in compliance with the plans and specifications upon which the bids were based. It shall be unlawful to divide a street or connecting streets into separate sections for the purpose of defeating this section and section 723.53 of the Revised Code.

On the first day of July of every odd-numbered year beginning in 2021, the threshold amount established in this section shall increase by an amount not to exceed the lesser of three per cent, or the percentage amount of any increase in the department of transportation's construction cost index as annualized and totaled for the prior two calendar years. The director of transportation shall notify each appropriate engineer or other officer of the increased amount.

"Street," as used in such sections, includes portions of
connecting streets on which the same or similar construction,
reconstruction, widening, resurfacing, or repair is planned or
projected.

Sec. 727.031. (A) As used in this section:

(1) "Nonprofit arts institution" has the same meaning as in
division (G) of section 5709.121 of the Revised Code.

(2) "Qualifying real property" means any real property that
is located in a county having a population greater than five
hundred thousand but less than five hundred forty thousand and
that is either (i) owned and operated by a nonprofit arts
institution or (ii) owned and operated by a limited liability
company whose sole member is a nonprofit arts institution.

(B) For tax years 2020 to 2024, qualifying real property is
exempt from special assessments levied under Chapter 727. or 729.
of the Revised Code, provided no delinquent special assessments
and related interest and penalties are levied or assessed against
any property owned by the owner and operator of the qualifying
real property for that tax year.

Sec. 733.81. (A) As used in this section, "fiscal officer"
means the city auditor, city treasurer, village fiscal officer,
village clerk-treasurer, village clerk, and, in the case of a
municipal corporation having a charter that designates an officer
who, by virtue of the charter, has duties and functions similar to
those of the city or village officers referred to in this section,
the officer so designated by the charter.

(B) To enhance the background and working knowledge of fiscal
officers in government accounting, budgeting and financing,
financial report preparation, cybersecurity, and the rules adopted
by the auditor of state, the auditor of state shall conduct

education programs and continuing education courses for 17516
individuals elected or appointed for the first time to the office 17517
of fiscal officer, and shall conduct continuing education courses 17518
for individuals who continue to hold the office in a subsequent 17519
term. The Ohio municipal league also may conduct such initial 17520
education programs and continuing education courses if approved by 17521
the auditor of state. The auditor of state, in conjunction with 17522
the Ohio municipal league, shall determine the manner and content 17523
of the initial education programs and continuing education 17524
courses. 17525

(C) A newly elected or appointed fiscal officer shall 17526
complete at least six hours of initial education programs before 17527
commencing, or during the first year of, office. A fiscal officer 17528
who participates in a training program held under section 117.44 17529
of the Revised Code may apply those hours taken before commencing 17530
office to the six hours of initial education programs required 17531
under this division. 17532

(D) (1) In addition to the six hours of initial education 17533
required under division (B) of this section, a newly elected or 17534
appointed fiscal officer shall complete at least a total of 17535
eighteen continuing education hours during the fiscal officer's 17536
first term of office. 17537

(2) ~~A~~ An elected or appointed fiscal officer who ~~is elected~~ 17538
~~to~~ retains office for a subsequent term ~~of office~~ shall complete 17539
twelve hours of continuing education courses in each subsequent 17540
term of office. 17541

(3) The auditor of state shall adopt rules specifying the 17542
initial education programs and continuing education courses that 17543
are required for a fiscal officer who has been appointed ~~to fill a~~ 17544
~~vacancy~~. The requirements shall be proportionally equivalent, 17545
based on the time remaining in the vacated office, to the 17546
requirements for a newly elected or appointed fiscal officer. 17547

(4) At least two hours of ethics instruction shall be 17548
included in the continuing education hours required by divisions 17549
(D) (1) and (2) of this section. 17550

(5) A fiscal officer who participates in a training program 17551
or seminar established under section 109.43 of the Revised Code 17552
may apply the three hours of training to the continuing education 17553
hours required by divisions (D) (1) and (2) of this section. 17554

(E) (1) A certified public accountant who serves as a fiscal 17555
officer may apply to the continuing education hours required by 17556
division (D) of this section any hours of continuing education 17557
completed under section 4701.11 of the Revised Code after being 17558
elected or appointed as a fiscal officer. 17559

(2) A fiscal officer may apply to the continuing education 17560
hours required by division (D) of this section any hours of 17561
continuing education completed under section 135.22 of the Revised 17562
Code after being elected or appointed as a fiscal officer. 17563

(3) A fiscal officer who teaches an approved continuing 17564
education course under division (D) of this section is entitled to 17565
credit for the course in the same manner as if the fiscal officer 17566
had attended the course. 17567

(F) The auditor of state shall adopt rules for verifying the 17568
completion of initial education programs and continuing education 17569
courses required under this section for each category of fiscal 17570
officer. The auditor of state shall issue a certificate of 17571
completion to each fiscal officer who completes the initial 17572
education programs and continuing education courses. The auditor 17573
of state shall issue a "failure to complete" notice to any fiscal 17574
officer who is required to complete initial education programs and 17575
continuing education courses under this section, but who fails to 17576
do so. The notice is for informational purposes only and does not 17577
affect any individual's ability to hold the office to which the 17578

individual was elected or appointed. 17579

(G) The legislative authority of a municipal corporation 17580
shall approve a reasonable amount requested by the fiscal officer 17581
to cover the costs the fiscal officer is required to incur to meet 17582
the requirements of this section, including registration fees, 17583
lodging and meal expenses, and travel expenses. 17584

Sec. 901.171. (A) The department of agriculture may promote 17585
the use of Ohio-produced agricultural goods, including natural 17586
spring water, through the issuance of logotypes to qualified 17587
producers and processors under a promotional certification program 17588
to be developed and administered by the division of markets. 17589

(B) Pursuant to rules adopted under Chapter 119. of the 17590
Revised Code, the department may establish reasonable fees and 17591
criteria for participation in the program. All such fees shall be 17592
credited to the ~~general revenue~~ Ohio proud, international, and 17593
domestic market development fund created in section 901.20 of the 17594
Revised Code and used to finance the program. 17595

(C) The department may sell merchandise that promotes the 17596
certification program. The director of agriculture shall deposit 17597
all proceeds from the sales of merchandise in the state treasury 17598
to the credit of the Ohio proud, international, and domestic 17599
market development fund. 17600

Sec. 901.91. The director of agriculture may assess the 17601
operating funds of the department of agriculture to pay a share of 17602
the department's central support and administrative costs. The 17603
assessments shall be based on a plan that the director develops 17604
~~and submits to the director of budget and management not later~~ 17605
~~than the fifteenth day of July of the fiscal year in which the~~ 17606
~~assessments are to be made. If the director of budget and~~ 17607
~~management determines that the assessments proposed in the plan~~ 17608

~~are appropriate, the director shall approve the plan.~~ Assessments 17609
shall be paid from the funds designated in the plan and credited 17610
by means of intrastate transfer voucher to the department of 17611
agriculture central support indirect costs fund, which is hereby 17612
created in the state treasury. The fund shall be administered by 17613
the director of agriculture and used to pay central support and 17614
administrative costs of the department of agriculture. 17615

Sec. 905.59. (A) The director of agriculture may inspect, 17616
sample, and analyze any liming material utilized within the state 17617
to such extent as the director considers necessary to determine 17618
whether the liming material is in compliance with sections 905.51 17619
to 905.65 of the Revised Code, and the rules adopted under such 17620
sections. The director may enter into an agreement with a person 17621
that is not a department of agriculture employee that authorizes 17622
that person to perform the inspections, sampling, and analysis of 17623
liming material. If the director enters into an agreement, the 17624
director shall annually audit the records relating to the 17625
inspections, sampling, and analysis performed by the person. 17626

(B) The director or a person who has entered into an 17627
agreement with the director under division (A) of this section may 17628
enter upon any public or private premises or means of conveyance 17629
at any reasonable time to have access to liming material subject 17630
to sections 905.51 to 905.65 of the Revised Code, and the rules 17631
adopted under such sections. 17632

(C) The methods of sampling and analysis of liming materials 17633
shall be those adopted by the association of official analytical 17634
chemists or as prescribed by the director. 17635

(D) The results of the official analysis of any sample of 17636
liming material that is found to be in violation of sections 17637
905.51 to 905.65 of the Revised Code, or any regulation adopted 17638
under such sections, shall be forwarded to the licensee. A 17639

licensee may request a portion of any such sample if the request 17640
is made not more than thirty days after the date of the analysis 17641
report. 17642

(E) Analytical tolerances shall be governed by rules adopted 17643
by the director, subject to Chapter 119. of the Revised Code. 17644

Sec. 955.15. (A) The board of county commissioners shall 17645
provide nets and other suitable devices for the taking of dogs in 17646
a humane manner, provide a suitable place for impounding dogs, 17647
make proper provision for feeding and caring for the same, and 17648
provide humane ~~devices and~~ methods for destroying dogs. ~~In any~~ 17649
~~county in which there is a society for the prevention of cruelty~~ 17650
~~to children and animals, having one or more agents and maintaining~~ 17651
~~an animal shelter suitable for a dog pound and devices for~~ 17652
~~humanely destroying dogs, the board need not furnish a dog pound,~~ 17653
~~but the county dog warden shall deliver all dogs seized by the~~ 17654
~~warden and the warden's deputies to such society at its animal~~ 17655
~~shelter, there to be dealt with in accordance with law~~ 17656

(B) Subject to division (C) of this section, the dog warden 17657
shall deliver any dog that the warden or the warden's deputies 17658
have seized to one of the following: 17659

(1) A dog pound operated by the county; 17660

(2) Another animal shelter for dogs, as defined in section 17661
956.01 of the Revised Code, that operates in a manner suitable for 17662
a dog pound and that is able to adopt out, transfer out, or 17663
humanely destroy dogs in accordance with state law. The 17664

(C) A dog warden shall not deliver dogs to an animal shelter 17665
for dogs under division (B)(2) of this section unless the board of 17666
county commissioners has entered into a written agreement with the 17667
animal shelter for dogs to operate as a dog pound on behalf of the 17668
county. 17669

(D) A pound or animal shelter for dogs to which a dog has been delivered under division (B) of this section shall deal with the dog in accordance with state law, including the maintenance of any public records pertaining to the intake and disposition of the dog. 17670
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(E) The board shall provide for the payment of reasonable compensation to ~~such society~~ an animal shelter for dogs described in division (B)(2) of this section for its services so performed out of the dog and kennel fund or the county's general revenue fund. The 17675
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(F) The board may designate and appoint any officers regularly employed by any society organized under sections 1717.02 to 1717.05 of the Revised Code, to act as county dog warden or deputies for the purpose of carrying out sections 955.01 to 955.27 of the Revised Code, if such society whose agents are so employed owns or controls a suitable place for keeping and destroying dogs. 17680
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Sec. 1121.29. (A) (1) Each bank, savings and loan association, and savings bank subject to inspection and examination by the superintendent of financial institutions and transacting business on the thirty-first day of December, or their successors in interest, shall pay to the treasurer of state assessments as provided in this section. The superintendent shall make each assessment based on the total assets as shown on the books of the bank, savings and loan association, or savings bank as of the thirty-first day of December of the previous year. The superintendent shall collect the assessment on an annual or periodic basis, as provided by the superintendent. All assessments shall be paid within fourteen days after receiving an invoice for payment of the assessment. 17686
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(2) After determining the budget of the division of financial institutions for examination and regulation of banks, savings and 17699
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loan associations, and savings banks, but prior to establishing 17701
the schedule of assessments under this division necessary to fund 17702
that budget, the superintendent shall consider any necessary cash 17703
reserves and any amounts collected but not ~~yet expended or~~ 17704
~~encumbered by~~ disbursed to the superintendent in the previous 17705
fiscal ~~year's budget~~ year and remaining in the banks fund pursuant 17706
to division (C) of section 1121.30 of the Revised Code. 17707

(3) The superintendent shall establish the actual schedule of 17708
assessments on an annual basis, present the schedule to the 17709
banking commission for confirmation, and forward copies of the 17710
current year's schedule to banks, savings and loan associations, 17711
and savings banks doing business under authority granted by the 17712
superintendent, or their successors in interest. 17713

If during the period between the banking commission's 17714
confirmation of the schedule of assessments and the completion of 17715
the fiscal year in which those assessments will be collected, the 17716
banking commission determines additional money is required to 17717
adequately fund the operations of the division of financial 17718
institutions for that fiscal year, the banking commission may, by 17719
the affirmative vote of two-thirds of its members, increase the 17720
schedule of assessments for that fiscal year. The superintendent 17721
shall promptly notify each bank, savings and loan association, and 17722
savings bank of the increased assessment, and each bank, savings 17723
and loan association, and savings bank shall pay the increased 17724
assessment as made and invoiced by the superintendent. 17725

(4) A bank, savings and loan association, or savings bank 17726
authorized by the superintendent to commence business in the 17727
period between assessments shall pay the actual reasonable costs 17728
of the division's examinations and visitations. The bank, savings 17729
and loan association, or savings bank shall pay the costs within 17730
fourteen days after receiving an invoice for payment. 17731

(B) (1) Whenever in the judgment of the superintendent the 17732

condition or conduct of a bank renders it necessary to make 17733
additional examinations and follow-up visitations within the 17734
examination cycle beyond the minimum required by division (A) of 17735
section 1121.10 of the Revised Code, the superintendent shall 17736
charge the bank for the additional examinations and follow-up 17737
visitations as provided in division (C) of this section. The bank 17738
shall pay the fee charged within fourteen days after receiving an 17739
invoice for payment. 17740

(2) The superintendent shall charge a bank for any 17741
examination of the bank's operations as a trust company and data 17742
processing facility in accordance with division (C) of this 17743
section whether that examination is the only examination of the 17744
bank in the examination cycle or in addition to other examinations 17745
of the bank's operations. 17746

(C) The superintendent shall periodically establish a 17747
schedule of fees to be paid for examinations, applications, 17748
certifications, and notices considered necessary by the 17749
superintendent. 17750

(D) (1) The superintendent may waive any fees provided for in 17751
division (C) of this section to protect the interests of 17752
depositors and for other fair and reasonable purposes as 17753
determined by the superintendent. 17754

(2) The fees established by the superintendent pursuant to 17755
division (C) of this section for processing applications and 17756
notices and conducting and processing examinations shall be 17757
reasonable considering the direct and indirect costs to the 17758
division, as determined by the superintendent, of processing the 17759
applications and for conducting and processing the examinations. 17760

(E) The superintendent may determine and charge reasonable 17761
fees for furnishing and certifying copies of documents filed with 17762
the division and for any expenses incurred by the division in the 17763

publication or serving of required notices. 17764

(F) Assessments and examination and application fees charged 17765
and collected pursuant to this section are not refundable. Any fee 17766
charged pursuant to this section shall be paid within fourteen 17767
days after receiving an invoice for payment of the fee. 17768

(G) The superintendent shall pay all assessments and fees 17769
charged pursuant to this section and all forfeitures required to 17770
be paid to the superintendent ~~into the state treasury~~ to the 17771
credit of the banks fund. 17772

Sec. 1121.30. (A) All assessments, fees, charges, and 17773
forfeitures provided for in Chapters 1101. to 1127. and sections 17774
1315.01 to 1315.18 of the Revised Code, except civil penalties 17775
assessed pursuant to section 1121.35 or 1315.152 of the Revised 17776
Code, shall be paid to the superintendent of financial 17777
institutions, and the superintendent shall deposit them into the 17778
~~state treasury to the credit of the~~ banks fund, which is hereby 17779
created. The fund shall be in the custody of the treasurer of 17780
state but shall not be part of the state treasury. 17781

(B) ~~The superintendent may expend or obligate~~ Money in the 17782
banks fund shall be available upon the request of the 17783
superintendent of financial institutions to defray the costs of 17784
the division of financial institutions in administering Chapters 17785
1101. to 1127. and sections 1315.01 to 1315.18 of the Revised 17786
Code. ~~The superintendent shall pay from the fund~~ Such costs shall 17787
include all actual and necessary expenses incurred by the 17788
superintendent, including for any services rendered by the 17789
department of commerce for the division's administration of 17790
Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the 17791
Revised Code. ~~The fund shall be assessed a proportionate share of~~ 17792
~~the administrative costs of the department and the division of~~ 17793
~~financial institutions. The proportionate share of the~~ 17794

~~administration administrative costs of the division of financial 17795
institutions shall be determined in accordance with procedures 17796
prescribed by the superintendent and approved by the director of 17797
budget and management. The amount assessed for the fund's 17798
proportional share of the 17799~~

The treasurer shall disburse money from the banks fund to 17800
defray such costs on the order of the superintendent. The 17801
department's administrative costs and the division's 17802
administrative costs shall be paid from the banks fund to the 17803
division of administration fund and the division of financial 17804
institutions fund, respectively. 17805

(C) Any money deposited into ~~the state treasury to the credit 17806
of the banks fund, but not expended or encumbered by the 17807
superintendent to defray the costs of administering Chapters 1101- 17808
to 1127. and sections 1315.01 to 1315.18 of the Revised Code 17809
disbursed as authorized in division (B) of this section, shall 17810
remain in the banks fund for expenditures by the superintendent in 17811
subsequent years and shall not be used for any purpose other than 17812
as set forth in this section. 17813~~

Sec. 1181.06. There is hereby created in the state treasury 17814
the financial institutions fund. The fund shall receive 17815
assessments on the banks fund established under section 1121.30 of 17816
the Revised Code, the credit unions fund established under section 17817
1733.321 of the Revised Code, and the consumer finance fund 17818
established under section 1321.21 of the Revised Code in 17819
accordance with procedures prescribed by the superintendent of 17820
financial institutions ~~and approved by the director of budget and 17821
management. Such assessments shall be in addition to any 17822
assessments on these funds required under division (G) of section 17823
121.08 of the Revised Code. All operating expenses of the division 17824
of financial institutions shall be paid from the financial 17825~~

institutions fund. Money in the fund shall be used only for that 17826
purpose. 17827

Sec. 1321.21. All fees, charges, penalties, and forfeitures 17828
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 17829
sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of 17830
the Revised Code shall be paid to the superintendent of financial 17831
institutions and shall be deposited by the superintendent into the 17832
state treasury to the credit of the consumer finance fund, which 17833
is hereby created. The fund may be expended or obligated by the 17834
superintendent for the defrayment of the costs of administration 17835
of Chapters 1321., 1322., 4712., 4727., and 4728., sections 17836
1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised 17837
Code by the division of financial institutions. All actual and 17838
necessary expenses incurred by the superintendent, including any 17839
services rendered by the department of commerce for the division's 17840
administration of Chapters 1321., 1322., 4712., 4727., and 4728., 17841
sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of 17842
the Revised Code, shall be paid from the fund. The fund shall be 17843
assessed a proportionate share of the administrative costs of the 17844
department and the division. The proportionate share of the 17845
administrative costs of the division of financial institutions 17846
shall be determined in accordance with procedures prescribed by 17847
the superintendent ~~and approved by the director of budget and~~ 17848
~~management~~. Such assessment shall be paid from the consumer 17849
finance fund to the division of administration fund or the 17850
financial institutions fund. 17851

Periodically, in accordance with a schedule the director 17852
establishes by rule, but at least once every three months, the 17853
director of budget and management shall transfer five per cent of 17854
all charges, penalties, and forfeitures received into the consumer 17855
finance fund to the financial literacy education fund created 17856
under section 121.085 of the Revised Code. 17857

Sec. 1322.09. (A) An application for a certificate of 17858
registration shall be in writing, under oath, and in a form 17859
prescribed by the superintendent of financial institutions that 17860
complies with the requirements of the nationwide mortgage 17861
licensing system and registry. The application shall be 17862
accompanied by a nonrefundable application fee of ~~five~~ seven 17863
hundred dollars for each location of an office to be maintained by 17864
the applicant in accordance with division (A) of section 1322.07 17865
of the Revised Code and any additional fee required by the 17866
nationwide mortgage licensing system and registry. 17867

(B) Upon the filing of the application and payment of the 17868
nonrefundable application fee and any fee required by the 17869
nationwide mortgage licensing system and registry, the 17870
superintendent shall investigate the applicant and any individual 17871
whose identity is required to be disclosed in the application. As 17872
part of that investigation, the superintendent shall conduct a 17873
civil records check. 17874

If, in order to issue a certificate of registration to an 17875
applicant, additional investigation by the superintendent outside 17876
this state is necessary, the superintendent may require the 17877
applicant to advance sufficient funds to pay the actual expenses 17878
of the investigation, if it appears that these expenses will 17879
exceed five hundred dollars. The superintendent shall provide the 17880
applicant with an itemized statement of the actual expenses that 17881
the applicant is required to pay. 17882

(C) In connection with applying for a certificate of 17883
registration, the applicant shall furnish to the nationwide 17884
mortgage licensing system and registry information concerning the 17885
applicant's identity, including all of the following: 17886

(1) The applicant's fingerprints for submission to the 17887
federal bureau of investigation, and any other governmental agency 17888

or entity authorized to receive such information, for purposes of 17889
a state, national, and international criminal history background 17890
check; 17891

(2) Personal history and experience in a form prescribed by 17892
the nationwide mortgage licensing system and registry, along with 17893
authorization for the superintendent and the nationwide mortgage 17894
licensing system and registry to obtain both of the following: 17895

(a) An independent credit report from a consumer reporting 17896
agency; 17897

(b) Information related to any administrative, civil, or 17898
criminal findings by any governmental jurisdiction. 17899

(D) The superintendent shall pay all funds advanced and 17900
application and renewal fees and penalties the superintendent 17901
receives pursuant to this section and section 1322.10 of the 17902
Revised Code to the treasurer of state to the credit of the 17903
consumer finance fund created in section 1321.21 of the Revised 17904
Code. 17905

(E) If an application for a certificate of registration does 17906
not contain all of the information required under this section, 17907
and if that information is not submitted to the superintendent or 17908
to the nationwide mortgage licensing system and registry within 17909
ninety days after the superintendent or the nationwide mortgage 17910
licensing system and registry requests the information in writing, 17911
including by electronic transmission or facsimile, the 17912
superintendent may consider the application withdrawn. 17913

(F) A certificate of registration and the authority granted 17914
under that certificate is not transferable or assignable and 17915
cannot be franchised by contract or any other means. 17916

(G) (1) The superintendent may establish relationships or 17917
enter into contracts with the nationwide mortgage licensing system 17918
and registry, or any entities designated by it, to collect and 17919

maintain records and process transaction fees or other fees 17920
related to mortgage lender, mortgage servicer, or mortgage broker 17921
certificates of registration or the persons associated with a 17922
mortgage lender, mortgage servicer, or mortgage broker. 17923

(2) For purposes of this section and to reduce the points of 17924
contact that the federal bureau of investigation may have to 17925
maintain, the division of financial institutions may use the 17926
nationwide mortgage licensing system and registry as a channeling 17927
agent for requesting information from and distributing information 17928
to the United States department of justice or other governmental 17929
agencies. 17930

(3) For purposes of this section and to reduce the points of 17931
contact that the division may have to maintain, the division may 17932
use the nationwide mortgage licensing system and registry as a 17933
channeling agent for requesting information from and distributing 17934
information to any source as determined by the division. 17935

Sec. 1322.10. (A) Upon the conclusion of the investigation 17936
required under division (B) of section 1322.09 of the Revised 17937
Code, the superintendent of financial institutions shall issue a 17938
certificate of registration to the applicant if the superintendent 17939
finds that the following conditions are met: 17940

(1) The application is accompanied by the application fee and 17941
any fee required by the nationwide mortgage licensing system and 17942
registry. 17943

(a) If a check or other draft instrument is returned to the 17944
superintendent for insufficient funds, the superintendent shall 17945
notify the applicant by certified mail, return receipt requested, 17946
that the application will be withdrawn unless the applicant, 17947
within thirty days after receipt of the notice, submits the 17948
application fee and a one-hundred-dollar penalty to the 17949
superintendent. If the applicant does not submit the application 17950

fee and penalty within that time period, or if any check or other 17951
draft instrument used to pay the fee or penalty is returned to the 17952
superintendent for insufficient funds, the application shall be 17953
withdrawn. 17954

(b) If a check or other draft instrument is returned to the 17955
superintendent for insufficient funds after the certificate of 17956
registration has been issued, the superintendent shall notify the 17957
registrant by certified mail, return receipt requested, that the 17958
certificate of registration issued in reliance on the check or 17959
other draft instrument will be canceled unless the registrant, 17960
within thirty days after receipt of the notice, submits the 17961
application fee and a one-hundred-dollar penalty to the 17962
superintendent. If the registrant does not submit the application 17963
fee and penalty within that time period, or if any check or other 17964
draft instrument used to pay the fee or penalty is returned to the 17965
superintendent for insufficient funds, the certificate of 17966
registration shall be canceled immediately without a hearing, and 17967
the registrant shall cease activity as a mortgage broker. 17968

(2) If the application is for a location that is a residence, 17969
evidence that the use of the residence to transact business as a 17970
mortgage lender or mortgage broker is not prohibited. 17971

(3) The applicant maintains all necessary filings and 17972
approvals required by the secretary of state. 17973

(4) The applicant complies with the surety bond requirements 17974
of section 1322.32 of the Revised Code. 17975

(5) The applicant has not made a material misstatement of 17976
fact or material omission of fact in the application. 17977

(6) Neither the applicant nor any person whose identity is 17978
required to be disclosed on an application for a certificate of 17979
registration has had such a certificate of registration or 17980
mortgage loan originator license, or any comparable authority, 17981

revoked in any governmental jurisdiction or has pleaded guilty or 17982
nolo contendere to or been convicted of a disqualifying offense as 17983
determined in accordance with section 9.79 of the Revised Code. 17984

(7) The applicant's operations manager successfully completed 17985
the examination required by section 1322.27 of the Revised Code. 17986

(8) The applicant's financial responsibility, experience, and 17987
general fitness command the confidence of the public and warrant 17988
the belief that the business will be operated honestly, fairly, 17989
and efficiently in compliance with the purposes of this chapter 17990
and the rules adopted thereunder. The superintendent shall not use 17991
a credit score or a bankruptcy as the sole basis for registration 17992
denial. 17993

(B) For purposes of determining whether an applicant that is 17994
a partnership, corporation, or other business entity or 17995
association has met the conditions set forth in divisions (A) (6) 17996
and (8) of this section, the superintendent shall determine which 17997
partners, shareholders, or persons named in the application must 17998
meet those conditions. This determination shall be based on the 17999
extent and nature of the partner's, shareholder's, or person's 18000
ownership interest in the partnership, corporation, or other 18001
business entity or association that is the applicant and on 18002
whether the person is in a position to direct, control, or 18003
adversely influence the operations of the applicant. 18004

(C) The certificate of registration issued pursuant to 18005
division (A) of this section may be renewed annually on or before 18006
the thirty-first day of December if the superintendent finds that 18007
all of the following conditions are met: 18008

(1) The renewal application is accompanied by a nonrefundable 18009
renewal fee of ~~five~~ seven hundred dollars for each location of an 18010
office to be maintained by the applicant in accordance with 18011
division (A) of section 1322.07 of the Revised Code and any fee 18012

required by the nationwide mortgage licensing system and registry. 18013
If a check or other draft instrument is returned to the 18014
superintendent for insufficient funds, the superintendent shall 18015
notify the registrant by certified mail, return receipt requested, 18016
that the certificate of registration renewed in reliance on the 18017
check or other draft instrument will be canceled unless the 18018
registrant, within thirty days after receipt of the notice, 18019
submits the renewal fee and a one-hundred-dollar penalty to the 18020
superintendent. If the registrant does not submit the renewal fee 18021
and penalty within that time period, or if any check or other 18022
draft instrument used to pay the fee or penalty is returned to the 18023
superintendent for insufficient funds, the certificate of 18024
registration shall be canceled immediately without a hearing and 18025
the registrant shall cease activity as a mortgage broker. 18026

(2) The operations manager designated under section 1322.12 18027
of the Revised Code has completed at least eight hours of 18028
continuing education as required under section 1322.28 of the 18029
Revised Code. 18030

(3) The applicant meets the conditions set forth in divisions 18031
(A) (2), (3), (4), (5), (7), and (8) of this section. 18032

(4) Neither the applicant nor any person whose identity is 18033
required to be disclosed on the renewal application has had a 18034
certificate of registration or mortgage loan originator license, 18035
or any comparable authority, revoked in any governmental 18036
jurisdiction or has pleaded guilty or nolo contendere to or been 18037
convicted of any of the following in a domestic, foreign, or 18038
military court: 18039

(a) During the seven-year period immediately preceding the 18040
date of the renewal application but excluding any time before the 18041
certificate of registration was issued, a misdemeanor involving 18042
theft or any felony; 18043

(b) At any time between the date of the original certificate 18044
of registration and the date of the renewal application, a felony 18045
involving an act of fraud, dishonesty, a breach of trust, theft, 18046
or money laundering. 18047

(5) The applicant's certificate of registration is not 18048
subject to an order of suspension or an unpaid and past due fine 18049
imposed by the superintendent. 18050

(D) (1) Subject to division (D) (2) of this section, if a 18051
renewal fee or additional fee required by the nationwide mortgage 18052
licensing system and registry is received by the superintendent 18053
after the thirty-first day of December, the certificate of 18054
registration shall not be considered renewed, and the applicant 18055
shall cease activity as a mortgage lender or mortgage broker. 18056

(2) Division (D) (1) of this section shall not apply if the 18057
applicant, not later than forty-five days after the renewal 18058
deadline, submits the renewal fee or additional fee and a 18059
~~one hundred dollar~~ one hundred-fifty-dollar penalty to the 18060
superintendent. 18061

(E) Certificates of registration issued under this chapter 18062
annually expire on the thirty-first day of December. 18063

(F) The pardon or expungement of a conviction shall not be 18064
considered a conviction for purposes of this section. 18065

Sec. 1322.20. (A) An application for a license as a mortgage 18066
loan originator shall be in writing, under oath, and in a form 18067
prescribed by the superintendent of financial institutions that 18068
complies with the requirements of the nationwide mortgage 18069
licensing system and registry. The application shall be 18070
accompanied by a nonrefundable application fee of ~~one~~ two hundred 18071
~~fifty~~ dollars and any additional fee required by the nationwide 18072
mortgage licensing system and registry. 18073

(B) (1) The application shall provide evidence, acceptable to the superintendent, that the applicant has successfully completed at least twenty-four hours of pre-licensing instruction consisting of all of the following:

(a) Twenty hours of instruction in an approved education course;

(b) Four hours of instruction in a course or program of study reviewed and approved by the superintendent concerning Ohio lending laws and the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees.

(2) If an applicant held a valid mortgage loan originator license issued by this state at any time during the immediately preceding five-year period, the applicant shall not be required to complete any additional pre-licensing instruction. For this purpose, any time during which the individual is a registered mortgage loan originator shall not be taken into account.

(3) A person having successfully completed the pre-licensing education requirement reviewed and approved by the nationwide mortgage licensing system and registry for any state within the previous five years shall be granted credit toward completion of the pre-licensing education requirement of this state.

(C) In addition to the information required under division (B) of this section, the application shall provide both of the following:

(1) Evidence that the applicant passed a written test that meets the requirements described in section 1322.27 of the Revised Code;

(2) Any further information that the superintendent requires.

(D) Upon the filing of the application and payment of the

application fee and any fee required by the nationwide mortgage 18104
licensing system and registry, the superintendent of financial 18105
institutions shall investigate the applicant. As part of that 18106
investigation, the superintendent shall conduct a civil records 18107
check. 18108

If, in order to issue a license to an applicant, additional 18109
investigation by the superintendent outside this state is 18110
necessary, the superintendent may require the applicant to advance 18111
sufficient funds to pay the actual expenses of the investigation, 18112
if it appears that these expenses will exceed five hundred 18113
dollars. The superintendent shall provide the applicant with an 18114
itemized statement of the actual expenses that the applicant is 18115
required to pay. 18116

(E) In connection with applying for a loan originator 18117
license, the applicant shall furnish to the nationwide mortgage 18118
licensing system and registry information concerning the 18119
applicant's identity, including all of the following: 18120

(1) The applicant's fingerprints for submission to the 18121
federal bureau of investigation, and any other governmental agency 18122
or entity authorized to receive such information, for purposes of 18123
a state, national, and international criminal history background 18124
check; 18125

(2) Personal history and experience in a form prescribed by 18126
the nationwide mortgage licensing system and registry, along with 18127
authorization for the superintendent and the nationwide mortgage 18128
licensing system and registry to obtain both of the following: 18129

(a) An independent credit report from a consumer reporting 18130
agency; 18131

(b) Information related to any administrative, civil, or 18132
criminal findings by any governmental jurisdiction. 18133

(F) The superintendent shall pay all funds advanced and 18134

application and renewal fees and penalties the superintendent 18135
receives pursuant to this section and section 1322.21 of the 18136
Revised Code to the treasurer of state to the credit of the 18137
consumer finance fund created in section 1321.21 of the Revised 18138
Code. 18139

(G) If an application for a mortgage loan originator license 18140
does not contain all of the information required under this 18141
section, and if that information is not submitted to the 18142
superintendent or to the nationwide mortgage licensing system and 18143
registry within ninety days after the superintendent or the 18144
nationwide mortgage licensing system and registry requests the 18145
information in writing, including by electronic transmission or 18146
facsimile, the superintendent may consider the application 18147
withdrawn. 18148

(H) (1) The superintendent may establish relationships or 18149
enter into contracts with the nationwide mortgage licensing system 18150
and registry, or any entities designated by it, to collect and 18151
maintain records and process transaction fees or other fees 18152
related to mortgage loan originator licenses or the persons 18153
associated with a licensee. 18154

(2) For purposes of this section and to reduce the points of 18155
contact that the federal bureau of investigation may have to 18156
maintain, the division of financial institutions may use the 18157
nationwide mortgage licensing system and registry as a channeling 18158
agent for requesting information from and distributing information 18159
to the United States department of justice or other governmental 18160
agencies. 18161

(3) For purposes of this section and to reduce the points of 18162
contact that the division may have to maintain, the division may 18163
use the nationwide mortgage licensing system and registry as a 18164
channeling agent for requesting information from and distributing 18165
information to any source as determined by the division. 18166

(I) A mortgage loan originator license, or the authority 18167
granted under that license, is not assignable or transferable. 18168

Sec. 1322.21. (A) Upon the conclusion of the investigation 18169
required under division (C) of section 1322.20 of the Revised 18170
Code, the superintendent of financial institutions shall issue a 18171
mortgage loan originator license to the applicant if the 18172
superintendent finds that the following conditions are met: 18173

(1) The application is accompanied by the application fee and 18174
any fee required by the nationwide mortgage licensing system and 18175
registry. 18176

(a) If a check or other draft instrument is returned to the 18177
superintendent for insufficient funds, the superintendent shall 18178
notify the applicant by certified mail, return receipt requested, 18179
that the application will be withdrawn unless the applicant, 18180
within thirty days after receipt of the notice, submits the 18181
application fee and a one-hundred-dollar penalty to the 18182
superintendent. If the applicant does not submit the application 18183
fee and penalty within that time period, or if any check or other 18184
draft instrument used to pay the fee or penalty is returned to the 18185
superintendent for insufficient funds, the application shall be 18186
withdrawn. 18187

(b) If a check or other draft instrument is returned to the 18188
superintendent for insufficient funds after the license has been 18189
issued, the superintendent shall notify the licensee by certified 18190
mail, return receipt requested, that the license issued in 18191
reliance on the check or other draft instrument will be canceled 18192
unless the licensee, within thirty days after receipt of the 18193
notice, submits the application fee and a one-hundred-dollar 18194
penalty to the superintendent. If the licensee does not submit the 18195
application fee and penalty within that time period, or if any 18196
check or other draft instrument used to pay the fee or penalty is 18197

returned to the superintendent for insufficient funds, the license 18198
shall be canceled immediately without a hearing, and the licensee 18199
shall cease activity as a loan originator. 18200

(2) The applicant has not made a material misstatement of 18201
fact or material omission of fact in the application. 18202

(3) The applicant has not been convicted of or pleaded guilty 18203
or nolo contendere to a disqualifying offense as determined in 18204
accordance with section 9.79 of the Revised Code. 18205

(4) The applicant completed the prelicensing instruction set 18206
forth in division (B) of section 1322.20 of the Revised Code. 18207

(5) The applicant's financial responsibility and general 18208
fitness command the confidence of the public and warrant the 18209
belief that the business will be operated honestly and fairly in 18210
compliance with the purposes of this chapter. The superintendent 18211
shall not use a credit score or bankruptcy as the sole basis for a 18212
license denial. 18213

(6) The applicant is in compliance with the surety bond 18214
requirements of section 1322.32 of the Revised Code. 18215

(7) The applicant has not had a mortgage loan originator 18216
license, or comparable authority, revoked in any governmental 18217
jurisdiction. 18218

(B) The license issued under division (A) of this section may 18219
be renewed annually on or before the thirty-first day of December 18220
if the superintendent finds that all of the following conditions 18221
are met: 18222

(1) The renewal application is accompanied by a nonrefundable 18223
renewal fee of ~~one~~ two hundred ~~fifty~~ dollars and any fee required 18224
by the nationwide mortgage licensing system and registry. If a 18225
check or other draft instrument is returned to the superintendent 18226
for insufficient funds, the superintendent shall notify the 18227

licensee by certified mail, return receipt requested, that the 18228
license renewed in reliance on the check or other draft instrument 18229
will be canceled unless the licensee, within thirty days after 18230
receipt of the notice, submits the renewal fee and a 18231
one-hundred-dollar penalty to the superintendent. If the licensee 18232
does not submit the renewal fee and penalty within that time 18233
period, or if any check or other draft instrument used to pay the 18234
fee or penalty is returned to the superintendent for insufficient 18235
funds, the license shall be canceled immediately without a 18236
hearing, and the licensee shall cease activity as a loan 18237
originator. 18238

(2) The applicant has completed at least eight hours of 18239
continuing education as required under section 1322.28 of the 18240
Revised Code. 18241

(3) The applicant meets the conditions set forth in divisions 18242
(A) (2), (4), (5), (6), and (7) of this section. 18243

(4) The applicant has not been convicted of or pleaded guilty 18244
or nolo contendere to any of the following in a domestic, foreign, 18245
or military court: 18246

(a) During the seven-year period immediately preceding the 18247
date of the renewal application but excluding any time before the 18248
license was issued, a misdemeanor involving theft or any felony; 18249

(b) At any time between the date of the original license and 18250
the date of the renewal application, a felony involving an act of 18251
fraud, dishonesty, a breach of trust, theft, or money laundering. 18252

(5) The applicant's license is not subject to an order of 18253
suspension or an unpaid and past due fine imposed by the 18254
superintendent. 18255

(C) (1) Subject to division (C) (2) of this section, if a 18256
license renewal application fee, including any fee required by the 18257
nationwide mortgage licensing system and registry, is received by 18258

the superintendent after the thirty-first day of December, the 18259
license shall not be considered renewed, and the applicant shall 18260
cease activity as a mortgage loan originator. 18261

(2) Division (C) (1) of this section shall not apply if the 18262
applicant, not later than forty-five days after the renewal 18263
deadline, submits the renewal application and any other required 18264
fees and a ~~one hundred dollar~~ one-hundred-fifty-dollar penalty to 18265
the superintendent. 18266

(D) Mortgage originator licenses annually expire on the 18267
thirty-first day of December. 18268

(E) The pardon or expungement of a conviction shall not be 18269
considered a conviction for purposes of this section. When 18270
determining the eligibility of an applicant, the superintendent 18271
may consider the underlying crime, facts, or circumstances 18272
connected with a pardoned or expunged conviction. 18273

Sec. 1333.11. As used in sections 1333.11 to 1333.21 of the 18274
Revised Code: 18275

(A) "Cost to the retailer" means the invoice cost of 18276
cigarettes to the retailer, or the replacement cost of cigarettes 18277
to the retailer within thirty days prior to the date of sale, in 18278
the quantity last purchased, whichever is lower, less all trade 18279
discounts except customary discounts for cash, to which shall be 18280
added the cost of doing business by the retailer as evidenced by 18281
the standards and the methods of accounting regularly employed by 18282
the retailer in the retailer's allocation of overhead costs and 18283
expenses, paid or incurred. "Cost to the retailer" must include, 18284
without limitation, labor, including salaries of executives and 18285
officers, rent, depreciation, selling costs, maintenance of 18286
equipment, delivery costs, all types of licenses, insurance, 18287
advertising, and taxes, exclusive of county cigarette taxes paid 18288
or payable on the cigarettes. Where the sale to the retailer is on 18289

a cash and carry basis, the cartage to the retail outlet, if 18290
performed or paid for by the retailer, shall be added to the 18291
invoice cost of the cigarettes to the retailer. In the absence of 18292
proof of a lesser or higher cost by the retailer, the cartage cost 18293
shall be three-fourths of one per cent of the invoice cost of the 18294
cigarettes to the retailer, not including the amount added thereto 18295
by the wholesaler for the face value of state and county cigarette 18296
tax stamps affixed to each package of cigarettes. 18297

(B) In the absence of proof of a lesser or higher cost of 18298
doing business by the retailer making the sale, the cost of doing 18299
business to the retailer shall be eight per cent of the invoice 18300
cost of the cigarettes to the retailer exclusive of the face value 18301
of county cigarette taxes paid on the cigarettes or of the 18302
replacement cost of the cigarettes to the retailer within thirty 18303
days prior to the date of sale in the quantity last purchased 18304
exclusive of the face value of county cigarette taxes paid on the 18305
cigarettes, whichever is lower, less all trade discounts except 18306
customary discounts for cash. 18307

(C) "Cost to the wholesaler" means the manufacturer gross 18308
invoice cost of the cigarettes to the wholesaler, or the 18309
replacement cost of the cigarettes to the wholesaler within thirty 18310
days prior to the date of sale, in the quantity last purchased, 18311
whichever is lower, less all trade discounts except customary 18312
discounts for cash, to which shall be added a wholesaler's markup 18313
to cover in part the cost of doing business, which wholesaler's 18314
markup, in the absence of proof filed with and approved by the tax 18315
commissioner of a lesser or higher cost of doing business by the 18316
wholesaler as evidenced by the standards and methods of accounting 18317
regularly employed by the wholesaler in the wholesaler's 18318
allocation of overhead costs and expenses, paid or incurred, 18319
including without limitation, labor, salaries of executives and 18320
officers, rent, depreciation, selling costs, maintenance of 18321

equipment, delivery, delivery costs, all types of licenses, taxes, 18322
insurance, and advertising, shall be three and five-tenths per 18323
cent of such invoice cost of the cigarettes to the wholesaler, to 18324
which shall be added the full face value of state and county 18325
cigarette tax stamps affixed by the wholesaler to each package of 18326
cigarettes, or of the replacement cost of the cigarettes to the 18327
wholesaler within thirty days prior to the date of sale in the 18328
quantity last purchased, whichever is lower, less all trade 18329
discounts except customary discounts for cash. ~~Where~~ 18330

Where the sale by the wholesaler to the retailer is on a cash 18331
and carry basis, the wholesaler may, in the absence of proof of a 18332
lesser or higher cost filed with and approved by the tax 18333
commissioner, allow to the retailer an amount not to exceed 18334
three-fourths of one per cent of the "cost to the wholesaler" 18335
excluding the amount added thereto for the face value of state and 18336
county cigarette tax stamps affixed to each package of cigarettes. 18337

The tax commissioner may require a wholesaler who is filing 18338
proof of a lesser or higher cost of doing business under this 18339
section to have an independent certified public accountant certify 18340
that the calculation of the wholesaler's cost of doing business 18341
has been made in accordance with generally accepted accounting 18342
principles. The commissioner also may request, and upon such a 18343
request the wholesaler shall provide, any additional information 18344
the commissioner considers necessary during review of the filing. 18345
The commissioner shall deny the wholesaler's request for a new 18346
cost of doing business if the wholesaler fails to provide such 18347
information. The commissioner shall approve or deny the 18348
wholesaler's request within ninety days after receipt of the 18349
original filing or of the filing of requested additional 18350
information, whichever is later. A denial is subject to appeal 18351
under section 5717.02 of the Revised Code. 18352

(D) Any person licensed to sell cigarettes as both a 18353

wholesaler and a retailer, who does sell cigarettes at retail, 18354
shall, in determining "cost to the retailer", first compute "cost 18355
to the wholesaler" as provided in division (C) of this section; 18356
that "cost to the wholesaler" shall then be used in lieu of the 18357
lower of either invoice cost or replacement cost less all trade 18358
discounts except customary discounts for cash in computing "cost 18359
to the retailer" as provided in divisions (A) and (B) of this 18360
section. 18361

(E) In all advertisements, offers for sale, or sales 18362
involving two or more items at a combined price and in all 18363
advertisements, offers for sale, or sales involving the giving of 18364
any concession of any kind, whether it be coupons or otherwise, 18365
the retailer's or wholesaler's selling price shall not be below 18366
the "cost to the retailer" or the "cost to wholesaler", 18367
respectively, of all articles, products, commodities, and 18368
concessions included in such transactions. 18369

(F) (1) "Sell at retail," "sales at retail," and "retail 18370
sales" include any transfer of title to tangible personal property 18371
for a valuable consideration made, in the ordinary course of trade 18372
or usual prosecution of the seller's business, to the purchaser 18373
for consumption or use. 18374

(2) "Sell at wholesale," "sales at wholesale," and "wholesale 18375
sales" include any such transfer of title to tangible personal 18376
property for the purpose of resale. 18377

(G) "Retailer" includes any person who is permitted to sell 18378
cigarettes at retail within this state under section 5743.15 of 18379
the Revised Code. 18380

(H) "Wholesaler" includes any person who is permitted to sell 18381
cigarettes at wholesale within this state under that section. 18382

(I) "Person" includes individuals, corporations, 18383
partnerships, associations, joint-stock companies, business 18384

trusts, unincorporated organizations, receivers, or trustees. 18385

(J) "County cigarette taxes" means the taxes levied under 18386
section 5743.021, 5743.024, or 5743.026 of the Revised Code. 18387

Sec. 1333.12. No retailer shall, with intent to injure 18388
competitors, destroy substantially or lessen competition, 18389
advertise, offer to sell, or sell at retail cigarettes at less 18390
than cost to the retailer. ~~No~~ 18391

No wholesaler shall recklessly, with intent to injure 18392
competitors, or destroy substantially or lessen competition, 18393
advertise, offer to sell, or sell at wholesale cigarettes at less 18394
than cost to the wholesaler, unless the lower cost has been 18395
approved by the tax commissioner pursuant to division (C) of 18396
section 1333.11 of the Revised Code. 18397

Evidence of advertisement, offering to sell, or sale of 18398
cigarettes by any retailer or wholesaler at less than cost to ~~him~~ 18399
the wholesaler or retailer, is prima-facie evidence of intent to 18400
injure competitors, or destroy substantially or lessen 18401
competition. 18402

Sec. 1333.13. When one wholesaler sells cigarettes to another 18403
wholesaler, the selling wholesaler shall not be required to 18404
include in the selling price the cost to the wholesaler who is the 18405
seller, as defined in division (C) of section 1333.11 of the 18406
Revised Code. Upon resale to a retailer, the purchasing wholesaler 18407
shall be deemed to be the wholesaler and shall be governed by 18408
division (C) of section 1333.11 of the Revised Code. 18409

Sec. 1333.14. Sections 1333.11 to 1333.21, inclusive, of the 18410
Revised Code do not apply to sales at retail or sales at wholesale 18411
made in any of the following circumstances, provided prior 18412
approval of the tax commissioner is obtained: 18413

(A) In an isolated transaction and not in the usual course of business; 18414
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(B) Where cigarettes are advertised, offered for sale, or sold in bona fide clearance sales for the purpose of discontinuing trade in such cigarettes, and said advertising, offer to sell, or sale states the reason thereof and the quantity of such cigarettes advertised, offered for sale, or to be sold; 18416
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(C) Where cigarettes are advertised, offered for sale, or sold as imperfect or damaged and said advertising, offer to sell, or sale states the reason thereof and the quantity of such cigarettes advertised, offered for sale, or to be sold; 18421
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(D) Where cigarettes are sold upon the complete final liquidation of a business; 18425
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(E) Where cigarettes are advertised, offered for sale, or sold by any fiduciary or other officer acting under the order or direction of any court. 18427
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Sec. 1333.15. Any retailer or wholesaler may advertise, offer to sell, or sell cigarettes at a price made in good faith to meet the prices of a competitor who is selling the same article at cost to him the competitor as a wholesaler or retailer. A wholesaler may meet the price of a competitor that is less than the cost to the wholesaler only if the competitor's lower cost has been approved by the tax commissioner pursuant to division (C) of section 1333.11 of the Revised Code. The prices of cigarettes advertised, offered for sale, or sold under the exemptions specified in section 1333.14 of the Revised Code shall not be considered the price of a competitor and used as a basis for establishing prices below cost, nor shall prices established at bankrupt sales be considered as prices of a competitor under this section. 18430
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Sec. 1337.11. As used in sections 1337.11 to 1337.17 of the Revised Code: 18444
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(A) "Adult" means a person who is eighteen years of age or older. 18446
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(B) "Attending physician" means the physician to whom a principal or the family of a principal has assigned primary responsibility for the treatment or care of the principal or, if the responsibility has not been assigned, the physician who has accepted that responsibility. 18448
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(C) "Comfort care" means any of the following: 18453

(1) Nutrition when administered to diminish the pain or discomfort of a principal, but not to postpone death; 18454
18455

(2) Hydration when administered to diminish the pain or discomfort of a principal, but not to postpone death; 18456
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(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a principal, but not to postpone death. 18458
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(D) "Consulting physician" means a physician who, in conjunction with the attending physician of a principal, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of sections 1337.11 to 1337.17 of the Revised Code, to a reasonable degree of medical certainty and in accordance with reasonable medical standards. 18461
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(E) "Declaration for mental health treatment" has the same meaning as in section 2135.01 of the Revised Code. 18469
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(F) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent. 18471
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(G) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition or physical or mental health.	18474 18475 18476
(H) "Health care decision" means informed consent, refusal to give informed consent, or withdrawal of informed consent to health care.	18477 18478 18479
(I) "Health care facility" means any of the following:	18480
(1) A hospital;	18481
(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	18482 18483 18484
(3) A nursing home;	18485
(4) A home health agency;	18486
(5) An intermediate care facility for individuals with intellectual disabilities;	18487 18488
(6) A regulated community mental health organization.	18489
(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	18490 18491 18492 18493 18494 18495
(K) "Home health agency" has the same meaning as in section 3701.881 <u>3740.01</u> of the Revised Code.	18496 18497
(L) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	18498 18499 18500
(M) "Hospital" has the same meanings as in sections 3701.01, 3727.01, and 5122.01 of the Revised Code.	18501 18502

(N) "Hydration" means fluids that are artificially or technologically administered.	18503 18504
(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	18505 18506
(P) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.	18507 18508 18509
(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a principal, will serve principally to prolong the process of dying.	18510 18511 18512 18513
(R) "Medical claim" has the same meaning as in section 2305.113 of the Revised Code.	18514 18515
(S) "Mental health treatment" has the same meaning as in section 2135.01 of the Revised Code.	18516 18517
(T) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.	18518 18519
(U) "Nutrition" means sustenance that is artificially or technologically administered.	18520 18521
(V) "Permanently unconscious state" means a state of permanent unconsciousness in a principal that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the principal's attending physician and one other physician who has examined the principal, is characterized by both of the following:	18522 18523 18524 18525 18526 18527
(1) Irreversible unawareness of one's being and environment.	18528
(2) Total loss of cerebral cortical functioning, resulting in the principal having no capacity to experience pain or suffering.	18529 18530
(W) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and	18531 18532

governmental agencies, boards, commissions, departments, 18533
institutions, offices, and other instrumentalities. 18534

(X) "Physician" means a person who is authorized under 18535
Chapter 4731. of the Revised Code to practice medicine and surgery 18536
or osteopathic medicine and surgery. 18537

(Y) "Political subdivision" and "state" have the same 18538
meanings as in section 2744.01 of the Revised Code. 18539

(Z) "Professional disciplinary action" means action taken by 18540
the board or other entity that regulates the professional conduct 18541
of health care personnel, including the state medical board and 18542
the board of nursing. 18543

(AA) "Regulated community mental health organization" means a 18544
residential facility as defined and licensed under section 5119.34 18545
of the Revised Code or a community mental health services provider 18546
as defined in section 5122.01 of the Revised Code. 18547

(BB) "Terminal condition" means an irreversible, incurable, 18548
and untreatable condition caused by disease, illness, or injury 18549
from which, to a reasonable degree of medical certainty as 18550
determined in accordance with reasonable medical standards by a 18551
principal's attending physician and one other physician who has 18552
examined the principal, both of the following apply: 18553

(1) There can be no recovery. 18554

(2) Death is likely to occur within a relatively short time 18555
if life-sustaining treatment is not administered. 18556

(CC) "Tort action" means a civil action for damages for 18557
injury, death, or loss to person or property, other than a civil 18558
action for damages for a breach of contract or another agreement 18559
between persons. 18560

Sec. 1501.29. (A) As used in this section: 18561

(1) "Qualifying land" means land that meets all of the following criteria: 18562
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(a) The land is owned in fee by the department of natural resources or the department owns an interest in the land. 18564
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(b) The land or the department's interest in the land is exempted from taxation. 18566
18567

(c) The total area of the land is more than five thousand acres. 18568
18569

(d) The land or interest in the land was acquired by the department on January 1, 2018, or thereafter, in either one transaction or a series of transactions with the same seller. 18570
18571
18572

(2) "Unimproved taxable value" means the taxable value of qualifying land, exclusive of improvements, for the tax year in which the land or interest in the land was acquired by the department of natural resources. 18573
18574
18575
18576

(B) On or before the thirtieth day of June of each year, beginning in 2022, the director of natural resources shall pay to the county treasurer of each county in which qualifying land is located, an amount equal to two and one-half per cent of the unimproved taxable value of qualifying land located within that county. The director shall draw the funds necessary to make such payments from the state park fund created under section 1546.21 of the Revised Code, the wildlife fund created under section 1531.17 of the Revised Code, or both of those funds. 18577
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(C) Within thirty days of receiving a payment under division (B) of this section, the county treasurer shall distribute the money among the taxing units within the territory of which the county's qualifying land is located as follows: 18586
18587
18588
18589

(1) Sixty per cent of the money shall be distributed proportionally among school districts that include qualifying land 18590
18591

located within the county based on the unimproved taxable value of 18592
that qualifying land located within the territory of each such 18593
school district. 18594

(2) Forty per cent of the money shall be distributed 18595
proportionally among taxing units other than school districts that 18596
include qualifying land located within the county based on the 18597
unimproved taxable value of that qualifying land located within 18598
the territory of each such taxing unit. 18599

(D) Moneys received by a school district or other taxing unit 18600
under this section shall be used for any lawful purpose. 18601

(E) If compensation is payable for land or interests in land 18602
under this section, no compensation shall be made payable under 18603
section 1531.27 of the Revised Code for the same land or interest. 18604

Sec. 1503.03. The chief of the division of forestry shall 18605
cooperate with all state operated universities and the department 18606
of agriculture. The chief, with the approval of the director of 18607
natural resources, may purchase or acquire by gift, donations, or 18608
contributions any interest in land suitable for forestry purposes. 18609
The chief may enter into agreements with the federal government or 18610
other agencies for the acquisition, by lease, purchase, or 18611
otherwise, of such lands as in the judgment of the chief and 18612
director are desirable for state forests, building sites, or 18613
nursery lands. The chief may expend funds, not otherwise 18614
obligated, for the management, development, and utilization of 18615
such lands. 18616

The chief, with the approval of the director of natural 18617
resources, may acquire by lease, purchase, gift, or otherwise, in 18618
the name of the state, forested or other lands in the state 18619
suitable for the growth of forest trees to the amount of the 18620
appropriation for that purpose. The chief shall prepare and submit 18621
to the director of natural resources maps and descriptions of such 18622

areas including and adjacent to the existing state forest lands, 18623
the lands within which, not at the time belonging to the state, 18624
are properly subject to purchase as state forest lands for reasons 18625
of protection, utilization, and administration. When such an area 18626
is approved by the director of natural resources, it shall be 18627
known as a state forest purchase area and the map and description, 18628
with the approval of the director of natural resources indorsed 18629
thereon, shall be filed in duplicate with the ~~auditor of state~~ 18630
director of administrative services and the attorney general. 18631

All lands purchased for forest purposes shall be deeded to 18632
the state, but the purchase price of such lands shall not be paid 18633
until the title thereof has been approved by the attorney general. 18634
The price of such lands shall not exceed the appropriation for 18635
such purposes. 18636

Sec. 1503.05. (A) The chief of the division of forestry may 18637
sell timber and other forest products from the state forest ~~and,~~ 18638
state forest nurseries, and federal lands in accordance with the 18639
terms of an agreement under section 1503.271 of the Revised Code 18640
whenever the chief considers such a sale desirable ~~and, with.~~ With 18641
the approval of the attorney general and the director of natural 18642
resources, the chief may sell portions of the state forest lands 18643
when such a sale is advantageous to the state. 18644

(B) Except as otherwise provided in this section, a timber 18645
sale agreement shall not be executed unless the person or 18646
governmental entity bidding on the sale executes and files a 18647
surety bond conditioned on completion of the timber sale in 18648
accordance with the terms of the agreement in an amount determined 18649
by the chief. All bonds shall be given in a form prescribed by the 18650
chief and shall run to the state as obligee. 18651

The chief shall not approve any bond until it is personally 18652
signed and acknowledged by both principal and surety, or as to 18653

either by the attorney in fact thereof, with a certified copy of 18654
the power of attorney attached. The chief shall not approve the 18655
bond unless there is attached a certificate of the superintendent 18656
of insurance that the company is authorized to transact a fidelity 18657
and surety business in this state. 18658

In lieu of a bond, the bidder may deposit any of the 18659
following: 18660

(1) Cash in an amount equal to the amount of the bond; 18661

(2) United States government securities having a par value 18662
equal to or greater than the amount of the bond; 18663

(3) Negotiable certificates of deposit or irrevocable letters 18664
of credit issued by any bank organized or transacting business in 18665
this state having a par value equal to or greater than the amount 18666
of the bond. 18667

The cash or securities shall be deposited on the same terms 18668
as bonds. If one or more certificates of deposit are deposited in 18669
lieu of a bond, the chief shall require the bank that issued any 18670
of the certificates to pledge securities of the aggregate market 18671
value equal to the amount of the certificate or certificates that 18672
is in excess of the amount insured by the federal deposit 18673
insurance corporation. The securities to be pledged shall be those 18674
designated as eligible under section 135.18 of the Revised Code. 18675
The securities shall be security for the repayment of the 18676
certificate or certificates of deposit. 18677

Immediately upon a deposit of cash, securities, certificates 18678
of deposit, or letters of credit, the chief shall deliver them to 18679
the treasurer of state, who shall hold them in trust for the 18680
purposes for which they have been deposited. The treasurer of 18681
state is responsible for the safekeeping of the deposits. A bidder 18682
making a deposit of cash, securities, certificates of deposit, or 18683
letters of credit may withdraw and receive from the treasurer of 18684

state, on the written order of the chief, all or any portion of 18685
the cash, securities, certificates of deposit, or letters of 18686
credit upon depositing with the treasurer of state cash, other 18687
United States government securities, or other negotiable 18688
certificates of deposit or irrevocable letters of credit issued by 18689
any bank organized or transacting business in this state, equal in 18690
par value to the par value of the cash, securities, certificates 18691
of deposit, or letters of credit withdrawn. 18692

A bidder may demand and receive from the treasurer of state 18693
all interest or other income from any such securities or 18694
certificates as it becomes due. If securities so deposited with 18695
and in the possession of the treasurer of state mature or are 18696
called for payment by their issuer, the treasurer of state, at the 18697
request of the bidder who deposited them, shall convert the 18698
proceeds of the redemption or payment of the securities into other 18699
United States government securities, negotiable certificates of 18700
deposit, or cash as the bidder designates. 18701

When the chief finds that a person or governmental agency has 18702
failed to comply with the conditions of the person's or 18703
governmental agency's bond, the chief shall make a finding of that 18704
fact and declare the bond, cash, securities, certificates, or 18705
letters of credit forfeited. The chief thereupon shall certify the 18706
total forfeiture to the attorney general, who shall proceed to 18707
collect the amount of the bond, cash, securities, certificates, or 18708
letters of credit. 18709

In lieu of total forfeiture, the surety, at its option, may 18710
cause the timber sale to be completed or pay to the treasurer of 18711
state the cost thereof. 18712

All ~~moneys~~ money collected as a result of forfeitures of 18713
bonds, cash, securities, certificates, and letters of credit under 18714
this section shall be credited to the state forest fund created in 18715
this section. 18716

(C) The chief may grant easements and leases on portions of 18717
the state forest lands and state forest nurseries under terms that 18718
are advantageous to the state, and the chief may grant mineral 18719
rights on a royalty basis on those lands and nurseries, with the 18720
approval of the attorney general and the director. 18721

(D) All ~~moneys~~ money received from the sale of state forest 18722
lands, or in payment for easements or leases on or as rents from 18723
those lands or from state forest nurseries, shall be paid into the 18724
state treasury to the credit of the state forest fund, which is 18725
hereby created. In addition, all ~~moneys~~ money received from 18726
federal grants, payments, and reimbursements, from the sale of 18727
reforestation tree stock, from the sale of forest products, other 18728
than standing timber, and from the sale of minerals taken from the 18729
state forest lands and state forest nurseries, together with 18730
royalties from mineral rights, shall be paid into the state 18731
treasury to the credit of the state forest fund. Any other 18732
revenues derived from the operation of the state forests and 18733
related facilities or equipment also shall be paid into the state 18734
treasury to the credit of the state forest fund, as shall 18735
contributions received for the issuance of Smokey Bear license 18736
plates under section 4503.574 of the Revised Code and any other 18737
~~moneys~~ money required by law to be deposited in the fund. Any 18738
revenue generated from agreements entered into under section 18739
1503.271 of the Revised Code shall be deposited in the fund. 18740

The state forest fund shall not be expended for any purpose 18741
other than the administration, operation, maintenance, 18742
development, or utilization of the state forests, forest 18743
nurseries, and forest programs~~;~~ for facilities or equipment 18744
incident to them~~;~~ for the further purchase of lands for state 18745
forest or forest nursery purposes~~;~~ ~~or~~ for wildfire suppression 18746
payments ~~and~~ ; for fire prevention purposes in the case of 18747
contributions received pursuant to section 4503.574 of the Revised 18748

Code, for fire prevention purposes; or for forest management 18749
projects associated with federal lands in the case of revenues 18750
received pursuant to agreements entered into under section 18751
1503.271 of the Revised Code. 18752

(E) All ~~moneys~~ money received from the sale of standing 18753
timber taken from state forest lands and state forest nurseries 18754
shall be deposited into the state treasury to the credit of the 18755
forestry holding account redistribution fund, which is hereby 18756
created. The ~~moneys~~ money shall remain in the fund until they are 18757
redistributed in accordance with this division. 18758

The redistribution shall occur at least once each year. To 18759
begin the redistribution, the chief first shall determine the 18760
amount of all standing timber sold from state forest lands and 18761
state forest nurseries, together with the amount of the total sale 18762
proceeds, in each county, in each township within the county, and 18763
in each school district within the county. The chief next shall 18764
determine the amount of the direct costs that the division of 18765
forestry incurred in association with the sale of that standing 18766
timber. The amount of the direct costs shall be subtracted from 18767
the amount of the total sale proceeds and shall be transferred 18768
from the forestry holding account redistribution fund to the state 18769
forest fund. 18770

The remaining amount of the total sale proceeds equals the 18771
net value of the standing timber that was sold. The chief shall 18772
determine the net value of standing timber sold from state forest 18773
lands and state forest nurseries in each county, in each township 18774
within the county, and in each school district within the county 18775
and shall send to each county treasurer a copy of the 18776
determination at the time that ~~moneys are~~ money is paid to the 18777
county treasurer under this division. 18778

Thirty-five per cent of the net value of standing timber sold 18779
from state forest lands and state forest nurseries located in a 18780

county shall be transferred from the forestry holding account 18781
redistribution fund to the state forest fund. The remaining 18782
sixty-five per cent of the net value shall be transferred from the 18783
forestry holding account redistribution fund and paid to the 18784
county treasurer for the use of the general fund of that county. 18785

The county auditor shall do all of the following: 18786

(1) Retain for the use of the general fund of the county 18787
one-fourth of the amount received by the county under division 18788
~~(D)~~(E) of this section; 18789

(2) Pay into the general fund of any township located within 18790
the county and containing such lands and nurseries one-fourth of 18791
the amount received by the county from standing timber sold from 18792
lands and nurseries located in the township; 18793

(3) Request the board of education of any school district 18794
located within the county and containing such lands and nurseries 18795
to identify which fund or funds of the district should receive the 18796
~~moneys~~ money available to the school district under division 18797
~~(D)~~~~(3)~~(E) (3) of this section. After receiving notice from the 18798
board, the county auditor shall pay into the fund or funds so 18799
identified one-half of the amount received by the county from 18800
standing timber sold from lands and nurseries located in the 18801
school district, distributed proportionately as identified by the 18802
board. 18803

The division of forestry shall not supply logs, lumber, or 18804
other forest products or minerals, taken from the state forest 18805
lands or state forest nurseries, to any other agency or 18806
subdivision of the state unless payment is made therefor in the 18807
amount of the actual prevailing value thereof. This section is 18808
applicable to the ~~moneys~~ money so received. 18809

~~(E)~~(F) The chief may enter into a personal service contract 18810
for consulting services to assist the chief with the sale of 18811

timber or other forest products and related inventory. 18812
Compensation for consulting services shall be paid from the 18813
proceeds of the sale of timber or other forest products and 18814
related inventory that are the subject of the personal service 18815
contract. 18816

Sec. 1503.141. (A) As used in this section, "firefighting 18817
agency" and "private fire company" have the same meanings as in 18818
section 9.60 of the Revised Code. 18819

(B) Each fiscal year, the director of natural resources or 18820
the director's designee shall designate not more than two hundred 18821
thousand dollars in the state forest fund created in section 18822
1503.05 of the Revised Code for wildfire suppression payments. The 18823
amount designated shall consist only of money credited to the fund 18824
from the sale of standing timber taken from state forest lands as 18825
set forth in that section. 18826

(C) The director or the director's designee may use money 18827
designated for wildfire suppression payments to reimburse 18828
firefighting agencies and private fire companies for their costs 18829
incurred in the suppression of wildfires in counties within fire 18830
protection areas established under section 1503.08 of the Revised 18831
Code where there is a state forest or national forest, or portion 18832
thereof. The director or the director's designee may provide such 18833
reimbursement in additional counties. The director or the 18834
director's designee shall provide such reimbursement pursuant to 18835
agreements and contracts entered into under section 1503.14 of the 18836
Revised Code and in accordance with the following schedule: 18837

~~(A)~~(1) For wildfire suppression on private land, an initial 18838
seventy-dollar payment to the firefighting agency or private fire 18839
company; 18840

~~(B)~~(2) For wildfire suppression on land under the 18841
administration or care of the department of natural resources or 18842

on land that is part of any national forest administered by the 18843
United States department of agriculture forest service, an initial 18844
one-hundred-dollar payment to the firefighting agency or private 18845
fire company; 18846

~~(C)(3)~~ For any wildfire suppression on land specified in 18847
division ~~(A)(C)(1)~~ or ~~(B)(2)~~ of this section lasting more than two 18848
hours, an additional payment of thirty-five dollars per hour. 18849

~~As used in this section, "firefighting agency" and "private~~ 18850
~~fire company" have the same meanings as in section 9.60 of the~~ 18851
~~Revised Code (D) For wildfire suppression, prescribed fire~~ 18852
~~assistance, or emergency response support to federal agencies, the~~ 18853
~~division may reimburse costs in addition to the amounts set forth~~ 18854
~~in division (C) of this section provided those costs are eligible~~ 18855
~~in accordance with an agreement under section 1503.27 of the~~ 18856
~~Revised Code.~~ 18857

Sec. 1503.271. The chief of the division of forestry may 18858
enter into agreements with the federal government under 16 U.S.C. 18859
2113a or other applicable federal statutes for the purpose of 18860
forest management projects, including timber sales. 18861

Sec. 1503.33. In order to further cooperation with other 18862
states and with federal agencies, the chief of the division of 18863
forestry, with the approval of the director of natural resources, 18864
may request assistance and aid from and may provide assistance and 18865
aid to other states, groups of states, and federal agencies in the 18866
protection of forests from forest fires and may enter into 18867
agreements for that purpose. Upon the request of another state, 18868
the chief may send to or receive from that state such personnel, 18869
equipment, and supplies as may be available and appropriate for 18870
use in accordance with the terms of the applicable agreement. 18871

Employees of the ~~division~~ department of natural resources and 18872

the department of commerce serving outside the state under the 18873
terms of an agreement entered into under this section shall be 18874
considered as performing services within their regular employment 18875
for the purposes of compensation, pension or indemnity fund 18876
rights, workers' compensation, and other rights or benefits to 18877
which they may be entitled as incidents of their regular 18878
employment. Such employees retain personal immunity from civil 18879
liability as specified in section 9.86 of the Revised Code. 18880

Sec. 1505.09. (A) There is hereby created in the state 18881
treasury the geological mapping fund, to be administered by the 18882
chief of the division of geological survey. Except as provided in 18883
~~divisions~~ division (C) ~~and (D)~~ of this section, the fund shall be 18884
used for ~~both~~ any of the following purposes: 18885

(1) Performing the necessary field, laboratory, and 18886
administrative tasks to map and make public reports on the 18887
geology, geologic hazards, and energy and mineral resources of the 18888
state; 18889

(2) The administration of the oil and gas ~~leasing~~ land 18890
management commission created in section ~~1509.71~~ 155.31 of the 18891
Revised Code; 18892

(3) To award grants to geology departments at state colleges 18893
and universities for undergraduate or graduate level research 18894
conducted at locations of geological interest in the state. The 18895
chief shall award grants at least annually, but at the chief's 18896
discretion, may award grants more frequently; 18897

(4) To provide materials such as rock and mineral kits to 18898
state elementary and secondary schools to assist students in the 18899
study of geology. 18900

(B) The sources of money for the fund shall include all of 18901
the following: 18902

(1) The mineral severance tax as specified in section 5749.02 18903
of the Revised Code; 18904

(2) Transfers made to the fund in accordance with section 18905
6111.046 of the Revised Code; 18906

~~(3) Contributions that a person pays to the bureau of motor 18907
vehicles to obtain "Ohio geology" license plates under section 18908
4503.515 of the Revised Code; 18909~~

~~(4) The fees collected under rules adopted under section 18910
1505.05 of the Revised Code. 18911~~

The chief may seek federal or other money in addition to the 18912
mineral severance tax and fees to carry out the purposes of this 18913
section. If the chief receives federal money for the purposes of 18914
this section, the chief shall deposit that money into the state 18915
treasury to the credit of a fund created by the controlling board 18916
to carry out those purposes. 18917

Other money received by the chief for the purposes of this 18918
section in addition to the mineral severance tax, fees, and 18919
federal money shall be credited to the geological mapping fund. 18920

(C) Any money transferred to the geological mapping fund in 18921
accordance with section 6111.046 of the Revised Code shall be used 18922
by the chiefs of the divisions of mineral resources management, 18923
oil and gas resources management, geological survey, and water 18924
resources in the department of natural resources for the purpose 18925
of executing their duties under sections 6111.043 to 6111.047 of 18926
the Revised Code. 18927

~~(D) The director of natural resources shall use contributions 18928
from "Ohio geology" license plates deposited into the fund for 18929
both of the following purposes in order of preference: 18930~~

~~(1) To award grants to geology departments at state colleges 18931
and universities for graduate level research conducted at 18932~~

~~locations of geological interest in the state,~~ 18933

~~(2) To provide materials such as rock and mineral kits to 18934
state elementary and secondary schools to assist students in the 18935
study of geology. 18936~~

~~The director shall award grants at least annually, but at the 18937
director's discretion, may award grants more frequently. 18938~~

Sec. 1509.12. (A) (1) ~~No owner of any well person~~ shall 18939
construct or operate a well, ~~or permit defective casing in a well~~ 18940
~~to leak fluids or gases,~~ that causes damage to other permeable 18941
strata, underground sources of drinking water, or the surface of 18942
the land or that threatens the public health and safety or the 18943
environment. ~~Upon~~ 18944

(2) No owner of a well shall permit a well to leak fluids or 18945
gases. 18946

(3) Upon the discovery that the casing in a well is defective 18947
or that a well was not adequately constructed, ~~the owner of person~~ 18948
that owns the well or that is responsible for the well shall 18949
notify the chief of the division of oil and gas resources 18950
management within twenty-four hours of the discovery, and ~~the~~ 18951
~~owner~~ shall immediately repair the casing, correct the 18952
construction inadequacies, or plug and abandon the well. 18953

(B) When the chief finds that a well should be plugged, the 18954
chief shall ~~notify the owner to that effect by order in writing~~ 18955
issue an order to the person that owns the well or that is 18956
responsible for the well to plug the well and shall specify in the 18957
order a reasonable time within which to comply. No ~~owner person~~ 18958
shall fail or refuse to plug a well within the time specified in 18959
the order. Each day on which such a well remains unplugged 18960
thereafter constitutes a separate offense. 18961

Where the plugging method prescribed by rules adopted 18962

pursuant to section 1509.15 of the Revised Code cannot be applied 18963
or if applied would be ineffective in carrying out the protection 18964
that the law is meant to give, the chief may designate a different 18965
method of plugging. The abandonment report shall show the manner 18966
in which the well was plugged. 18967

(C) In case of oil or gas wells abandoned prior to September 18968
1, 1978, the board of county commissioners of the county in which 18969
the wells are located may submit to the electors of the county the 18970
question of establishing a special fund, by general levy, by 18971
general bond issue, or out of current funds, which shall be 18972
approved by a majority of the electors voting upon that question 18973
for the purpose of plugging the wells. The fund shall be 18974
administered by the board and the plugging of oil and gas wells 18975
shall be under the supervision of the chief, and the board shall 18976
let contracts for that purpose, provided that the fund shall not 18977
be used for the purpose of plugging oil and gas wells that were 18978
abandoned subsequent to September 1, 1978. 18979

Sec. 1509.13. (A) Ne (1) Except as otherwise provided in 18980
division (A) (2) of this section and division (E) (1) of section 18981
1509.071 of the Revised Code, no person shall plug and abandon a 18982
well without having a permit to do so issued by the chief of the 18983
division of oil and gas resources management. The permit shall be 18984
issued by the chief in accordance with this chapter and shall be 18985
valid for a period of twenty-four months from the date of issue. 18986

(2) The holder of a valid permit issued under section 1509.06 18987
of the Revised Code may receive approval from an oil and gas 18988
resources inspector to plug and abandon the well associated with 18989
that permit, without obtaining the permit required under division 18990
(A) of this section, if either of the following apply: 18991

(a) The well was drilled to total depth and the well cannot 18992
or will not be completed. 18993

<u>(b) The well is a lost hole or dry hole.</u>	18994
<u>(3) A permit holder plugging a well pursuant to division</u>	18995
<u>(A) (2) (a) of this section shall plug the well within thirty days</u>	18996
<u>of receipt of approval from the oil and gas resources inspector.</u>	18997
<u>(4) A permit holder plugging a well pursuant to division</u>	18998
<u>(A) (2) (b) of this section shall plug the well immediately after</u>	18999
<u>determining that the well is a lost hole or dry hole in accordance</u>	19000
<u>with rules adopted under this chapter.</u>	19001
(B) Application by the owner <u>The application</u> for a permit to	19002
plug and abandon shall be filed as many days in advance as will be	19003
necessary for an oil and gas resources inspector or, if the well	19004
is located in a coal bearing township, both a deputy mine	19005
inspector and an oil and gas resources inspector to be present at	19006
the plugging. The application shall be filed with the chief upon a	19007
form that the chief prescribes and shall contain the following	19008
information:	19009
(1) The name and address of the owner <u>applicant</u> ;	19010
(2) The signature of the owner <u>applicant</u> or the owner's	19011
<u>applicant's</u> authorized agent. When an authorized agent signs an	19012
application, it shall be accompanied by a certified copy of the	19013
appointment as that agent.	19014
(3) The location of the well identified by section or lot	19015
number, city, village, township, and county;	19016
(4) Designation of well by name and number;	19017
(5) The total depth of the well to be plugged;	19018
(6) The date and amount of last production from the well;	19019
(7) Other data <u>information</u> that the chief may require.	19020
(C) Except as otherwise provided in division (E) (2) (a) of	19021
section 1509.071 of the Revised Code, if oil or gas has been	19022
produced from the well , the application shall be accompanied by a	19023

~~nonrefundable~~ fee of two hundred fifty dollars. ~~If a well has been~~ 19024
~~drilled in accordance with law and the permit is still valid, the~~ 19025
~~permit holder may receive approval to plug the well from an oil~~ 19026
~~and gas resources inspector so that the well can be plugged and~~ 19027
~~abandoned without undue delay.~~ Unless waived by an oil and gas 19028
resources inspector, the owner of a well or the owner's authorized 19029
representative shall notify an oil and gas resources inspector at 19030
least twenty-four hours prior to the commencement of the plugging 19031
of a well. No well shall be plugged and abandoned without an oil 19032
and gas resources inspector present unless permission has been 19033
granted by the chief. The owner of a well that has produced oil or 19034
gas shall give written notice at the same time to the owner of the 19035
land upon which the well is located and to all lessors that 19036
receive gas from the well pursuant to ~~a lease~~ an agreement. If the 19037
well penetrates or passes within one hundred feet of the 19038
excavations and workings of a mine, the owner of the well shall 19039
give written notice to the owner or lessee of that mine, of the 19040
~~well owner's~~ intention to abandon the well and of the time when 19041
the ~~well~~ owner of the well will be prepared to commence plugging 19042
it. 19043

(D) An applicant may file a request with the chief for 19044
expedited review of an application for a permit to plug and 19045
abandon a well. The chief may refuse to accept a request for 19046
expedited review if, in the chief's judgment, acceptance of the 19047
request will prevent the issuance, within twenty-one days of 19048
filing, of permits for which applications filed under section 19049
1509.06 of the Revised Code are pending. In addition to a complete 19050
application for a permit that meets the requirements of this 19051
section and the permit fee prescribed by this section, if 19052
applicable, a request shall be accompanied by a nonrefundable 19053
filing fee of five hundred dollars unless the chief has ordered 19054
the applicant to plug and abandon the well. When a request for 19055
expedited review is filed, the chief shall immediately begin to 19056

process the application and shall issue a permit within seven days 19057
of the filing of the request unless the chief, by order, denies 19058
the application. 19059

(E) This (1) Except as otherwise provided in division (E) (2) 19060
of this section, any person undertaking the plugging of a well for 19061
which a permit has been issued under this section shall obtain 19062
insurance for bodily injury coverage and property damage coverage 19063
in the amount established under section 1509.07 of the Revised 19064
Code to pay for damages or injury to property or person, including 19065
damages caused by the plugging of the well. The person shall 19066
electronically submit proof of insurance to the chief upon the 19067
chief's request. 19068

(2) Division (E) (1) of this section does not apply to a 19069
person already required to maintain an insurance policy under 19070
section 1509.07 of the Revised Code. 19071

(F) This section does not apply to a well plugged or 19072
abandoned in compliance with section 1571.05 of the Revised Code. 19073

Sec. 1509.28. (A) The chief of the division of oil and gas 19074
resources management, upon the chief's own motion or upon 19075
application by the owners of sixty-five per cent of the land area 19076
overlying the pool, shall hold a hearing to consider the need for 19077
the operation as a unit of an entire pool or part thereof. In 19078
calculating the sixty-five per cent, an owner's entire interest in 19079
each tract in the proposed unit area, including any divided, 19080
undivided, partial, fee, or other interest in the tract, shall be 19081
included to the fullest extent of that interest. An application by 19082
owners shall be accompanied by a nonrefundable fee of ten thousand 19083
dollars and by such information as the chief may request. 19084

The chief shall make an order providing for the unit 19085
operation of a pool or part thereof if the chief finds that such 19086
operation is reasonably necessary to increase substantially the 19087

ultimate recovery of oil and gas, and the value of the estimated 19088
additional recovery of oil or gas exceeds the estimated additional 19089
cost incident to conducting the operation. The order shall be upon 19090
terms and conditions that are just and reasonable and shall 19091
prescribe a plan for unit operations that shall include: 19092

(1) A description of the unitized area, termed the unit area; 19093

(2) A statement of the nature of the operations contemplated; 19094

(3) An allocation to the separately owned tracts in the unit 19095
area of all the oil and gas that is produced from the unit area 19096
and is saved, being the production that is not used in the conduct 19097
of operations on the unit area or not unavoidably lost. The 19098
allocation shall be in accord with the agreement, if any, of the 19099
interested parties. If there is no such agreement, the chief shall 19100
determine the value, from the evidence introduced at the hearing, 19101
of each separately owned tract in the unit area, exclusive of 19102
physical equipment, for development of oil and gas by unit 19103
operations, and the production allocated to each tract shall be 19104
the proportion that the value of each tract so determined bears to 19105
the value of all tracts in the unit area. 19106

(4) A provision for the credits and charges to be made in the 19107
adjustment among the owners in the unit area for their respective 19108
investments in wells, tanks, pumps, machinery, materials, and 19109
equipment contributed to the unit operations; 19110

(5) A provision providing how the expenses of unit 19111
operations, including capital investment, shall be determined and 19112
charged to the separately owned tracts and how the expenses shall 19113
be paid; 19114

(6) A provision, if necessary, for carrying or otherwise 19115
financing any person who is unable to meet the person's financial 19116
obligations in connection with the unit, allowing a reasonable 19117
interest charge for such service; 19118

(7) A provision for the supervision and conduct of the unit operations, in respect to which each person shall have a vote with a value corresponding to the percentage of the expenses of unit operations chargeable against the interest of that person;

(8) The time when the unit operations shall commence, and the manner in which, and the circumstances under which, the unit operations shall terminate;

(9) Such additional provisions as are found to be appropriate for carrying on the unit operations, and for the protection or adjustment of correlative rights.

(B) No order of the chief providing for unit operations shall become effective unless and until the plan for unit operations prescribed by the chief has been approved in writing by those owners who, under the chief's order, will be required to pay at least sixty-five per cent of the costs of the unit operation, and also by the royalty or, with respect to unleased acreage, fee owners of sixty-five per cent of the acreage to be included in the unit. If the plan for unit operations has not been so approved by owners and royalty owners at the time the order providing for unit operations is made, the chief shall upon application and notice hold such supplemental hearings as may be required to determine if and when the plan for unit operations has been so approved. If the owners and royalty owners, or either, owning the required percentage of interest in the unit area do not approve the plan for unit operations within a period of six months from the date on which the order providing for unit operations is made, the order shall cease to be of force and shall be revoked by the chief.

An order providing for unit operations may be amended by an order made by the chief, in the same manner and subject to the same conditions as an original order providing for unit operations, provided that:

(1) If such an amendment affects only the rights and 19150
interests of the owners, the approval of the amendment by the 19151
royalty owners shall not be required. 19152

(2) No such order of amendment shall change the percentage 19153
for allocation of oil and gas as established for any separately 19154
owned tract by the original order, except with the consent of all 19155
persons owning interest in the tract. 19156

The chief, by an order, may provide for the unit operation of 19157
a pool or a part thereof that embraces a unit area established by 19158
a previous order of the chief. Such an order, in providing for the 19159
allocation of unit production, shall first treat the unit area 19160
previously established as a single tract, and the portion of the 19161
unit production so allocated thereto shall then be allocated among 19162
the separately owned tracts included in the previously established 19163
unit area in the same proportions as those specified in the 19164
previous order. 19165

Oil and gas allocated to a separately owned tract shall be 19166
deemed, for all purposes, to have been actually produced from the 19167
tract, and all operations, including, but not limited to, the 19168
commencement, drilling, operation of, or production from a well 19169
upon any portion of the unit area shall be deemed for all purposes 19170
the conduct of such operations and production from any lease or 19171
contract for lands any portion of which is included in the unit 19172
area. The operations conducted pursuant to the order of the chief 19173
shall constitute a fulfillment of all the express or implied 19174
obligations of each lease or contract covering lands in the unit 19175
area to the extent that compliance with such obligations cannot be 19176
had because of the order of the chief. 19177

Oil and gas allocated to any tract, and the proceeds from the 19178
sale thereof, shall be the property and income of the several 19179
persons to whom, or to whose credit, the same are allocated or 19180
payable under the order providing for unit operations. 19181

No order of the chief or other contract relating to the sale 19182
or purchase of production from a separately owned tract shall be 19183
terminated by the order providing for unit operations, but shall 19184
remain in force and apply to oil and gas allocated to the tract 19185
until terminated in accordance with the provisions thereof. 19186

Notwithstanding divisions (A) to ~~(H)~~(G) of section ~~1509.73~~ 19187
155.33 of the Revised Code and rules adopted under it, the chief 19188
shall issue an order for the unit operation of a pool or a part of 19189
a pool that encompasses a unit area for which all or a portion of 19190
the mineral rights are owned by the department of transportation. 19191

Except to the extent that the parties affected so agree, no 19192
order providing for unit operations shall be construed to result 19193
in a transfer of all or any part of the title of any person to the 19194
oil and gas rights in any tract in the unit area. All property, 19195
whether real or personal, that may be acquired for the account of 19196
the owners within the unit area shall be the property of such 19197
owners in the proportion that the expenses of unit operations are 19198
charged. 19199

Sec. 1513.08. (A) After a coal mining and reclamation permit 19200
application has been approved, the applicant shall file with the 19201
chief of the division of mineral resources management, on a form 19202
prescribed and furnished by the chief, the performance security 19203
required under this section that shall be payable to the state and 19204
conditioned on the faithful performance of all the requirements of 19205
this chapter and rules adopted under it and the terms and 19206
conditions of the permit. 19207

(B) Using the information contained in the permit 19208
application; the requirements contained in the approved permit and 19209
reclamation plan; and, after considering the topography, geology, 19210
hydrology, and revegetation potential of the area of the approved 19211
permit, the probable difficulty of reclamation; the chief shall 19212

determine the estimated cost of reclamation under the initial term 19213
of the permit if the reclamation has to be performed by the 19214
division of mineral resources management in the event of 19215
forfeiture of the performance security by the applicant. The chief 19216
shall send written notice of the amount of the estimated cost of 19217
reclamation by certified mail to the applicant. The applicant 19218
shall send written notice to the chief indicating the method by 19219
which the applicant will provide the performance security pursuant 19220
to division (C) of this section. 19221

(C) The applicant shall provide the performance security in 19222
an amount using one of the following: 19223

(1) If the applicant elects to provide performance security 19224
without reliance on the reclamation forfeiture fund created in 19225
section 1513.18 of the Revised Code, the amount of the estimated 19226
cost of reclamation as determined by the chief under division (B) 19227
of this section for the increments of land on which the operator 19228
will conduct a coal mining and reclamation operation under the 19229
initial term of the permit as indicated in the application; 19230

(2) If the applicant elects to provide performance security 19231
together with reliance on the reclamation forfeiture fund through 19232
payment of the additional tax on the severance of coal that is 19233
levied under division (A) (8) of section 5749.02 of the Revised 19234
Code, an amount of twenty-five hundred dollars per acre of land on 19235
which the operator will conduct coal mining and reclamation under 19236
the initial term of the permit as indicated in the application. 19237
~~However, in~~ In order for an applicant to be eligible to provide 19238
performance security in accordance with division (C) (2) of this 19239
section, the applicant, an owner and controller of the applicant, 19240
or an affiliate of the applicant shall have held a permit issued 19241
under this chapter for any coal mining and reclamation operation 19242
for a period of not less than five years. ~~It~~ 19243

If a permit is transferred, assigned, or sold, the transferee 19244

is not eligible to provide performance security under division (C) (2) of this section if the transferee has not held a permit issued under this chapter for any coal mining and reclamation operation for a period of not less than five years. This restriction applies even if the status or name of the permittee otherwise remains the same after the transfer, assignment, or sale.

In the event of forfeiture of performance security that was provided in accordance with division (C) (2) of this section, the difference between the amount of that performance security and the estimated cost of reclamation as determined by the chief under division (B) of this section shall be obtained from money in the reclamation forfeiture fund as needed to complete the reclamation.

The performance security provided under division (C) of this section for the entire area to be mined under one permit issued under this chapter shall not be less than ten thousand dollars.

The performance security shall cover areas of land affected by mining within or immediately adjacent to the permitted area, so long as the total number of acres does not exceed the number of acres for which the performance security is provided. However, the authority for the performance security to cover areas of land immediately adjacent to the permitted area does not authorize a permittee to mine areas outside an approved permit area. As succeeding increments of coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the chief additional performance security to cover the increments in accordance with this section. If a permittee intends to mine areas outside the approved permit area, the permittee shall provide additional performance security in accordance with this section to cover the areas to be mined.

If an applicant or permittee ~~has~~ is not held a permit issued ~~under this chapter for any coal mining and reclamation operation~~

~~for a period of five years or more~~ eligible to provide performance security in accordance with division (C) (2) of this section, the applicant or permittee shall provide performance security in accordance with division (C) (1) of this section in the full amount of the estimated cost of reclamation as determined by the chief for a permitted coal preparation plant or coal refuse disposal area that is not located within a permitted area of a mine. If an applicant for a permit for a coal preparation plant or coal refuse disposal area or a permittee of a permitted coal preparation plant or coal refuse disposal area that is not located within a permitted area of a mine has held a permit issued under this chapter for any coal mining and reclamation operation for a period of five years or more, the applicant or permittee may provide performance security for the coal preparation plant or coal refuse disposal area either in accordance with division (C) (1) of this section in the full amount of the estimated cost of reclamation as determined by the chief or in accordance with division (C) (2) of this section in an amount of twenty-five hundred dollars per acre of land with reliance on the reclamation forfeiture fund. If a permittee has previously provided performance security under division (C) (1) of this section for a coal preparation plant or coal refuse disposal area that is not located within a permitted area of a mine and elects to provide performance security in accordance with division (C) (2) of this section, the permittee shall submit written notice to the chief indicating that the permittee elects to provide performance security in accordance with division (C) (2) of this section. Upon receipt of such a written notice, the chief shall release to the permittee the amount of the performance security previously provided under division (C) (1) of this section that exceeds the amount of performance security that is required to be provided under division (C) (2) of this section.

(D) A permittee's liability under the performance security 19309

shall be limited to the obligations established under the permit, 19310
which include completion of the reclamation plan in order to make 19311
the land capable of supporting the postmining land use that was 19312
approved in the permit. The period of liability under the 19313
performance security shall be for the duration of the coal mining 19314
and reclamation operation and for a period coincident with the 19315
operator's responsibility for revegetation requirements under 19316
section 1513.16 of the Revised Code. 19317

(E) The amount of the estimated cost of reclamation 19318
determined under division (B) of this section and the amount of a 19319
permittee's performance security provided in accordance with 19320
division (C) (1) of this section shall be adjusted by the chief as 19321
the land that is affected by mining increases or decreases or if 19322
the cost of reclamation increases or decreases. If the performance 19323
security was provided in accordance with division (C) (2) of this 19324
section and the chief has issued a cessation order under division 19325
(D) (2) of section 1513.02 of the Revised Code for failure to abate 19326
a violation of the contemporaneous reclamation requirement under 19327
division (A) (15) of section 1513.16 of the Revised Code, the chief 19328
may require the permittee to increase the amount of performance 19329
security from twenty-five hundred dollars per acre of land to five 19330
thousand dollars per acre of land. 19331

The chief shall notify the permittee, each surety, and any 19332
person who has a property interest in the performance security and 19333
who has requested to be notified of any proposed adjustment to the 19334
performance security. The permittee may request an informal 19335
conference with the chief concerning the proposed adjustment, and 19336
the chief shall provide such an informal conference. 19337

If the chief increases the amount of performance security 19338
under this division, the permittee shall provide additional 19339
performance security in an amount determined by the chief. If the 19340
chief decreases the amount of performance security under this 19341

division, the chief shall determine the amount of the reduction of 19342
the performance security and send written notice of the amount of 19343
reduction to the permittee. The permittee may reduce the amount of 19344
the performance security in the amount determined by the chief. 19345

(F) A permittee may request a reduction in the amount of the 19346
performance security by submitting to the chief documentation 19347
proving that the amount of the performance security provided by 19348
the permittee exceeds the estimated cost of reclamation if the 19349
reclamation would have to be performed by the division in the 19350
event of forfeiture of the performance security. The chief shall 19351
examine the documentation and determine whether the permittee's 19352
performance security exceeds the estimated cost of reclamation. If 19353
the chief determines that the performance security exceeds that 19354
estimated cost, the chief shall determine the amount of the 19355
reduction of the performance security and send written notice of 19356
the amount to the permittee. The permittee may reduce the amount 19357
of the performance security in the amount determined by the chief. 19358
Adjustments in the amount of performance security under this 19359
division shall not be considered release of performance security 19360
and are not subject to section 1513.16 of the Revised Code. 19361

(G) If the performance security is a bond, it shall be 19362
executed by the operator and a corporate surety licensed to do 19363
business in this state. If the performance security is a cash 19364
deposit or negotiable certificates of deposit of a bank or savings 19365
and loan association, the bank or savings and loan association 19366
shall be licensed and operating in this state. The cash deposit or 19367
market value of the securities shall be equal to or greater than 19368
the amount of the performance security required under this 19369
section. The chief shall review any documents pertaining to the 19370
performance security and approve or disapprove the documents. The 19371
chief shall notify the applicant of the chief's determination. 19372

(H) If the performance security is a bond, the chief may 19373

accept the bond of the applicant itself without separate surety 19374
when the applicant demonstrates to the satisfaction of the chief 19375
the existence of a suitable agent to receive service of process 19376
and a history of financial solvency and continuous operation 19377
sufficient for authorization to self-insure or bond the amount. 19378

(I) Performance security provided under this section may be 19379
held in trust, provided that the state is the primary beneficiary 19380
of the trust and the custodian of the performance security held in 19381
trust is a bank, trust company, or other financial institution 19382
that is licensed and operating in this state. The chief shall 19383
review the trust document and approve or disapprove the document. 19384
The chief shall notify the applicant of the chief's determination. 19385

(J) If a surety, bank, savings and loan association, trust 19386
company, or other financial institution that holds the performance 19387
security required under this section becomes insolvent, the 19388
permittee shall notify the chief of the insolvency, and the chief 19389
shall order the permittee to submit a plan for replacement 19390
performance security within thirty days after receipt of notice 19391
from the chief. If the permittee provided performance security in 19392
accordance with division (C) (1) of this section, the permittee 19393
shall provide the replacement performance security within ninety 19394
days after receipt of notice from the chief. If the permittee 19395
provided performance security in accordance with division (C) (2) 19396
of this section, the permittee shall provide the replacement 19397
performance security within one year after receipt of notice from 19398
the chief, and, for a period of one year after the permittee's 19399
receipt of notice from the chief or until the permittee provides 19400
the replacement performance security, whichever occurs first, 19401
money in the reclamation forfeiture fund shall be the permittee's 19402
replacement performance security in an amount not to exceed the 19403
estimated cost of reclamation as determined by the chief. 19404

(K) If a permittee provided performance security in 19405

accordance with division (C) (1) of this section, the permittee's 19406
responsibility for repairing material damage and replacement of 19407
water supply resulting from subsidence shall be satisfied by 19408
either of the following: 19409

(1) The purchase prior to mining of a noncancelable 19410
premium-prepaid liability insurance policy in lieu of the 19411
permittee's performance security for subsidence damage. The 19412
insurance policy shall contain terms and conditions that 19413
specifically provide coverage for repairing material damage and 19414
replacement of water supply resulting from subsidence. 19415

(2) The provision of additional performance security in the 19416
amount of the estimated cost to the division of mineral resources 19417
management to repair material damage and replace water supplies 19418
resulting from subsidence until the repair or replacement is 19419
completed. However, if such repair or replacement is completed, or 19420
compensation for structures that have been damaged by subsidence 19421
is provided, by the permittee within ninety days of the occurrence 19422
of the subsidence, additional performance security is not 19423
required. In addition, the chief may extend the ninety-day period 19424
for a period not to exceed one year if the chief determines that 19425
the permittee has demonstrated in writing that subsidence is not 19426
complete and that probable subsidence-related damage likely will 19427
occur and, as a result, the completion of repairs of 19428
subsidence-related material damage to lands or protected 19429
structures or the replacement of water supply within ninety days 19430
of the occurrence of the subsidence would be unreasonable. 19431

(L) If the performance security provided in accordance with 19432
this section exceeds the estimated cost of reclamation, the chief 19433
may authorize the amount of the performance security that exceeds 19434
the estimated cost of reclamation together with any interest or 19435
other earnings on the performance security to be paid to the 19436
permittee. 19437

(M) A permittee that held a valid coal mining and reclamation permit immediately prior to April 6, 2007, shall provide, not later than a date established by the chief, performance security in accordance with division (C) (1) or (2) of this section, rather than in accordance with the law as it existed prior to that date, by filing it with the chief on a form that the chief prescribes and furnishes. Accordingly, for purposes of this section, "applicant" is deemed to include such a permittee.

(N) As used in this section:

(1) "Affiliate of the applicant" means an entity that has a parent entity in common with the applicant.

(2) "Owner and controller of the applicant" means a person that has any relationship with the applicant that gives the person authority to determine directly or indirectly the manner in which the applicant conducts coal mining operations.

Sec. 1521.06. (A) No dam may be constructed for the purpose of storing, conserving, or retarding water, or for any other purpose, nor shall any levee be constructed for the purpose of diverting or retaining flood water, unless the person or governmental agency desiring the construction has a construction permit for the dam or levee issued by the chief of the division of water resources.

A construction permit is not required under this section for:

(1) A dam that is or will be less than ten feet in height and that has or will have a storage capacity of not more than fifty acre-feet at the elevation of the top of the dam, as determined by the chief. For the purposes of this section, the height of a dam shall be measured from the natural stream bed or lowest ground elevation at the downstream or outside limit of the dam to the elevation of the top of the dam.

(2) A dam, regardless of height, that has or will have a storage capacity of not more than fifteen acre-feet at the elevation of the top of the dam, as determined by the chief; (19468-19470)

(3) A dam, regardless of storage capacity, that is or will be six feet or less in height, as determined by the chief; (19471-19472)

(4) A dam or levee that belongs to a class exempted by the chief; (19473-19474)

(5) The repair, maintenance, improvement, alteration, or removal of a dam or levee that is subject to section 1521.062 of the Revised Code, unless the construction constitutes an enlargement or reconstruction of the structure as determined by the chief; (19475-19479)

(6) A dam or impoundment constructed under Chapter 1513. of the Revised Code. (19480-19481)

(B) Before a construction permit may be issued, three copies of the plans and specifications, including a detailed cost estimate, for the proposed construction, prepared by a registered professional engineer, together with any filing fee specified by rules adopted by the chief in accordance with division (I) of this section and the bond or other security required by section 1521.061 of the Revised Code, shall be filed with the chief. The detailed estimate of the cost shall include all costs associated with the construction of the dam or levee, including supervision and inspection of the construction by a registered professional engineer. (19482-19492)

All fees collected pursuant to this section, ~~and all fines collected pursuant to section 1521.99 of the Revised Code,~~ shall be deposited in the state treasury to the credit of the dam safety fund, which is hereby created. Expenditures from the fund shall be made by the chief for the purpose of administering this section and sections 1521.061 and 1521.062 of the Revised Code. (19493-19498)

(C) The chief shall, within thirty days from the date of the receipt of the application, fee, and bond or other security, issue or deny a construction permit for the construction or may issue a construction permit conditioned upon the making of such changes in the plans and specifications for the construction as the chief considers advisable if the chief determines that the construction of the proposed dam or levee, in accordance with the plans and specifications filed, would endanger life, health, or property.

(D) The chief may deny a construction permit after finding that a dam or levee built in accordance with the plans and specifications would endanger life, health, or property, because of improper or inadequate design, or for such other reasons as the chief may determine.

In the event the chief denies a permit for the construction of the dam or levee, or issues a permit conditioned upon a making of changes in the plans or specifications for the construction, the chief shall state the reasons therefor and so notify, in writing, the person or governmental agency making the application for a permit. If the permit is denied, the chief shall return the bond or other security to the person or governmental agency making application for the permit.

The decision of the chief conditioning or denying a construction permit is subject to appeal as provided in Chapter 119. of the Revised Code. A dam or levee built substantially at variance from the plans and specifications upon which a construction permit was issued is in violation of this section. The chief may at any time inspect any dam or levee, or site upon which any dam or levee is to be constructed, in order to determine whether it complies with this section.

(E) A registered professional engineer shall inspect the construction for which the permit was issued during all phases of construction and shall furnish to the chief such regular reports

of the engineer's inspections as the chief may require. When the 19531
chief finds that construction has been fully completed in 19532
accordance with the terms of the permit and the plans and 19533
specifications approved by the chief, the chief shall approve the 19534
construction. When one year has elapsed after approval of the 19535
completed construction, and the chief finds that within this 19536
period no fact has become apparent to indicate that the 19537
construction was not performed in accordance with the terms of the 19538
permit and the plans and specifications approved by the chief, or 19539
that the construction as performed would endanger life, health, or 19540
property, the chief shall release the bond or other security. No 19541
bond or other security shall be released until one year after 19542
final approval by the chief, unless the dam or levee has been 19543
modified so that it will not retain water and has been approved as 19544
nonhazardous after determination by the chief that the dam or 19545
levee as modified will not endanger life, health, or property. 19546

(F) When inspections required by this section are not being 19547
performed, the chief shall notify the person or governmental 19548
agency to which the permit has been issued that inspections are 19549
not being performed by the registered professional engineer and 19550
that the chief will inspect the remainder of the construction. 19551
Thereafter, the chief shall inspect the construction and the cost 19552
of inspection shall be charged against the owner. Failure of the 19553
registered professional engineer to submit required inspection 19554
reports shall be deemed notice that the engineer's inspections are 19555
not being performed. 19556

(G) The chief may order construction to cease on any dam or 19557
levee that is being built in violation of this section, and may 19558
prohibit the retention of water behind any dam or levee that has 19559
been built in violation of this section. 19560

(H) The chief may adopt rules in accordance with Chapter 119. 19561
of the Revised Code, for the design and construction of dams and 19562

levees for which a construction permit is required by this section 19563
or for which periodic inspection is required by section 1521.062 19564
of the Revised Code, for deposit and forfeiture of bonds and other 19565
securities required by section 1521.061 of the Revised Code, for 19566
the periodic inspection, operation, repair, improvement, 19567
alteration, or removal of all dams and levees, as specified in 19568
section 1521.062 of the Revised Code, and for establishing classes 19569
of dams or levees that are exempt from the requirements of this 19570
section and section 1521.062 of the Revised Code as being of a 19571
size, purpose, or situation that does not present a substantial 19572
hazard to life, health, or property. The chief may, by rule, limit 19573
the period during which a construction permit issued under this 19574
section is valid. The rules may allow for the extension of the 19575
period during which a permit is valid upon written request, 19576
provided that the written request includes a revised construction 19577
cost estimate, and may require the payment of an additional filing 19578
fee for the requested extension. If a construction permit expires 19579
without an extension before construction is completed, the person 19580
or agency shall apply for a new permit, and shall not continue 19581
construction until the new permit is issued. 19582

(I) The chief shall adopt rules in accordance with Chapter 19583
119. of the Revised Code establishing a filing fee schedule for 19584
purposes of division (B) of this section. 19585

Sec. 1521.061. (A)(1) Except as otherwise provided in this 19586
section, the chief of the division of water resources shall not 19587
issue a construction permit ~~shall not be issued~~ under section 19588
1521.06 of the Revised Code unless the person or governmental 19589
agency applying for the permit executes and files a surety bond 19590
conditioned on completion of the dam or levee in accordance with 19591
the terms of the permit and the plans and specifications approved 19592
by the chief ~~of the division of water resources, in an amount~~ 19593
~~equal to fifty per cent of the estimated cost of the project.~~ 19594

Except as provided in division (A) (2) of this section, the surety bond shall equal: 19595
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(a) \$50,000 for the first \$500,000 of the estimated cost of the project; plus 19597
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(b) Twenty-five per cent of the estimated cost for the next \$4,500,000 of the estimated cost of the project; plus 19599
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(c) Ten per cent of the estimated cost that exceeds \$5,000,000. 19601
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(2) The chief may reduce the amount of the required surety bond to the amount equal to the cost estimate of construction activities necessary to render the dam nonhazardous if the cost estimate is provided by the applicant and approved by the chief. 19603
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(B) If a permittee requests an extension of the time period during which a construction permit is valid in accordance with rules adopted under section 1521.06 of the Revised Code, the chief shall determine whether the revised construction cost estimate provided with the request exceeds the original construction cost estimate that was filed with the chief by more than twenty-five per cent. If the revised construction cost estimate exceeds the original construction cost estimate by more than twenty-five per cent, the chief may require an additional surety bond to be filed so that the total amount of the surety bonds equals at least fifty per cent of in an amount determined in accordance with division (A) of this section based on the revised construction cost estimate. 19607
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(C) The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the attorney in fact thereof, with a certified copy of the power of attorney attached. The chief shall not approve the bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to 19620
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transact a fidelity and surety business in this state. 19626

All bonds shall be given in a form prescribed by the chief 19627
and shall run to the state as obligee. 19628

(D) (1) The applicant may deposit, in lieu of a bond, cash in 19629
an amount equal to the amount of the bond or United States 19630
government securities or negotiable certificates of deposit issued 19631
by any bank organized or transacting business in this state having 19632
a par value equal to or greater than the amount of the bond. Such 19633
cash or securities shall be deposited upon the same terms as 19634
bonds. If one or more certificates of deposit are deposited in 19635
lieu of a bond, the chief shall require the bank that issued any 19636
such certificate to pledge securities of the aggregate market 19637
value equal to the amount of the certificate that is in excess of 19638
the amount insured by the federal deposit insurance corporation. 19639
The securities to be pledged shall be those designated as eligible 19640
under section 135.18 of the Revised Code. The securities shall be 19641
security for the repayment of the certificate of deposit. 19642

(2) Immediately upon a deposit of cash, securities, or 19643
certificates of deposit, the chief shall deliver them to the 19644
treasurer of state, who shall hold them in trust for the purposes 19645
for which they have been deposited. The treasurer of state is 19646
responsible for the safekeeping of such deposits. An applicant 19647
making a deposit of cash, securities, or certificates of deposit 19648
may withdraw and receive from the treasurer of state, on the 19649
written order of the chief, all or any portion of the cash, 19650
securities, or certificates of deposit, upon depositing with the 19651
treasurer of state cash, other United States government 19652
securities, or negotiable certificates of deposit issued by any 19653
bank organized or transacting business in this state equal in par 19654
value to the par value of the cash, securities, or certificates of 19655
deposit withdrawn. An applicant may demand and receive from the 19656
treasurer of state all interest or other income from any such 19657

securities or certificates as it becomes due. If securities so 19658
deposited with and in the possession of the treasurer of state 19659
mature or are called for payment by the issuer thereof, the 19660
treasurer of state, at the request of the applicant who deposited 19661
them, shall convert the proceeds of the redemption or payment of 19662
the securities into such other United States government 19663
securities, negotiable certificates of deposit issued by any bank 19664
organized or transacting business in this state, or cash as the 19665
applicant designates. 19666

(E)(1) When the chief finds that a person or governmental 19667
agency has failed to comply with the conditions of the person's or 19668
agency's bond, the chief shall make a finding of that fact and 19669
declare the bond, cash, securities, or certificates of deposit 19670
forfeited in the amount set by rule of the chief. The chief shall 19671
thereupon certify the total forfeiture to the attorney general, 19672
who shall proceed to collect that amount. 19673

(2) In lieu of total forfeiture, the surety, at its option, 19674
may cause the dam or levee to be completed as required by section 19675
1521.06 of the Revised Code and rules of the chief, or otherwise 19676
rendered nonhazardous, or pay to the treasurer of state the cost 19677
thereof. 19678

(F)(1) All moneys collected on account of forfeitures of 19679
bonds, cash, securities, and certificates of deposit under this 19680
section shall be credited to the dam safety fund created in 19681
section 1521.06 of the Revised Code. The chief shall make 19682
expenditures from the fund to complete dams and levees for which 19683
bonds have been forfeited or to otherwise render them 19684
nonhazardous. 19685

(2) Expenditures from the fund for those purposes shall be 19686
made pursuant to contracts entered into by the chief with persons 19687
who agree to furnish all of the materials, equipment, work, and 19688
labor as specified and provided in the contract. 19689

(G) A surety bond shall not be required for a permit for a dam or levee that is to be designed and constructed by an agency of the United States government, if the agency files with the chief written assurance of the agency's financial responsibility for the structure ~~during the one year period~~ for one year following the chief's approval of the completed construction provided for under division (E) of section 1521.06 of the Revised Code.

Sec. 1521.40. (A) No person shall violate any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it.

(B) The attorney general, upon written request of the chief of the division of water resources, shall bring an action for an injunction or other appropriate legal or equitable action against any person who has violated, is violating, or is threatening to violate any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it.

(C) A person who violates any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it is liable to the chief for any costs incurred by the division of water resources in investigating, mitigating, minimizing, removing, or abating the violation and conditions caused by it. The chief also may assess a civil penalty of not more than five thousand dollars per day for each day a violation occurs of any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it.

(D) Upon the request of the chief, the attorney general shall bring a civil action against the responsible person to recover those costs and civil penalties in the court of common pleas of

Franklin county. ~~Moneys~~ Money recovered under this division for 19721
violations of sections 1521.06 to 1521.063 of the Revised Code, 19722
any rule or order adopted or issued under those sections, or any 19723
term or condition of a permit issued under those sections shall be 19724
deposited in the state treasury to the credit of the dam safety 19725
fund created in section 1521.06 of the Revised Code. Money 19726
recovered under this division for violations of sections 1521.16 19727
and 1521.22 to 1521.35 of the Revised Code, any rule or order 19728
adopted or issued under those sections, or any term or condition 19729
of a permit issued under those sections shall be deposited in the 19730
state treasury to the credit of the water management fund created 19731
in section 1521.22 of the Revised Code. 19732

Sec. 1521.99. (A) Whoever violates division (E)(1) of section 19733
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 19734
is guilty of a misdemeanor of the fourth degree. All fines 19735
collected pursuant to this division shall be deposited in the 19736
state treasury to the credit of the water management fund created 19737
in section 1521.22 of the Revised Code. 19738

(B) Whoever violates section 1521.06 or 1521.062 of the 19739
Revised Code shall be fined not less than one hundred dollars nor 19740
more than one thousand dollars for each offense. Each day of 19741
violation constitutes a separate offense. All fines collected 19742
pursuant to this division shall be deposited in the state treasury 19743
to the credit of the dam safety fund created in section 1521.06 of 19744
the Revised Code. 19745

(C) Whoever violates section 1521.22 of the Revised Code or 19746
the terms or conditions of a permit issued under that section 19747
shall be fined not more than ten thousand dollars for each day of 19748
violation. All fines collected pursuant to this division shall be 19749
deposited in the state treasury to the credit of the water 19750
management fund created in section 1521.22 of the Revised Code. 19751

(D) Whoever violates section 1521.23 of the Revised Code or 19752
the terms or conditions of a permit issued under section 1521.29 19753
of the Revised Code is guilty of a misdemeanor of the fourth 19754
degree. All fines collected pursuant to this division shall be 19755
deposited in the state treasury to the credit of the water 19756
management fund created in section 1521.22 of the Revised Code. 19757

Sec. 1531.01. As used in this chapter and Chapter 1533. of 19758
the Revised Code: 19759

(A) "Person" means a person as defined in section 1.59 of the 19760
Revised Code or a company; an employee, agent, or officer of such 19761
a person or company; a combination of individuals; the state; a 19762
political subdivision of the state; an interstate body created by 19763
a compact; or the federal government or a department, agency, or 19764
instrumentality of it. 19765

(B) "Resident" means any individual who has resided in this 19766
state for not less than six months preceding the date of making 19767
application for a license or permit. 19768

(C) "Nonresident" means any individual who does not qualify 19769
as a resident. 19770

(D) "Division rule" or "rule" means any rule adopted by the 19771
chief of the division of wildlife under section 1531.10 of the 19772
Revised Code unless the context indicates otherwise. 19773

(E) "Closed season" means that period of time during which 19774
the taking of wild animals protected by this chapter and Chapter 19775
1533. of the Revised Code is prohibited. 19776

(F) "Open season" means that period of time during which the 19777
taking of wild animals protected by this chapter and Chapter 1533. 19778
of the Revised Code is permitted. 19779

(G) "Take or taking" includes pursuing, shooting, hunting, 19780
killing, trapping, angling, fishing with a trotline, or netting 19781

any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 19782
wild bird, or wild quadruped, and any lesser act, such as 19783
wounding, or placing, setting, drawing, or using any other device 19784
for killing or capturing any wild animal, whether it results in 19785
killing or capturing the animal or not. "Take or taking" includes 19786
every attempt to kill or capture and every act of assistance to 19787
any other person in killing or capturing or attempting to kill or 19788
capture a wild animal. 19789

(H) "Possession" means both actual and constructive 19790
possession and any control of things referred to. 19791

(I) "Bag limit" means the number, measurement, or weight of 19792
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 19793
birds, and wild quadrupeds permitted to be taken. 19794

(J) "Transport and transportation" means carrying or moving 19795
or causing to be carried or moved. 19796

(K) "Sell and sale" means barter, exchange, or offer or 19797
expose for sale. 19798

(L) "Whole to include part" means that every provision 19799
relating to any wild animal protected by this chapter and Chapter 19800
1533. of the Revised Code applies to any part of the wild animal 19801
with the same effect as it applies to the whole. 19802

(M) "Angling" means fishing with not more than two hand 19803
lines, not more than two units of rod and line, or a combination 19804
of not more than one hand line and one rod and line, either in 19805
hand or under control at any time while fishing. The hand line or 19806
rod and line shall have attached to it not more than three baited 19807
hooks, not more than three artificial fly rod lures, or one 19808
artificial bait casting lure equipped with not more than three 19809
sets of three hooks each. 19810

(N) "Trotline" means a device for catching fish that consists 19811
of a line having suspended from it, at frequent intervals, 19812

vertical lines with hooks attached.	19813
(O) "Fish" means a cold-blooded vertebrate having fins.	19814
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	19815 19816
(Q) "Wild birds" includes game birds and nongame birds.	19817
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	19818 19819
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	19820 19821 19822 19823 19824 19825
(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	19826 19827
(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.	19828 19829
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, elk, and black bears.	19830 19831 19832 19833
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	19834 19835 19836
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	19837 19838 19839
(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device	19840 19841 19842

commonly used to kill or wound wild birds or wild quadrupeds 19843
whether or not the acts result in killing or wounding. "Hunting" 19844
includes every attempt to kill or wound and every act of 19845
assistance to any other person in killing or wounding or 19846
attempting to kill or wound wild birds or wild quadrupeds. 19847

(Z) "Trapping" means securing or attempting to secure 19848
possession of a wild bird or wild quadruped by means of setting, 19849
placing, drawing, or using any device that is designed to close 19850
upon, hold fast, confine, or otherwise capture a wild bird or wild 19851
quadruped whether or not the means results in capture. "Trapping" 19852
includes every act of assistance to any other person in capturing 19853
wild birds or wild quadrupeds by means of the device whether or 19854
not the means results in capture. 19855

(AA) "Muskrat spear" means any device used in spearing 19856
muskrats. 19857

(BB) "Channels and passages" means those narrow bodies of 19858
water lying between islands or between an island and the mainland 19859
in Lake Erie. 19860

(CC) "Island" means a rock or land elevation above the waters 19861
of Lake Erie having an area of five or more acres above water. 19862

(DD) "Reef" means an elevation of rock, either broken or in 19863
place, or gravel shown by the latest United States chart to be 19864
above the common level of the surrounding bottom of the lake, 19865
other than the rock bottom, or in place forming the base or 19866
foundation rock of an island or mainland and sloping from the 19867
shore of it. "Reef" also means all elevations shown by that chart 19868
to be above the common level of the sloping base or foundation 19869
rock of an island or mainland, whether running from the shore of 19870
an island or parallel with the contour of the shore of an island 19871
or in any other way and whether formed by rock, broken or in 19872
place, or from gravel. 19873

(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.

(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.

(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.

(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife (Alosa pseudoharengus), American eel (Anguilla rostrata), bowfin (Amia calva), burbot (Lota lota), carp (Cyprinus carpio), smallmouth buffalo (Ictiobus bubalus), bigmouth buffalo (Ictiobus cyprinellus), black bullhead (Ictalurus melas), yellow bullhead (Ictalurus natalis), brown bullhead (Ictalurus nebulosus), channel catfish (Ictalurus punctatus), flathead catfish (Pylodictis olivaris), whitefish (Coregonus sp.), cisco (Coregonus sp.), freshwater drum or sheepshead (Aplodinotus grunniens), gar (Lepisosteus sp.), gizzard shad (Dorosoma cepedianum), goldfish (Carassius auratus), lake trout (Salvelinus namaycush), mooneye (Hiodon tergisus), quillback (Carpionodes cyprinus), smelt (Allosmerus elongatus, Hypomesus sp., Osmerus sp., Spirinchus sp.), sturgeon (Acipenser sp., Scaphirhynchus sp.), sucker other than buffalo and quillback (Carpionodes sp., Catostomus sp., Hypentelium sp., Minytrema sp., Moxostoma sp.), white bass (Morone chrysops), white perch (Roccus americanus), and yellow perch (Perca flavescens). When the common name of a fish is used in this chapter or Chapter 1533. of the Revised Code, it refers to the fish designated by the scientific name in this definition.

(II) "Fishing" means taking or attempting to take fish by any method, and all other acts such as placing, setting, drawing, or

using any device commonly used to take fish whether resulting in a taking or not. 19906
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(JJ) "Fillet" means the pieces of flesh taken or cut from both sides of a fish, joined to form one piece of flesh. 19908
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(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish. 19910
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(LL) "Round" when used in describing fish means with head and tail intact. 19912
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(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow. 19914
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(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing. 19918
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(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing. 19922
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(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets. 19928
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(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets. 19932
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(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state.	19936 19937
(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it.	19938 19939 19940 19941
(TT) "Tag fishing tournament" means a contest in which a participant pays a fee, or gives other valuable consideration, for a chance to win a prize by virtue of catching a tagged or otherwise specifically marked fish within a limited period of time.	19942 19943 19944 19945 19946
(UU) "Tenant" means an individual who resides on land for which the individual pays rent and whose annual income is primarily derived from agricultural production conducted on that land, as "agricultural production" is defined in section 929.01 of the Revised Code.	19947 19948 19949 19950 19951
(VV) "Nonnative wildlife" means any wild animal not indigenous to this state, but does not include domestic deer.	19952 19953
(WW) "Reptiles" includes common musk turtle (<i>sternotherus odoratus</i>), common snapping turtle (<i>Chelydra serpentina serpentina</i>), spotted turtle (<i>Clemmys guttata</i>), eastern box turtle (<i>Terrapene carolina carolina</i>), Blanding's turtle (<i>Emydoidea blandingii</i>), common map turtle (<i>Graptemys geographica</i>), ouachita map turtle (<i>Graptemys pseudogeographica ouachitensis</i>), midland painted turtle (<i>Chrysemys picta marginata</i>), red-eared slider (<i>Trachemys scripta elegans</i>), eastern spiny softshell turtle (<i>Apalone spinifera spinifera</i>), midland smooth softshell turtle (<i>Apalone mutica mutica</i>), northern fence lizard (<i>Sceloporus undulatus hyacinthinus</i>), ground skink (<i>Scincella lateralis</i>), five-lined skink (<i>Eumeces fasciatus</i>), broadhead skink (<i>Eumeces laticeps</i>), northern coal skink (<i>Eumeces anthracinus anthracinus</i>),	19954 19955 19956 19957 19958 19959 19960 19961 19962 19963 19964 19965 19966

European wall lizard (<i>Podarcis muralis</i>), queen snake (<i>Regina septemvittata</i>), Kirtland's snake (<i>Clonophis kirtlandii</i>), northern	19967 19968
water snake (<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake (<i>Nerodia sipedon insularum</i>), copperbelly water snake (<i>Nerodia erythrogaster neglecta</i>), northern brown snake (<i>Storeria dekayi dekayi</i>), midland brown snake (<i>Storeria dekayi wrightorum</i>),	19969 19970 19971
northern redbelly snake (<i>Storeria occipitomaculata occipitomaculata</i>), eastern garter snake (<i>Thamnophis sirtalis sirtalis</i>), eastern plains garter snake (<i>Thamnophis radix radix</i>),	19972 19973
Butler's garter snake (<i>Thamnophis butleri</i>), shorthead garter snake (<i>Thamnophis brachystoma</i>), eastern ribbon snake (<i>Thamnophis sauritus sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	19974 19975 19976 19977
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>), northern ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest worm snake (<i>Carphophis amoenus helena</i>), eastern worm snake (<i>Carphophis amoenus amoenus</i>), black racer (<i>Coluber constrictor constrictor</i>),	19978 19979 19980 19981
blue racer (<i>Coluber constrictor foxii</i>), rough green snake (<i>Opheodrys aestivus</i>), smooth green snake (<i>Opheodrys vernalis vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), eastern fox snake (<i>Elaphe vulpina gloydi</i>), black kingsnake (<i>Lampropeltis getula nigra</i>), eastern milk snake (<i>Lampropeltis triangulum triangulum</i>), northern copperhead (<i>Agkistrodon contortrix mokasen</i>),	19982 19983 19984 19985 19986 19987 19988
eastern massasauga (<i>Sistrurus catenatus catenatus</i>), and timber rattlesnake (<i>Crotalus horridus horridus</i>).	19989 19990 19991
(XX) "Amphibians" includes eastern hellbender (<i>Cryptobranchus alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus maculosus maculosus</i>), red-spotted newt (<i>Notophthalmus viridescens viridescens</i>), Jefferson salamander (<i>Ambystoma jeffersonianum</i>),	19992 19993 19994
spotted salamander (<i>Ambystoma maculatum</i>), blue-spotted salamander (<i>Ambystoma laterale</i>), smallmouth salamander (<i>Ambystoma texanum</i>),	19995 19996 19997
streamside salamander (<i>Ambystoma barbouri</i>), marbled salamander (<i>Ambystoma opacum</i>), eastern tiger salamander (<i>Ambystoma tigrinum</i>)	19998 19999

tigrinum), northern dusky salamander (<i>Desmognathus fuscus fuscus</i>),	20000
mountain dusky salamander (<i>Desmognathus ochrophaeus</i>), redback	20001
salamander (<i>Plethodon cinereus</i>), ravine salamander (<i>Plethodon</i>	20002
<i>richmondi</i>), northern slimy salamander (<i>Plethodon glutinosus</i>),	20003
Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	20004
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	20005
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	20006
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	20007
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	20008
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	20009
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	20010
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	20011
two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	20012
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	20013
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog (<i>Acris</i>	20014
<i>crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris crucifer</i>	20015
<i>crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray treefrog	20016
(<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris triseriata</i>	20017
<i>triseriata</i>), mountain chorus frog (<i>Pseudacris brachyphona</i>),	20018
bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana clamitans melanota</i>),	20019
northern leopard frog (<i>Rana pipiens</i>), pickerel frog (<i>Rana</i>	20020
<i>palustris</i>), southern leopard frog (<i>Rana utricularia</i>), and wood	20021
frog (<i>Rana sylvatica</i>).	20022
(YY) "Deer" means white-tailed deer (<i>Odocoileus</i>	20023
<i>virginianus</i>).	20024
(ZZ) "Domestic deer" means nonnative deer that have been	20025
legally acquired or their offspring and that are held in private	20026
ownership for primarily agricultural purposes.	20027
(AAA) "Migratory game bird" includes waterfowl (<i>Anatidae</i>);	20028
doves (<i>Columbidae</i>); cranes (<i>Gruidae</i>); cormorants	20029
(<i>Phalacrocoracidae</i>); rails, coots, and gallinules (<i>Rallidae</i>); and	20030
woodcock and snipe (<i>Scolopacidae</i>).	20031

(BBB) "Accompany" means to go along with another person while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communication.

(CCC) "All-purpose vehicle" means any vehicle that is designed primarily for cross-country travel on land, water, or land and water and that is steered by wheels, caterpillar treads, or a combination of wheels and caterpillar treads and includes vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, and trail bikes.

(DDD) "Wholly enclosed preserve" means an area of land that is surrounded by a fence that is at least six feet in height, unless otherwise specified in division rule, and is constructed of a woven wire mesh, or another enclosure that the division of wildlife may approve, where game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals are raised and may be sold under the authority of a commercial propagating license or captive white-tailed deer propagation license obtained under section 1533.71 of the Revised Code.

(EEE) "Commercial bird shooting preserve" means an area of land where game birds are released and hunted by shooting as authorized by a commercial bird shooting preserve license obtained under section 1533.72 of the Revised Code.

(FFF) "Wild animal hunting preserve" means an area of land where game, captive white-tailed deer, and nonnative wildlife, other than game birds, are released and hunted as authorized by a wild animal hunting preserve license obtained under section 1533.721 of the Revised Code.

(GGG) "Captive white-tailed deer" means legally acquired deer that are held in private ownership at a facility licensed under section 943.03 or 943.031 of the Revised Code and under section

1533.71 or 1533.721 of the Revised Code.	20063
(HHH) "Lake Erie sport fishing district" means the Ohio	20064
waters of Lake Erie and its embayments, including Maumee bay,	20065
Sandusky bay, East Harbor, Middle Harbor, West Harbor, and the	20066
entire length of all tributaries or to the first dam or designated	20067
landmark as follows:	20068
Vermilion river — state route 2 bridge	20069
Black river — state route 611 bridge	20070
Rocky river — Detroit road bridge	20071
Cuyahoga river — Harvard road bridge	20072
Euelid creek — state route 283 bridge	20073
Chagrin river — state route 283 bridge	20074
Arcola creek — United States route 20 bridge	20075
Wheeler creek — United States route 20 bridge	20076
Cowles creek — United States route 20 bridge	20077
Indian creek — United States route 20 bridge	20078
Grand river — state route 535 bridge	20079
Conneaut creek — Main street bridge, downtown Conneaut	20080
Ashtabula river — east 24th street bridge	20081
Sec. 1531.17. All fines, penalties, and forfeitures arising	20082
from prosecutions, convictions, confiscations, or otherwise under	20083
this chapter and Chapters 1517. and 1533. of the Revised Code,	20084
unless otherwise directed by the director of natural resources,	20085
shall be paid by the officer by whom collected to the director and	20086
by the director paid into the state treasury to the credit of the	20087
wildlife fund, which is hereby created, for the use of the	20088
division of wildlife. All moneys received from the sale of wild	20089
animals under division (J) of section 1531.06 <u>of the Revised Code</u>	20090

shall be paid into the state treasury to the credit of the 20091
wildlife fund for the use of the division. All moneys collected as 20092
license fees on nets in the Lake Erie fishing district shall be 20093
paid by the director into the state treasury to the credit of the 20094
wildlife fund for use only in the betterment and the propagation 20095
of fish therein or in otherwise propagating fish in such district. 20096
All investment earnings of the fund shall be credited to the fund. 20097
The wildlife fund shall not be used for compensation of personnel 20098
employed by other divisions of the department of natural resources 20099
who are assigned to law enforcement duties in aid of the division 20100
of wildlife or for compensation of division of wildlife personnel 20101
for activities related to the instruction of personnel of other 20102
divisions. 20103

The director of natural resources may use moneys from the 20104
fund to make the payments required under section 1501.29 of the 20105
Revised Code. 20106

Sec. 1531.33. (A) The wildlife habitat fund is hereby created 20107
in the state treasury. The fund shall consist of the investment 20108
earnings of the wildlife habitat trust fund created in section 20109
1531.32 of the Revised Code; gifts, donations, bequests, and other 20110
moneys contributed to the division of wildlife for the purposes of 20111
the fund; moneys collected under division (H) of section 1531.06 20112
of the Revised Code; ~~moneys deposited in the fund under division 20113~~
~~(G)(2)(b) of section 1509.73 of the Revised Code;~~ contributions 20114
collected under section 4503.568 of the Revised Code from issuance 20115
of the "Ohio Bullfrog" license plate; and moneys received by the 20116
division pursuant to negotiated mitigation settlements from 20117
persons who have adversely affected fish and wildlife, or their 20118
habitats, over which the division has jurisdiction under this 20119
chapter or Chapter 1533. of the Revised Code other than fish and 20120
wildlife of the Ohio river or their habitats. 20121

(B) (1) Except as provided in division (B) (2) of this section, 20122
the fund shall be used by the division to acquire and develop 20123
lands for the preservation, propagation, and protection of wild 20124
animals. 20125

(2) The contributions from the "Ohio Bullfrog" license plate 20126
shall be used for the protection and preservation of wetlands in 20127
Ohio and for educational programs pertaining to the bullfrog and 20128
similar wetland animals. 20129

(C) All expenditures from the wildlife habitat fund shall be 20130
approved by the director of natural resources. 20131

(D) Quarterly each fiscal year, the treasurer of state shall 20132
transfer the investment earnings of the wildlife habitat trust 20133
fund to the wildlife habitat fund. 20134

Sec. 1531.35. The wildlife boater angler fund is hereby 20135
created in the state treasury. The fund shall consist of money 20136
credited to the fund pursuant to section 5735.051 of the Revised 20137
Code and other money contributed to the division of wildlife for 20138
the purposes of the fund. The fund shall be used for boating 20139
access construction, improvements, maintenance and repair of dams 20140
and impoundments, and acquisitions, including lands and facilities 20141
for boating access, and to pay for equipment and personnel costs 20142
involved with those activities, on waters on which the operation 20143
of gasoline-powered watercraft is permissible. ~~However, not more~~ 20144
~~than five hundred thousand dollars of the annual expenditures from~~ 20145
~~the fund may be used to pay for the equipment and personnel costs.~~ 20146

Sec. 1533.01. As used in this chapter, "person," "resident," 20147
"nonresident," "division rule," "rule," "closed season," "open 20148
season," "take or taking," "possession," "bag limit," "transport 20149
and transportation," "sell and sale," "whole to include part," 20150
"angling," "trotline," "fish," "measurement of fish," "wild 20151

birds," "game," "game birds," "nongame birds," "wild quadrupeds," 20152
"game quadrupeds," "fur-bearing animals," "wild animals," 20153
"hunting," "trapping," "muskrat spear," "channels and passages," 20154
"island," "reef," "fur farm," "waters," "crib," "car," "commercial 20155
fish," "fishing," "fillet," "part fillet," "round," "migrate," 20156
"spreader bar," "fishing guide," "net," "commercial fishing gear," 20157
"native wildlife," "gill net," "tag fishing tournament," "tenant," 20158
"nonnative wildlife," "reptiles," "amphibians," "deer," "domestic 20159
deer," "migratory game bird," "accompany," "all-purpose vehicle," 20160
"wholly enclosed preserve," "commercial bird shooting preserve," 20161
"wild animal hunting preserve," and "captive white-tailed deer," 20162
and "~~Lake Erie sport fishing district~~" have the same meanings as 20163
in section 1531.01 of the Revised Code. 20164

Sec. 1533.101. Any person who has a current hunting or 20165
fishing license, ~~a nonresident Lake Erie sport fishing district~~ 20166
~~permit~~, a wetlands habitat stamp, a deer or wild turkey permit, or 20167
a fur taker permit pursuant to this chapter and has lost or 20168
destroyed the license, stamp, or permit, or had the license, 20169
stamp, or permit stolen, may be reissued such license, stamp, or 20170
permit. The person shall file with the clerk of the court of 20171
common pleas an application in affidavit form or, if the chief of 20172
the division of wildlife authorizes it, apply for a reissued 20173
license, stamp, or permit to an authorized agent designated by the 20174
chief, and pay a fee for each license, stamp, or permit of four 20175
dollars. The clerk or agent shall administer the oath to the 20176
applicant, issue a reissued license, stamp, or permit that shall 20177
allow the applicant to hunt, fish, or trap, as applicable, and 20178
send a copy of the reissued license, stamp, or permit to the 20179
division of wildlife. 20180

All moneys received as fees for the issuance of reissued 20181
licenses, stamps, or permits shall be transmitted to the director 20182

of natural resources to be paid into the state treasury to the 20183
credit of the funds to which the fees for the original licenses, 20184
stamps, and permits were credited. 20185

No person shall knowingly or willfully secure, attempt to 20186
secure, or use a reissued hunting or fishing license, wetlands 20187
habitat stamp, deer or wild turkey permit, or fur taker permit to 20188
which the person is not entitled. No person shall knowingly or 20189
willfully issue a reissued hunting or fishing license, wetlands 20190
habitat stamp, deer or wild turkey permit, or fur taker permit 20191
under this section to any person who is not entitled to receive 20192
and use such a reissued license, stamp, or permit. 20193

Sec. 1533.11. (A) (1) Except as provided in this section or 20194
section 1533.731 of the Revised Code, no person shall hunt deer on 20195
lands of another without first obtaining an annual deer permit. 20196
Except as provided in this section, no person shall hunt wild 20197
turkeys on lands of another without first obtaining an annual wild 20198
turkey permit. A deer or wild turkey permit is valid during the 20199
hunting license year in which the permit is purchased. Except as 20200
provided in rules adopted under division (B) of ~~that~~ section 20201
1533.12 of the Revised Code, each applicant for a deer or wild 20202
turkey permit shall pay an annual fee for each permit in 20203
accordance with the following schedule: 20204

Deer permit - resident	\$30.00	20205
Deer permit - nonresident	\$74.00	20206
Youth deer permit - resident and nonresident	\$15.00	20207
Senior deer permit - resident	\$11.50 <u>\$11.00</u>	20208
Wild turkey permit - resident	\$30.00	20209
Wild turkey permit - nonresident	\$37.00	20210
Youth wild turkey permit - resident and nonresident	\$15.00	20211
Senior wild turkey permit - resident	\$11.50 <u>\$11.00</u>	20212

(2) As used in division (A)(1) of this section: 20213

~~(a) "Resident" means an individual who has resided in this state for not less than six months preceding the date of making application for a permit.~~ 20214
20215
20216

~~(b) "Nonresident" means any individual who does not qualify as a resident.~~ 20217
20218

~~(c)~~ "Youth" means an applicant who is under the age of 20219
eighteen years at the time of application for a permit. 20220

~~(d)~~(b) "Senior" means an applicant who is sixty-six years of 20221
age or older at the time of application for a permit. 20222

(3) The money received shall be paid into the state treasury 20223
to the credit of the wildlife fund, created in section 1531.17 of 20224
the Revised Code, exclusively for the use of the division of 20225
wildlife in the acquisition and development of land for deer or 20226
wild turkey management, for investigating deer or wild turkey 20227
problems, and for the stocking, management, and protection of deer 20228
or wild turkey. 20229

(4) Every person, while hunting deer or wild turkey on lands 20230
of another, shall carry the person's deer or wild turkey permit 20231
and exhibit it to any enforcement officer so requesting. Failure 20232
to so carry and exhibit such a permit constitutes an offense under 20233
this section. 20234

(5) The chief of the division of wildlife shall adopt any 20235
additional rules the chief considers necessary to carry out this 20236
section and section 1533.10 of the Revised Code. 20237

(6) An owner who is a resident of this state or an owner who 20238
is exempt from obtaining a hunting license under section 1533.10 20239
of the Revised Code and the children of the owner of lands in this 20240
state may hunt deer or wild turkey thereon without a deer or wild 20241
turkey permit. If the owner of land in this state is a limited 20242

liability company or a limited liability partnership that consists 20243
of three or fewer individual members or partners, as applicable, 20244
an individual member or partner who is a resident of this state 20245
and the member's or partner's children of any age may hunt deer or 20246
wild turkey on the land owned by the limited liability company or 20247
limited liability partnership without a deer or wild turkey 20248
permit. In addition, if the owner of land in this state is a trust 20249
that has a total of three or fewer trustees and beneficiaries, an 20250
individual who is a trustee or beneficiary and who is a resident 20251
of this state and the individual's children of any age may hunt 20252
deer or wild turkey on the land owned by the trust without a deer 20253
or wild turkey permit. The tenant and children of the tenant may 20254
hunt deer or wild turkey on lands where they reside without a deer 20255
or wild turkey permit. 20256

(B) A deer or wild turkey permit is not transferable. No 20257
person shall carry a deer or wild turkey permit issued in the name 20258
of another person. 20259

(C) The wildlife refunds fund is hereby created in the state 20260
treasury. The fund shall consist of money received from 20261
application fees for deer permits that are not issued. Money in 20262
the fund shall be used to make refunds of such application fees. 20263

(D) If the division establishes a system for the electronic 20264
submission of information regarding deer or wild turkey that are 20265
taken, the division shall allow the owner and the children of the 20266
owner of lands in this state to use the owner's name or address 20267
for purposes of submitting that information electronically via 20268
that system. 20269

Sec. 1533.321. (A) The chief of the division of wildlife may 20270
issue any of the following: 20271

(1) Multi-year hunting or fishing licenses for three-, five-, 20272
or ten-year terms to a resident of this state; 20273

(2) Lifetime hunting or fishing licenses to a resident of this state; 20274
20275

(3) A package consisting of any combination of license, stamp, or permit that the chief is authorized to issue under this chapter. 20276
20277
20278

(B) The chief may adopt rules in accordance with section 1531.10 of the Revised Code governing multi-year hunting and fishing licenses, lifetime hunting and fishing licenses, and combination packages, including rules establishing fees for the combination packages. The chief shall ensure that the price for a combination package is not discounted by more than five per cent of the total fees for the licenses, permits, or stamps that a person would otherwise pay for those licenses, permits, or stamps if the person purchased them individually. 20279
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(C) (1) The multi-year and lifetime license fund is hereby created in the state treasury. The fund shall consist of money received from application fees for multi-year and lifetime hunting and fishing licenses. 20288
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20291

(2) Each fiscal year, a prorated amount of the money from each multi-year and lifetime license fee shall be transferred from the multi-year and lifetime license fund to the fund into which the applicable single year license fee would otherwise be deposited. The prorated amount shall equal the total amount of the fee charged for the license divided by the number of years the license is valid. The chief shall adopt rules in accordance with section 1531.10 of the Revised Code for the administration of this division, including establishing a system that prorates lifetime license fees for deposit each year into the wildlife fund created in section 1531.17 of the Revised Code. 20292
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(3) Each fiscal year, all previous year's investment earnings from the multi-year and lifetime license fund shall be transferred 20303
20304

into the wildlife fund created in section 1531.17 of the Revised Code. 20305
20306

(D) (1) Each applicant for a multi-year or lifetime fishing license who is a resident of this state shall pay a fee for each license in accordance with the following schedule: 20307
20308
20309

Senior 3-year fishing license \$27.50 20310

26.00

Senior 5-year fishing license \$45.75 20311

43.34

Senior lifetime fishing license \$81.00 20312

3-year fishing license \$52.0069.34 20313

5-year fishing license \$86.75 20314

115.56

10-year fishing license \$173.50 20315

231.12

Lifetime fishing license \$450.00 20316

576.00

Youth lifetime fishing license \$414.00 20317

(2) As used in division (D) (1) of this section: 20318

(a) "Youth" means an applicant who is under the age of sixteen years at the time of application for a license. 20319
20320

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license. 20321
20322

(E) (1) Each applicant for a multi-year or lifetime hunting license who is a resident of this state shall pay a fee for each license in accordance with the following schedule: 20323
20324
20325

Senior 3-year hunting license \$27.50 20326

26.00

Senior 5-year hunting license \$45.75 20327

43.34

Senior lifetime hunting license \$81.00 20328

Youth 3-year hunting license	\$27.50 <u>26.00</u>	20329
Youth 5-year hunting license	\$45.75 <u>43.34</u>	20330
Youth 10-year hunting license	\$91.50 <u>86.67</u>	20331
Youth lifetime hunting license	\$414.00	20332
3-year hunting license	\$52.00	20333
5-year hunting license	\$86.75 <u>86.67</u>	20334
10-year hunting license	\$173.50 <u>173.34</u>	20335
Lifetime hunting license	\$450.00 <u>432.00</u>	20336

(2) As used in division (E) (1) of this section: 20337

(a) "Youth" means an applicant who is under the age of 20338
eighteen years at the time of application for a license. 20339

(b) "Senior" means an applicant who is sixty-six years of age 20340
or older at the time of application for a license. 20341

(F) If a person who is issued a multi-year hunting or fishing 20342
license or lifetime hunting or fishing license in accordance with 20343
division (A) of this section subsequently becomes a nonresident 20344
after issuance of the license, the person's license remains valid 20345
in this state during its term, regardless of residency status. 20346

Sec. 1546.06. The chief of the division of parks and 20347
watercraft shall prepare and submit to the director of natural 20348
resources maps and descriptions of the areas of lands and waters 20349
which the chief intends to designate as state park purchase areas. 20350
Such state park purchase areas may include lands and waters at the 20351
time belonging to the state, together with lands and waters not 20352
belonging to the state but which for reasons of protection, 20353

utilization, and administration should be subject to purchase by 20354
the state for park purposes. If such area is approved by the 20355
director of natural resources, it shall be known as a state park 20356
purchase area, and the map and description thereof, with the 20357
approval of the director of natural resources indorsed thereon, 20358
shall be filed in duplicate with the ~~auditor of state~~ director of 20359
administrative services and the attorney general. 20360

All moneys appropriated for the purchase of lands and waters 20361
by the state for park purposes, unless specifically appropriated 20362
for the purchase of particular tracts or areas, may be expended 20363
for the purchase of lands or waters within any legally established 20364
state park purchase area. If, after the purchase of specifically 20365
designated tracts or areas, moneys from such appropriations remain 20366
unexpended, upon the request of the director of natural resources, 20367
the controlling board shall release such funds, in whole or in 20368
part, for the purchase of lands or waters within any state park 20369
purchase area. 20370

Sec. 1546.21. (A) The chief of the division of parks and 20371
watercraft shall collect all rentals from leases of state lands 20372
and moneys for pipe permits, dock licenses, concession fees, and 20373
special privileges of any nature from all lands and waters 20374
operated and administered by the division. The chief shall keep a 20375
record of all such payments showing the amounts received, from 20376
whom, and for what purpose collected. All such payments shall be 20377
credited to the state park fund, which is hereby created in the 20378
state treasury, except such revenues required to be set aside or 20379
paid into depositories or trust funds for the payment of bonds 20380
issued under sections 1501.12 to 1501.15 of the Revised Code, and 20381
to maintain the required reserves therefor as provided in the 20382
orders authorizing the issuance of such bonds or the trust 20383
agreements securing such bonds, and except such revenues required 20384

to be paid and credited pursuant to the bond proceedings 20385
applicable to obligations issued pursuant to section 154.22 of the 20386
Revised Code. All moneys derived from the operation of the lands, 20387
waters, facilities, and equipment by the division, except such 20388
revenues required to be set aside or paid into depositories or 20389
trust funds for the payment of bonds issued under sections 1501.12 20390
to 1501.15 of the Revised Code, and to maintain the required 20391
reserves therefor as provided in the orders authorizing the 20392
issuance of such bonds or the trust agreements securing such 20393
bonds, and except such revenues required to be paid and credited 20394
pursuant to the bond proceedings applicable to obligations issued 20395
pursuant to section 154.22 of the Revised Code, shall accrue to 20396
the credit of the state park fund. 20397

Except as otherwise provided in ~~division~~ divisions (B) and 20398
(C) of this section and in sections 154.22, 1501.11, and 1501.14 20399
of the Revised Code, such fund shall not be expended for any 20400
purpose other than the administration, operation, maintenance, 20401
development, and utilization of lands and waters, and for 20402
facilities and equipment incident thereto, administered by the 20403
division, or for the further purchase of lands and waters by the 20404
state for park and recreational purposes. 20405

(B) The chief shall use moneys in the fund from the issuance 20406
of Ohio state parks license plates under section 4503.575 of the 20407
Revised Code only to pay the costs of state park interpretive and 20408
educational programs and displays and the development and 20409
operation of state park interpretive centers. 20410

(C) The director of natural resources may use moneys from the 20411
fund to make the payments required under section 1501.29 of the 20412
Revised Code. 20413

Sec. 1546.31. (A) The "Doris Duke Woods" is hereby designated 20414
within the Malabar state park in Richland county to honor Doris 20415

Duke's pioneering contributions to conservation at Malabar state park and across the nation. 20416
20417

(B) The "Doris Duke Woods" consists of one hundred twenty contiguous acres of Malabar state park's most mature hardwood forest located between Bromfield road and state route number ninety-five. 20418
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(C) The department of natural resources shall not remove or allow any person or governmental entity to remove timber from the "Doris Duke Woods," except for normal maintenance purposes. 20422
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(D) On or before October 31, 2021, the director of natural resources shall dedicate the "Doris Duke Woods" as a state nature preserve in accordance with section 1517.05 of the Revised Code. 20425
20426
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(E) After the designation of the "Doris Duke Woods" under division (A) of this section and dedication under division (D) of this section, the department shall maintain and keep open to the public any public hiking and horse trails that existed in that area prior to its designation and dedication. The department also shall allow the use of the "Doris Duke Woods" for maple syrup harvesting purposes. 20428
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Sec. 1547.533. No person shall operate a watercraft in this state if it displays an identification number or registration decal that is any of the following: 20435
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(A) Fictitious; 20438

(B) A counterfeit or an unlawfully made copy of any identification number or registration decal; 20439
20440

(C) An identification number or registration decal that belongs to another watercraft. 20441
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Sec. 1547.59. The operator of a vessel involved in a collision, accident, or other casualty, so far as the operator can 20443
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do so without serious danger to the operator's own vessel, crew, 20445
and passengers, shall render to other persons affected by the 20446
collision, accident, or other casualty such assistance as may be 20447
practicable and as may be necessary in order to save them from or 20448
minimize any danger caused by the collision, accident, or other 20449
casualty. The operator also shall give the operator's name, 20450
address, and identification of the operator's vessel in writing to 20451
any person injured and to the owner of any property damaged in the 20452
collision, accident, or other casualty. 20453

Any person who renders assistance at the scene of a 20454
collision, accident, or other casualty involving a vessel is not 20455
liable in a civil action for damages or injury to persons or 20456
property resulting from any act or omission in rendering 20457
assistance or in providing or arranging salvage, towage, medical 20458
treatment, or other assistance, except that the person is liable 20459
for willful or wanton misconduct in rendering assistance. Nothing 20460
in this section precludes recovery from any tortfeasor causing a 20461
collision, accident, or other casualty of damages caused or 20462
aggravated by the rendering of assistance. 20463

In the case of collision, accident, or other casualty 20464
involving a vessel, the operator thereof, if the collision, 20465
accident, or other casualty results in loss of life, personal 20466
injury requiring medical treatment beyond first aid, damage to 20467
property in excess of ~~five hundred~~ one thousand dollars, or the 20468
total loss of a vessel, shall file with the chief of the division 20469
of parks and watercraft a full description of the collision, 20470
accident, or other casualty on a form prescribed by the chief. 20471

If the operator of the vessel involved in a collision, 20472
accident, or other casualty is incapacitated, the investigating 20473
law enforcement officer shall file the required form as prescribed 20474
by the chief. 20475

Sec. 1551.01. As used in this chapter: 20476

(A) "Governmental agency" means the United States government 20477
or any department, agency, or instrumentality thereof; any 20478
department, agency, or instrumentality of a state government; any 20479
municipal corporation, county, township, board of education, or 20480
other political subdivision or any other body corporate and 20481
politic of a state; or any agency, commission, or authority 20482
established under an interstate compact or agreement. 20483

(B) "Energy resource development facility" means any energy 20484
resource development, research, or conservation facility, 20485
including pilot as well as demonstration facilities, and including 20486
undivided or other interests therein, acquired or to be acquired, 20487
or constructed or to be constructed under this chapter or Chapter 20488
6121. or 6123. of the Revised Code, or acquired or to be acquired, 20489
or constructed or to be constructed by a governmental agency or 20490
person with all or a part of the cost thereof being paid from a 20491
loan or grant under such chapters, including all buildings and 20492
facilities that the director of development ~~services~~ determines 20493
necessary for the operation of the facility, together with all 20494
property, rights, easements, and interests that may be required 20495
for the operation of the facility, which facilities may include: 20496

(1) Any building, testing facility, testing device, or 20497
support facilities which would provide experimental, 20498
demonstration, or testing capabilities or services not otherwise 20499
available in this state and which are necessary for the 20500
accomplishment of the purposes of this chapter; 20501

(2) Any method, process, structure, or equipment that is used 20502
to store coal, oil, natural gas, fuel for nuclear reactors, or any 20503
other form of energy; 20504

(3) Any method, process, structure, or equipment that is used 20505
to recover or convert coal, oil, natural gas, steam, or other form 20506

of energy from property located within the state for the purpose 20507
of supplying energy for utilization; 20508

(4) Any method, process, structure, or equipment that is 20509
designed to result in more efficient recovery, conversion, or 20510
utilization of energy resources within the state, including any 20511
scrap tire recovery facility for which a registration certificate 20512
or permit has been issued under section 3734.78 of the Revised 20513
Code; 20514

(5) Any improvement that is designed to improve the thermal 20515
efficiency of a building or structure or reduce the fuel or power 20516
needed to heat, cool, light, ventilate, or provide hot water in a 20517
building or structure; 20518

(6) Any improvement designed to enable the substitution of 20519
coal or alternate fuel, other than natural gas, for natural gas or 20520
a petroleum fuel, or the conversion of coal to other fuels; 20521

(7) Any improvement designed to enable the combustion of high 20522
sulfur coal in compliance with air or water pollution control or 20523
solid waste disposal laws, including, but not limited to, any 20524
facility for processing coal to remove sulfur before combustion of 20525
the coal, for fluidized bed combustion, or for removal of the 20526
sulfur before the products of combustion are emitted or 20527
discharged. 20528

(C) "Cost" as applied to an energy resource development 20529
facility means the cost of acquisition and construction, the cost 20530
of acquisition of all land, rights-of-way, property rights, 20531
easements, franchise rights, and interests required for such 20532
acquisition and construction, the cost of demolishing or removing 20533
any buildings or structures on land so acquired, including the 20534
cost of acquiring any lands to which such buildings or structures 20535
may be moved, the cost of acquiring or constructing and equipping 20536
a principal office and sub-offices of the department of 20537

development, the cost of diverting highways, interchange of 20538
highways, access roads to private property, including the cost of 20539
land or easements for such access roads, the cost of public 20540
utility and common carrier relocation or duplication, the cost of 20541
all machinery, furnishings, and equipment, financing charges, 20542
interest prior to and during construction and for no more than 20543
eighteen months after completion of construction, engineering, 20544
expenses of research and development with respect to the facility, 20545
legal expenses, plans, specifications, surveys, studies, estimates 20546
of cost and revenues, working capital, other expenses necessary or 20547
incident to determining the feasibility or practicability of 20548
acquiring or constructing such facility, administrative expense, 20549
and such other expense as may be necessary or incident to the 20550
acquisition or construction of the facility, the financing of such 20551
acquisition or construction, including the amount authorized in 20552
the resolution of the Ohio water development authority providing 20553
for the issuance of energy resource development revenue bonds to 20554
be paid into any special funds from the proceeds of such bonds, 20555
and the financing of the placing of such facility in operation. 20556
Any obligation, cost, or expense incurred after August 26, 1975, 20557
by any governmental agency or person for surveys, borings, 20558
preparation of plans and specifications, and other engineering 20559
services, or any other cost described above, in connection with 20560
the acquisition or construction of a facility may be regarded as a 20561
part of the cost of such facility and may be reimbursed out of the 20562
proceeds of energy resource development revenue bonds. 20563

(D) "Revenues" means all rentals and other charges received 20564
by the Ohio water development authority for the use or services of 20565
any energy resource development facility, any contract, gift, or 20566
grant received with respect to any energy resource development 20567
facility, and moneys received with respect to the lease, sublease, 20568
sale, including installment sale or conditional sale, or other 20569
disposition of an energy resource development facility, moneys 20570

received in repayment of and for interest on any loans made by the 20571
authority to a person or governmental agency, whether from the 20572
United States or any department, administration, or agency 20573
thereof, or otherwise, proceeds of energy resource development 20574
revenue bonds to the extent that the use thereof for payment of 20575
principal of, premium, if any, or interest on the bonds is 20576
authorized by the authority, proceeds from any insurance, 20577
condemnation, or guaranty pertaining to a facility or property 20578
mortgaged to secure bonds or pertaining to the financing of a 20579
facility, and income and profit from the investment of the 20580
proceeds of energy resource development revenue bonds or of any 20581
revenues. 20582

(E) "Construction," unless the context indicates a different 20583
meaning or intent, includes construction, reconstruction, 20584
enlargement, improvement, or providing furnishings or equipment. 20585

(F) "Energy resource development revenue bonds," unless the 20586
context indicates a different meaning or intent, includes energy 20587
resource development revenue bonds, energy resource development 20588
revenue notes, and energy resource development revenue refunding 20589
bonds. 20590

(G) "Energy" means work or heat that is, or can be, produced 20591
from any fuel or source whatsoever. 20592

(H) "Energy audit" means any process by which energy usage or 20593
costs of heating, cooling, lighting, and climate control in a 20594
building or structure are determined. 20595

(I) "Energy conservation" means preservation of energy 20596
resources by efficient utilization, and reduction of waste. 20597

(J) "Energy conservation measure" means any modification of a 20598
building, structure, machine, appliance, vehicle, improvement, or 20599
process in order to improve its efficiency of energy use or energy 20600
costs. 20601

(K) "Fuel" means petroleum, crude oil, petroleum product, 20602
coal, natural gas, synthetic natural or artificial gas, nuclear, 20603
or other substance used primarily for its energy content. 20604

(L) "Net energy analysis" means the determination of the 20605
amount of energy remaining after all energy outputs have been 20606
subtracted from the energy inputs of a given system. 20607

~~(M) "Department of development" means the development 20608
services agency and "director of development" means the director 20609
of development services. 20610~~

Sec. 1551.33. (A) The director of development ~~services~~ shall 20611
appoint and fix the compensation of the director of the Ohio coal 20612
development office. The director shall serve at the pleasure of 20613
the director of development ~~services~~. 20614

(B) The director of the office shall do all of the following: 20615

(1) Biennially prepare and maintain the Ohio coal development 20616
agenda required under section 1551.34 of the Revised Code; 20617

(2) Propose and support policies for the office consistent 20618
with the Ohio coal development agenda and develop means to 20619
implement the agenda; 20620

(3) Initiate, undertake, and support projects to carry out 20621
the office's purposes and ensure that the projects are consistent 20622
with and meet the selection criteria established by the Ohio coal 20623
development agenda; 20624

(4) Actively encourage joint participation in and, when 20625
feasible, joint funding of the office's projects with governmental 20626
agencies, electric utilities, universities and colleges, other 20627
public or private interests, or any other person; 20628

(5) Establish a table of organization for and employ such 20629
employees and agents as are necessary for the administration and 20630
operation of the office. Any such employees shall be in the 20631

unclassified service and shall serve at the pleasure of the 20632
director of development ~~services~~. 20633

(6) Convene the technical advisory committee established 20634
under section 1551.35 of the Revised Code; 20635

(7) Review, with the assistance of the technical advisory 20636
committee, proposed coal research and development projects as 20637
defined in section 1555.01 of the Revised Code, and coal 20638
development projects, submitted to the office by public utilities 20639
for the purpose of section 4905.304 of the Revised Code. If the 20640
director and the advisory committee determine that any such 20641
facility or project has as its purpose the enhanced use of Ohio 20642
coal in an environmentally acceptable, cost effective manner, 20643
promotes energy conservation, is cost effective, and is 20644
environmentally sound, the director shall submit to the public 20645
utilities commission a report recommending that the commission 20646
allow the recovery of costs associated with the facility or 20647
project under section 4905.304 of the Revised Code and including 20648
the reasons for the recommendation. 20649

(8) Establish such policies, procedures, and guidelines as 20650
are necessary to achieve the office's purposes. 20651

(C) With the approval of the director of development 20652
~~services~~, the director of the office may exercise any of the 20653
powers and duties that the director of development ~~services~~ 20654
considers appropriate or desirable to achieve the office's 20655
purposes, including, but not limited to, the powers and duties 20656
enumerated in sections 1551.11, 1551.12, and 1551.15 of the 20657
Revised Code. 20658

Additionally, the director of the office may make loans to 20659
governmental agencies or persons for projects to carry out the 20660
office's purposes. Fees, charges, rates of interest, times of 20661
payment of interest and principal, and other terms, conditions, 20662

and provisions of the loans shall be such as the director of the office determines to be appropriate and in furtherance of the purposes for which the loans are made. The mortgage lien securing any moneys lent by the director of the office may be subordinate to the mortgage lien securing any moneys lent or invested by a financial institution, but shall be superior to that securing any moneys lent or expended by any other person. The moneys used in making the loans shall be disbursed upon order of the director of the office.

Sec. 1551.35. (A) There is hereby established a technical advisory committee to assist the director of the Ohio coal development office in achieving the office's purposes. The director of development ~~services~~ shall appoint to the committee one member of the public utilities commission and one representative each of coal production companies, the united mine workers of America, and electric utilities, as well as two people with a background in coal research and development technology, one of whom is employed at the time of the member's appointment by a state university, as defined in section 3345.011 of the Revised Code. In addition, the committee shall include four legislative members. The speaker and minority leader of the house of representatives each shall appoint one member of the house of representatives, and the president and minority leader of the senate each shall appoint one member of the senate, to the committee. The director of environmental protection shall serve on the committee as an ex officio member. Any member of the committee may designate in writing a substitute to serve in the member's absence on the committee. The director of environmental protection may designate in writing the chief of the air pollution control division of the environmental protection agency to represent the agency. Members shall serve on the committee at the pleasure of their appointing authority. Members of the committee appointed by

the director of development ~~services~~ and, notwithstanding section 20695
101.26 of the Revised Code, legislative members of the committee, 20696
when engaged in their official duties as members of the committee, 20697
shall be compensated on a per diem basis in accordance with 20698
division (J) of section 124.15 of the Revised Code, except that 20699
the member of the public utilities commission and, while employed 20700
by a state university, the member with a background in coal 20701
research, shall not be so compensated. Members shall receive their 20702
actual and necessary expenses incurred in the performance of their 20703
duties. 20704

(B) The technical advisory committee shall review and make 20705
recommendations concerning the Ohio coal development agenda 20706
required under section 1551.34 of the Revised Code, project 20707
proposals, research and development projects submitted to the 20708
office by public utilities for the purpose of section 4905.304 of 20709
the Revised Code, proposals for grants, loans, and loan guarantees 20710
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 20711
and such other topics as the director of the office considers 20712
appropriate. 20713

(C) The technical advisory committee may hold an executive 20714
session at any regular or special meeting for the purpose of 20715
considering research and development project proposals or 20716
applications for assistance submitted to the Ohio coal development 20717
office under section 1551.33, or sections 1555.01 to 1555.06, of 20718
the Revised Code, to the extent that the proposals or applications 20719
consist of trade secrets or other proprietary information. 20720

Any materials or data submitted to, made available to, or 20721
received by the department of development ~~services~~ ~~agency~~ or the 20722
director of the Ohio coal development office in connection with 20723
agreements for assistance entered into under this chapter or 20724
Chapter 1555. of the Revised Code, or any information taken from 20725

those materials or data for any purpose, to the extent that the 20726
materials or data consist of trade secrets or other proprietary 20727
information, are not public records for the purposes of section 20728
149.43 of the Revised Code. 20729

As used in this division, "trade secrets" has the same 20730
meaning as in section 1333.61 of the Revised Code. 20731

Sec. 1561.12. An applicant for any examination or certificate 20732
under this section shall, before being examined, register the 20733
applicant's name with the chief of the division of mineral 20734
resources management and file with the chief an affidavit as to 20735
all matters of fact establishing the applicant's right to receive 20736
the examination and a certificate from a reputable and 20737
disinterested physician as to the physical condition of the 20738
applicant showing that the applicant is physically capable of 20739
performing the duties of the office or position. 20740

Each applicant for examination for any of the following 20741
positions shall present evidence satisfactory to the chief that 20742
the applicant has been a resident and citizen of this state for 20743
two years next preceding the date of application: 20744

(A) An applicant for the position of deputy mine inspector of 20745
underground mines shall have had actual practical experience of 20746
not less than six years, ~~at least two of which shall have been in~~ 20747
~~the underground workings of mines in this state. In the case of an~~ 20748
~~applicant who would inspect underground coal mines, the two years~~ 20749
~~shall consist of actual practical experience in underground coal~~ 20750
~~mines. In the case of an applicant who would inspect noncoal~~ 20751
~~mines, the two years shall consist of actual practical experience~~ 20752
~~in noncoal mines~~ in underground mines. In lieu of two of the six 20753
years of ~~the~~ actual practical experience required in underground 20754
mines, the chief may accept as the equivalent thereof a 20755
certificate evidencing graduation from an accredited school of 20756

mines or mining, after a four-year course of study, ~~but such~~ 20757
~~credit shall not apply as to the two years' actual practical~~ 20758
~~experience required in the mines in this state.~~ 20759

The applicant shall pass an examination as to the applicant's 20760
practical and technological knowledge of mine surveying, mining 20761
machinery, and appliances; the proper development and operation of 20762
mines; the best methods of working and ventilating mines; the 20763
nature, properties, and powers of noxious, poisonous, and 20764
explosive gases, particularly methane; the best means and methods 20765
of detecting, preventing, and removing the accumulation of such 20766
gases; the use and operation of gas detecting devices and 20767
appliances; first aid to the injured; and the uses and dangers of 20768
electricity as applied and used in, at, and around mines. The 20769
applicant shall also hold a certificate for foreperson of gaseous 20770
mines issued by the chief. 20771

(B) An applicant for the position of deputy mine inspector of 20772
surface mines shall have had actual practical mining experience of 20773
not less than six years, ~~at least two of which shall have been in~~ 20774
~~surface mines in this state.~~ In lieu of two of the six years of 20775
~~the~~ actual practical experience required, the chief may accept as 20776
the equivalent thereof a certificate evidencing graduation from an 20777
accredited school of mines or mining, after a four-year course of 20778
study, ~~but that credit shall not apply as to the two years' actual~~ 20779
~~practical experience required in the mines in this state.~~ The 20780
applicant shall pass an examination as to the applicant's 20781
practical and technological knowledge of surface mine surveying, 20782
machinery, and appliances; the proper development and operations 20783
of surface mines; first aid to the injured; and the use and 20784
dangers of explosives and electricity as applied and used in, at, 20785
and around surface mines. The applicant shall also hold a surface 20786
mine foreperson certificate issued by the chief. 20787

(C) An applicant for the position of electrical inspector 20788

shall have had at least five years' practical experience in the 20789
installation and maintenance of electrical circuits and equipment 20790
in mines, and the applicant shall be thoroughly familiar with the 20791
principles underlying the safety features of permissible and 20792
approved equipment as authorized and used in mines. 20793

The applicant shall be required to pass the examination 20794
required for deputy mine inspectors and an examination testing and 20795
determining the applicant's qualification and ability to 20796
competently inspect and administer the mining law that relates to 20797
electricity used in and around mines and mining in this state. 20798

(D) An applicant for the position of superintendent or 20799
assistant superintendent of rescue stations shall possess the same 20800
qualifications as those required for a deputy mine inspector. In 20801
addition, the applicant shall present evidence satisfactory to the 20802
chief that the applicant is sufficiently qualified and trained to 20803
organize, supervise, and conduct group training classes in first 20804
aid, safety, and rescue work. 20805

The applicant shall pass the examination required for deputy 20806
mine inspectors and shall be tested as to the applicant's 20807
practical and technological experience and training in first aid, 20808
safety, and mine rescue work. 20809

(E) An applicant for the position of mine chemist shall have 20810
such educational training as is represented by the degree MS in 20811
chemistry from a university of recognized standing, and at least 20812
five years of actual practical experience in research work in 20813
chemistry or as an assistant chemist. The chief may provide that 20814
an equivalent combination of education and experience together 20815
with a wide knowledge of the methods of and skill in chemical 20816
analysis and research may be accepted in lieu of the above 20817
qualifications. It is preferred that the chemist shall have had 20818
actual experience in mineralogy and metallurgy. 20819

Sec. 1561.23. (A) The chief of the division of mineral resources management shall issue the following certificates to those applicants who pass their examination:

- ~~(A)~~ (1) Certificates for mine forepersons of gaseous mines;
- ~~(B)~~ (2) Certificates for mine forepersons of nongaseous mines;
- ~~(C)~~ (3) Certificates for forepersons of gaseous mines;
- ~~(D)~~ (4) Certificates for forepersons of nongaseous mines;
- ~~(E)~~ (5) Certificates for forepersons of surface maintenance facilities of underground or surface mines;
- ~~(F)~~ (6) Certificates for mine forepersons of surface mines;
- ~~(G)~~ (7) Certificates for forepersons of surface mines;
- ~~(H)~~ (8) Certificates for fire bosses;
- ~~(I)~~ (9) Certificates for mine electricians;
- ~~(J)~~ (10) Certificates for surface mine blasters;
- ~~(K)~~ (11) Certificates for shot firers.

(B) Applicants for certificates shall make application to the chief, on a form provided by the chief, for examination. All applicants shall be able to read and write the English language intelligently, and shall furnish the chief with a certificate as to the length and description of their practical experience and satisfactory evidence of their ability to perform the duties of the position for which they make application for examination.

(C) The chief may issue a certificate to an applicant for mine foreperson, foreperson, or mine electrician who holds a valid certification or other authorization from a state with which the department of natural resources has a reciprocal agreement for the certification or other authorization. However, the applicant shall pass an examination on this chapter and rules adopted under it or

on any other relevant material that the chief determines to be 20848
appropriate. 20849

A mine foreperson, foreperson, or mine electrician who has 20850
been issued a temporary certificate under section 1565.06 of the 20851
Revised Code prior to the effective date of this amendment and who 20852
holds a valid certification or other authorization from a state 20853
with which the department has a reciprocal agreement for the 20854
certification or other authorization may continue to operate under 20855
the temporary certificate until it expires or the chief suspends 20856
or revokes it. 20857

(D) Except as provided in sections 1561.16 and 1561.17 of the 20858
Revised Code, any certificate issued by the former mine examining 20859
board prior to October 29, 1995, shall remain in effect 20860
notwithstanding the new classifications of certificates 20861
established by this section. 20862

Sec. 1703.27. No foreign nonprofit corporation shall exercise 20863
its corporate privileges in this state in a continual course of 20864
transactions until it has first procured from the secretary of 20865
state a certificate authorizing it to do so. 20866

Before issuing such certificate, the secretary of state shall 20867
require such foreign corporation to file in the secretary of 20868
state's office a certificate of good standing or subsistence, 20869
setting forth the exact corporate title, the date of 20870
incorporation, and the fact that the corporation is in good 20871
standing or is a subsisting corporation, certified by the 20872
secretary of state, or other proper official, of the state under 20873
the laws of which the corporation was incorporated, and a 20874
statement, on a form prescribed by the secretary of state, 20875
verified by the oath of one of its officers, setting forth, but 20876
not limited to, the following: 20877

(A) The name of the corporation; 20878

(B) The state under the laws of which it is incorporated;	20879
(C) The location of its principal office;	20880
(D) The corporate privileges it proposes to exercise in this state;	20881 20882
(E) The location of its principal office in this state;	20883
(F) The appointment of a designated agent and the complete address of such agent, <u>which shall comply with the requirements of section 1703.041 of the Revised Code;</u>	20884 20885 20886
(G) <u>(F)</u> Its irrevocable consent to service of process on such agent so long as the authority of the agent continues and to service of process upon the secretary of state in the events provided for in section 1703.19 of the Revised Code.	20887 20888 20889 20890
For the filing of that statement, the secretary of state shall charge and collect the fee specified in division (I)(1) of section 111.16 of the Revised Code.	20891 20892 20893
A foreign nonprofit corporation shall file an amendment with the secretary of state if there is a modification of any of the information required to be included in its statement, except for changes in information required by division (F) <u>(E)</u> of this section, which shall be corrected in the same manner as described in section 1702.06 of the Revised Code. For the filing of those amendments and corrections, the secretary of state shall charge and collect the fee specified in division (B) or (R) of section 111.16 of the Revised Code.	20894 20895 20896 20897 20898 20899 20900 20901 20902
Sections 1703.01 to 1703.31 of the Revised Code, governing foreign corporations for profit in respect to exemption from attachment, change of location of principal office, change of its designated agent or of the designated agent's address, service on the secretary of state, license certificate as prima-facie evidence, proof of due incorporation, filing of amendments	20903 20904 20905 20906 20907 20908

evidencing changes of corporate name, merger, or consolidation, 20909
filing of certificate of surrender, service on retired 20910
corporation, and penalties or forfeitures for transacting business 20911
without license, for false reports, and for failure to comply with 20912
other applicable provisions of such sections, shall also apply to 20913
foreign nonprofit corporations. 20914

The secretary of state may require further reports, 20915
certificates, or information from a foreign nonprofit corporation, 20916
including verification of the continued existence of the 20917
corporation. Upon the failure of any corporation to provide the 20918
information, the secretary of state shall give notice of the 20919
failure by certified mail and, if the report is not filed within 20920
thirty days after the mailing of the notice, the license of the 20921
corporation to exercise its corporate privileges in this state 20922
shall expire and the secretary of state shall make a notation to 20923
that effect on the secretary of state's records. 20924

Sec. 1706.83. On and after ~~January 1~~February 11, 2022, this 20925
chapter shall govern all limited liability companies, including 20926
every foreign limited liability company that files an application 20927
for registration as a foreign limited liability company on or 20928
after ~~January 1~~February 11, 2022, every foreign limited liability 20929
company that registers a name in this state on or after ~~January~~ 20930
~~1~~February 11, 2022, every foreign limited liability company that 20931
has registered a name in this state prior to ~~January 1~~February 11, 20932
2022, and every foreign limited liability company that has filed 20933
an application for registration as a foreign limited liability 20934
company prior to ~~January 1~~February 11, 2022, pursuant to Chapter 20935
1705. of the Revised Code. 20936

Sec. 1707.37. (A) All fees and charges collected under this 20937
chapter shall be paid into the state treasury to the credit of the 20938
division of securities fund, which is hereby created. All expenses 20939

of the division of securities, other than those specified in 20940
division (B) of this section, shall be paid from the fund. 20941

The fund shall be assessed a proportionate share of the 20942
administrative costs of the department of commerce in accordance 20943
with procedures prescribed by the director of commerce ~~and~~ 20944
~~approved by the director of budget and management.~~ The assessments 20945
shall be paid from the division of securities fund to the division 20946
of administration fund. 20947

If moneys in the division of securities fund are determined 20948
by the director of budget and management and the director of 20949
commerce to be in excess of those necessary to defray all the 20950
expenses in any fiscal year, the director of budget and management 20951
shall transfer the excess to the general revenue fund. 20952

(B) There is hereby created in the state treasury the 20953
division of securities investor education and enforcement expense 20954
fund, which shall consist of all money received in settlement of 20955
any violation of this chapter and any cash transfers. Money in the 20956
fund shall be used to pay expenses of the division of securities 20957
relating to education or enforcement for the protection of 20958
securities investors and the public. The division may adopt rules 20959
pursuant to section 1707.20 of the Revised Code that establish 20960
what qualifies as such an expense. 20961

Sec. 1707.47. (A) As used in this section and section 20962
1707.471 of the Revised Code: 20963

(1) "Claimant" means a person that files an application for 20964
restitution assistance on behalf of a victim. 20965

(2) "Final order" means a final administrative order issued 20966
by the division of securities or a final court order in a civil or 20967
criminal proceeding initiated by the division. 20968

(3) "Victim" means a purchaser identified in a final order 20969

that has suffered a pecuniary loss as the result of a violation of 20970
this chapter or any rules adopted thereunder, or, in the case of a 20971
deceased purchaser so identified, the purchaser's surviving spouse 20972
or dependent children. 20973

(B) There is hereby created in the state treasury the Ohio 20974
investor recovery fund, which shall consist of all cash transfers 20975
from the division of securities fund, created in section 1707.37 20976
of the Revised Code, not to exceed an aggregate total of two 20977
million five hundred thousand dollars in any fiscal year. Money in 20978
the Ohio investor recovery fund shall be used for the purposes 20979
identified in division (C) of this section. 20980

(C) The division shall use the Ohio investor recovery fund 20981
only to pay awards of restitution assistance and any expenses 20982
incurred in administering this section. 20983

(D)(1) If the Ohio investor recovery fund is reduced below 20984
two hundred fifty thousand dollars due to payment in full of 20985
restitution assistance awards that become final during a month, 20986
the division shall suspend payment of further claims that become 20987
final during that month and the following two months. 20988

(2) At the end of the suspension period described in division 20989
(D)(1) of this section, the division shall pay the suspended 20990
claims. If the Ohio investor recovery fund would be exhausted by 20991
payment in full of the suspended claims, the amount paid to each 20992
claimant shall be prorated according to the amount remaining in 20993
the Ohio investor recovery fund at the end of the suspension 20994
period. 20995

(E) The state shall not be liable for a determination made by 20996
the division under this section except to the extent that money is 20997
available in the Ohio investor recovery fund on the date the award 20998
is calculated. 20999

(F) The following victims are eligible for restitution 21000

<u>assistance:</u>	21001
<u>(1) A natural person who is a resident of this state;</u>	21002
<u>(2) A person, other than a natural person, that is domiciled in Ohio.</u>	21003 21004
<u>(G) The division shall not award restitution assistance as follows:</u>	21005 21006
<u>(1) To more than one claimant per victim;</u>	21007
<u>(2) To a claimant on behalf of a victim that has received the full amount of restitution owed from the person ordered to pay restitution to the victim in the final order before the application for restitution assistance from the fund is filed;</u>	21008 21009 21010 21011
<u>(3) To a claimant if the final order identifies no pecuniary loss to the victim on whose behalf the application is made;</u>	21012 21013
<u>(4) To a claimant on behalf of a victim that assisted in the commission of the violation of this chapter;</u>	21014 21015
<u>(5) If the portion of the final order giving rise to a restitution order or otherwise establishing a pecuniary loss to the victim is overturned on appeal.</u>	21016 21017 21018
<u>(H) If, after the division has made a restitution assistance award from the Ohio investor recovery fund under this section, the restitution award in the final order is overturned on appeal and all legal remedies have been exhausted, then the claimant shall forfeit the restitution assistance award.</u>	21019 21020 21021 21022 21023
<u>Sec. 1707.471. (A) A person that is eligible for a restitution assistance award under section 1707.47 of the Revised Code may submit an application for restitution assistance to the division in a manner and form prescribed by the division of securities.</u>	21024 21025 21026 21027 21028
<u>(B) To receive a restitution assistance award, the claimant</u>	21029

shall submit an application to the division within one hundred 21030
eighty days after the date of the final order. The division may 21031
grant an extension for good cause shown by the claimant. In no 21032
case shall the division accept an application that is received 21033
more than two years after the date of the final order. 21034

(C) The maximum award from the Ohio investor recovery fund 21035
created in section 1707.47 of the Revised Code for each claimant 21036
shall be the lesser of twenty-five thousand dollars or twenty-five 21037
per cent of the amount of monetary injury suffered by the victim 21038
as specified in the final order. 21039

(D) The state is subrogated to the rights of the person 21040
awarded restitution assistance under section 1707.47 of the 21041
Revised Code to the extent of the award. The subrogation rights 21042
are against the person that committed the securities violation or 21043
a person liable for the pecuniary loss. 21044

(E) The state may obtain a lien on the restitution assistance 21045
award in a separation action brought by the state or through state 21046
intervention in an action brought by or on behalf of the victim. 21047

(F)(1) No claimant shall knowingly file or cause to be filed 21048
an application for restitution assistance or documents supporting 21049
the application that contain false, incomplete, or misleading 21050
information in any material respect. 21051

(2) A claimant that violates division (F)(1) of this section 21052
shall forfeit all restitution assistance provided from the fund 21053
and shall be fined not more than ten thousand dollars by the 21054
division. 21055

(3) Notwithstanding section 1707.28 of the Revised Code, a 21056
proceeding to determine whether a violation of division (F)(1) of 21057
this section occurred shall be commenced not later than two years 21058
after the date on which the division discovered the violation or 21059
through reasonable diligence should have discovered the violation, 21060

whichever is earlier. 21061

(G) The division shall adopt rules as necessary to implement sections 1707.47 and 1707.471 of the Revised Code, including rules governing the processes for both of the following: 21062
21063
21064

(1) Reviewing applications for restitution assistance awards; 21065

(2) Suspending awards or making a prorated payment of awards when the fund balance approaches or reaches a balance below two hundred fifty thousand dollars. 21066
21067
21068

Sec. 1707.49. (A) As used in this section: 21069

(1) "Eligible adult" means either of the following: 21070

(a) A person sixty years of age or older; 21071

(b) A person eligible to receive protective services pursuant to sections 5101.60 to 5101.71 of the Revised Code. 21072
21073

(2) "Financial exploitation" means either of the following: 21074

(a) The wrongful or unauthorized taking, withholding, directing, appropriation, or use of money, assets, or property of an eligible adult; 21075
21076
21077

(b) Any act or omission by a person, including through the use of a power of attorney or guardianship of an eligible adult, to do either of the following: 21078
21079
21080

(i) Obtain control, through deception, intimidation, or undue influence, money, assets, or property of an eligible adult and thereby deprive the eligible adult of the ownership, use, benefit, or possession of the money, assets, or property; 21081
21082
21083
21084

(ii) Convert money, assets, or property of an eligible adult and thereby deprive the eligible adult of the ownership, use, benefit, or possession of the money, assets, or property. 21085
21086
21087

(B) If an employee of a dealer or investment adviser has 21088

reasonable cause to believe that an eligible adult who is an 21089
account holder may be subject to past, current, or attempted 21090
financial exploitation, then both of the following apply: 21091

(1) The employee shall follow any internal written policy, 21092
program, plan, or procedure adopted by the dealer or investment 21093
adviser for the purpose of establishing protocols for the 21094
reporting of past, current, or attempted financial exploitation. 21095

(2) The dealer or investment adviser may place a hold on any 21096
transaction impacted by the past, current, or attempted financial 21097
exploitation for a period of time not to exceed fifteen business 21098
days. 21099

(C) A dealer or investment adviser shall report any 21100
transactional hold placed pursuant to division (B)(2) of this 21101
section, along with a summary of the facts and circumstances 21102
leading up to the hold, in writing immediately to the division and 21103
the county department of job and family services for the county in 21104
which the eligible adult resides. 21105

(D) A dealer or investment adviser making a report to the 21106
division and the county department of job and family services 21107
pursuant to division (C) of this section may continue the 21108
transactional hold for up to another fifteen business days at the 21109
request of an investigating federal or state agency or if the 21110
dealer or investment adviser has not heard from either the 21111
division or the county department of job and family services 21112
within the initial fifteen-day hold period. Nothing in this 21113
section shall be construed as limiting a dealer's or investment 21114
adviser's ability to seek injunctive relief from a court of 21115
competent jurisdiction at any time for any past, current, or 21116
attempted financial exploitation. 21117

(E) Any person participating in good faith in making a report 21118
or placing a transactional hold pursuant to this section is immune 21119

from any civil or administrative liability arising from the report 21120
or hold. 21121

(F) Any record made available to a state agency under this 21122
section shall be considered an investigative record pursuant to 21123
division (B) of section 1707.12 of the Revised Code. Any record of 21124
a transactional hold, any report relating to the hold, and any 21125
notification of the hold shall be maintained by the dealer or 21126
investment adviser for not less than five years. 21127

Sec. 1710.01. As used in this chapter: 21128

(A) "Special improvement district" means a special 21129
improvement district organized under this chapter. 21130

(B) "Church" means a fellowship of believers, congregation, 21131
society, corporation, convention, or association that is formed 21132
primarily or exclusively for religious purposes and that is not 21133
formed for the private profit of any person. 21134

(C) "Church property" means property that is described as 21135
being exempt from taxation under division (A) (2) of section 21136
5709.07 of the Revised Code and that the county auditor has 21137
entered on the exempt list compiled under section 5713.07 of the 21138
Revised Code. 21139

(D) "Municipal executive" means the mayor, city manager, or 21140
other chief executive officer of the municipal corporation in 21141
which a special improvement district is located. 21142

(E) "Participating political subdivision" means the municipal 21143
corporation or township, or each of the municipal corporations or 21144
townships, that has territory within the boundaries of a special 21145
improvement district created under this chapter. 21146

(F) "Legislative authority of a participating political 21147
subdivision" means, with reference to a township, the board of 21148
township trustees. 21149

(G) "Public improvement" means the planning, design, 21150
construction, reconstruction, enlargement, or alteration of any 21151
facility or improvement, including the acquisition of land, for 21152
which a special assessment may be levied under Chapter 727. of the 21153
Revised Code, and includes any special energy improvement project 21154
or shoreline improvement project. 21155

(H) "Public service" means any service that can be provided 21156
by a municipal corporation or any service for which a special 21157
assessment may be levied under Chapter 727. of the Revised Code. 21158

(I) "Special energy improvement project" means any property, 21159
device, structure, or equipment necessary for the acquisition, 21160
installation, equipping, and improvement of any real or personal 21161
property used for the purpose of creating a solar photovoltaic 21162
project, a solar thermal energy project, a geothermal energy 21163
project, a customer-generated energy project, or an energy 21164
efficiency improvement, whether such real or personal property is 21165
publicly or privately owned. 21166

(J) ~~"Existing"~~ (1) Except as provided in division (J) (2) of 21167
this section, "existing" qualified nonprofit corporation" means a 21168
nonprofit corporation that existed before the creation of the 21169
corresponding district under this chapter, that is composed of 21170
members located within or adjacent to the district, that has 21171
established a police department under section 1702.80 of the 21172
Revised Code, and that is organized for purposes that include 21173
acquisition of real property within an area specified by its 21174
articles for the subsequent transfer of such property to its 21175
members exclusively for charitable, scientific, literary, or 21176
educational purposes, or holding and maintaining and leasing such 21177
property; planning for and assisting in the development of its 21178
members; providing for the relief of the poor and distressed or 21179
underprivileged in the area and adjacent areas; combating 21180
community deterioration and lessening the burdens of government; 21181

providing or assisting others in providing housing for low- or 21182
moderate-income persons; and assisting its members by the 21183
provision of public safety and security services, parking 21184
facilities, transit service, landscaping, and parks. 21185

(2) Regarding a special improvement district to implement a 21186
shoreline improvement project, "existing qualified nonprofit 21187
corporation" has the same meaning as in division (J) (1) of this 21188
section, except that the nonprofit does not need to have an 21189
established police department and does not need to be organized 21190
for purposes that include the acquisition of real property. 21191

(K) "Energy efficiency improvement" means energy efficiency 21192
technologies, products, and activities that reduce or support the 21193
reduction of energy consumption, allow for the reduction in 21194
demand, or support the production of clean, renewable energy and 21195
that are or will be permanently fixed to real property. 21196

(L) "Customer-generated energy project" means a wind, 21197
biomass, or gasification facility for the production of 21198
electricity that meets either of the following requirements: 21199

(1) The facility is designed to have a generating capacity of 21200
two hundred fifty kilowatts of electricity or less. 21201

(2) The facility is: 21202

(a) Designed to have a generating capacity of more than two 21203
hundred fifty kilowatts of electricity; 21204

(b) Operated in parallel with electric transmission and 21205
distribution facilities serving the real property at the site of 21206
the customer-generated energy project; 21207

(c) Intended primarily to offset part or all of the facility 21208
owner's requirements for electricity at the site of the 21209
customer-generated energy project and is located on the facility 21210
owner's real property; and 21211

(d) Not producing energy for direct sale by the facility 21212
owner to the public. 21213

(M) "Reduction in demand" means a change in customer behavior 21214
or a change in customer-owned or operated assets that reduces or 21215
has the capability to reduce the demand for electricity as a 21216
result of price signals or other incentives. 21217

(N) "Electric distribution utility" and "mercantile customer" 21218
have the same meanings as in section 4928.01 of the Revised Code. 21219

(O) "Shoreline improvement project" means acquiring, 21220
constructing, installing, equipping, improving, maintaining, or 21221
repairing real or tangible personal property necessary or useful 21222
for making improvements to abate erosion along either the Lake 21223
Erie shoreline or any water resource. 21224

(P) "Water resource" has the same meaning as in section 21225
6105.01 of the Revised Code. 21226

Sec. 1710.06. (A) The board of directors of a special 21227
improvement district may develop and adopt one or more written 21228
plans for public improvements or public services that benefit all 21229
or any part of the district. Each plan shall set forth the 21230
specific public improvements or public services that are to be 21231
provided, identify the area in which they will be provided, and 21232
specify the method of assessment to be used. Each plan for public 21233
improvements or public services shall indicate the period of time 21234
the assessments are to be levied for the improvements and services 21235
and, if public services are included in the plan, the period of 21236
time the services are to remain in effect. Plans for public 21237
improvements may include the planning, design, construction, 21238
reconstruction, enlargement, or alteration of any public 21239
improvements and the acquisition of land for the improvements. 21240
Plans for public improvements or public services may also include, 21241
but are not limited to, provisions for the following: 21242

(1) Creating and operating the district and the nonprofit corporation under this chapter, including hiring employees and professional services, contracting for insurance, and purchasing or leasing office space and office equipment and other requirements of the district;	21243 21244 21245 21246 21247
(2) Planning, designing, and implementing a public improvements or public services plan, including hiring architectural, engineering, legal, appraisal, insurance, consulting, energy auditing, and planning services, and, for public services, managing, protecting, and maintaining public and private facilities, including public improvements;	21248 21249 21250 21251 21252 21253
(3) Conducting court proceedings to carry out this chapter;	21254
(4) Paying damages resulting from the provision of public improvements or public services and implementing the plans;	21255 21256
(5) Paying the costs of issuing, paying interest on, and redeeming notes and bonds issued for funding public improvements and public services plans;	21257 21258 21259
(6) Sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of any special energy improvement project by the special improvement district, between a participating political subdivision and the special improvement district, and between the special improvement district and any owner of real property in the special improvement district on which a special energy improvement project has been acquired, installed, equipped, or improved; and	21260 21261 21262 21263 21264 21265 21266 21267 21268 21269
(7) Aggregating the renewable energy credits generated by one or more special energy improvement projects within a special improvement district, upon the consent of the owners of the credits and for the purpose of negotiating and completing the sale	21270 21271 21272 21273

of such credits. 21274

(B) Once the board of directors of the special improvement 21275
district adopts a plan, it shall submit the plan to the 21276
legislative authority of each participating political subdivision 21277
and the municipal executive of each municipal corporation in which 21278
the district is located, if any. The legislative authorities and 21279
municipal executives shall review the plan and, within sixty days 21280
after receiving it, may submit their comments and recommendations 21281
about it to the district. After reviewing these comments and 21282
recommendations, the board of directors may amend the plan. It may 21283
then submit the plan, amended or otherwise, in the form of a 21284
petition to members of the district whose property may be assessed 21285
for the plan. Once the petition is signed by those members who own 21286
at least sixty per cent of the front footage of property that is 21287
to be assessed and that abuts upon a street, alley, public road, 21288
place, boulevard, parkway, park entrance, easement, or other 21289
public improvement, or those members who own at least seventy-five 21290
per cent of the area to be assessed for the improvement or 21291
service, the petition may be submitted to each legislative 21292
authority for approval. Except as provided in division (H) of 21293
section 1710.02 of the Revised Code, if the special improvement 21294
district was created for the purpose of developing and 21295
implementing plans for special energy improvement projects or 21296
shoreline improvement projects, the petition required under this 21297
division shall be signed by one hundred per cent of the owners of 21298
the area of all real property located within the area to be 21299
assessed for the special energy improvement project or shoreline 21300
improvement project. 21301

Each legislative authority shall, by resolution, approve or 21302
reject the petition within sixty days after receiving it. If the 21303
petition is approved by the legislative authority of each 21304
participating political subdivision, the plan contained in the 21305

petition shall be effective at the earliest date on which a 21306
nonemergency resolution of the legislative authority with the 21307
latest effective date may become effective. A plan may not be 21308
resubmitted to the legislative authorities and municipal 21309
executives more than three times in any twelve-month period. 21310

(C) Each participating political subdivision shall levy, by 21311
special assessment upon specially benefited property located 21312
within the district, the costs of any public improvements or 21313
public services plan contained in a petition approved by the 21314
participating political subdivisions under this section or 21315
division (F) of section 1710.02 of the Revised Code. The levy 21316
shall be made in accordance with the procedures set forth in 21317
Chapter 727. of the Revised Code, except that: 21318

(1) The assessment for each improvements or services plan may 21319
be levied by any one or any combination of the methods of 21320
assessment listed in section 727.01 of the Revised Code, provided 21321
that the assessment is uniformly applied. 21322

(2) For the purpose of levying an assessment, the board of 21323
directors may combine one or more improvements or services plans 21324
or parts of plans and levy a single assessment against specially 21325
benefited property. 21326

(3) For purposes of special assessments levied by a township 21327
pursuant to this chapter, references in Chapter 727. of the 21328
Revised Code to the municipal corporation shall be deemed to refer 21329
to the township, and references to the legislative authority of 21330
the municipal corporation shall be deemed to refer to the board of 21331
township trustees. 21332

Church property or property owned by a political subdivision, 21333
including any participating political subdivision in which a 21334
special improvement district is located, shall be included in and 21335
be subject to special assessments made pursuant to a plan adopted 21336

under this section or division (F) of section 1710.02 of the Revised Code, if the church or political subdivision has specifically requested in writing that its property be included within the special improvement district and the church or political subdivision is a member of the district or, in the case of a district created by an existing qualified nonprofit corporation, if the church is a member of the corporation.

For tax years 2020 to 2024, qualifying real property, as defined in section 727.031 of the Revised Code, is exempt from special assessments levied under division (C) of this section, provided no delinquent special assessments and related interest and penalties are levied or assessed against any property owned by the owner and operator of the qualifying real property for that tax year.

(D) All rights and privileges of property owners who are assessed under Chapter 727. of the Revised Code shall be granted to property owners assessed under this chapter, including those rights and privileges specified in sections 727.15 to 727.17 and 727.18 to 727.22 of the Revised Code and the right to notice of the resolution of necessity and the filing of the estimated assessment under section 727.13 of the Revised Code. Property owners assessed for public services under this chapter shall have the same rights and privileges as property owners assessed for public improvements under this chapter.

Sec. 1716.21. (A) (1) Except as provided in division (B) of this section or as specifically required or authorized by federal law, no agency or official of this state shall impose any filing or reporting requirement on a charitable organization, regulated or specifically exempted from regulation under Chapter 1716. of the Revised Code, that is more stringent, restrictive, or expansive than the requirements explicitly authorized by the

<u>Revised Code.</u>	21368
<u>(2) Division (A)(1) of this section shall not be construed as repealing or otherwise negating any rule or requirement already in existence as of the effective date of this section.</u>	21369 21370 21371
<u>(3) Division (A)(1) of this section shall not be construed as negating or limiting any of the following:</u>	21372 21373
<u>(a) Any civil or criminal right, claim, or defense that the attorney general may assert under the Revised Code or common law;</u>	21374 21375
<u>(b) The authority of the attorney general to institute and prosecute an action to enforce any provision of the Revised Code the attorney general is authorized to enforce;</u>	21376 21377 21378
<u>(c) The independent authority of the attorney general to protect charitable assets in this state.</u>	21379 21380
<u>(B) This section does not apply to any of the following:</u>	21381
<u>(1) State grants and contracts;</u>	21382
<u>(2) Fraud investigations;</u>	21383
<u>(3) Any enforcement action taken against a specific charitable organization;</u>	21384 21385
<u>(4) Settlement agreements;</u>	21386
<u>(5) Assurances of discontinuance;</u>	21387
<u>(6) Court judgments;</u>	21388
<u>(7) Entities operating under Chapter 2915. of the Revised Code.</u>	21389 21390
<u>(C) This section shall be known as "The Charitable Organizations Act."</u>	21391 21392
Sec. 1733.321. All fees, charges, and forfeitures collected under this chapter shall be paid to the superintendent of financial institutions, who shall deposit them into the state	21393 21394 21395

treasury to the credit of the credit unions fund, which is hereby 21396
established, and may be expended or obligated by the 21397
superintendent for the defrayment of the costs of regulation of 21398
credit unions. All actual and necessary expenses incurred by the 21399
superintendent, including any services rendered by the department 21400
of commerce for the benefit of credit unions, shall be paid from 21401
the fund. The fund shall be assessed a proportionate share of the 21402
administrative costs of the department of commerce and the 21403
division of financial institutions. The proportionate share of the 21404
administrative costs of the division of financial institutions 21405
shall be determined in accordance with procedures prescribed by 21406
the superintendent ~~and approved by the director of budget and~~ 21407
~~management~~. Such assessment shall be paid from the credit unions 21408
fund to the division of administration fund or the financial 21409
institutions fund. 21410

Sec. 1901.31. The clerk and deputy clerks of a municipal 21411
court shall be selected, be compensated, give bond, and have 21412
powers and duties as follows: 21413

(A) There shall be a clerk of the court who is appointed or 21414
elected as follows: 21415

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 21416
county, Miami county, Montgomery county, Portage county, and Wayne 21417
county municipal courts and through December 31, 2008, the 21418
Cuyahoga Falls municipal court, if the population of the territory 21419
equals or exceeds one hundred thousand at the regular municipal 21420
election immediately preceding the expiration of the term of the 21421
present clerk, the clerk shall be nominated and elected by the 21422
qualified electors of the territory in the manner that is provided 21423
for the nomination and election of judges in section 1901.07 of 21424
the Revised Code. 21425

The clerk so elected shall hold office for a term of six 21426

years, which term shall commence on the first day of January 21427
following the clerk's election and continue until the clerk's 21428
successor is elected and qualified. 21429

(b) In the Hamilton county municipal court, the clerk of 21430
courts of Hamilton county shall be the clerk of the municipal 21431
court and may appoint an assistant clerk who shall receive the 21432
compensation, payable out of the treasury of Hamilton county in 21433
semimonthly installments, that the board of county commissioners 21434
prescribes. The clerk of courts of Hamilton county, acting as the 21435
clerk of the Hamilton county municipal court and assuming the 21436
duties of that office, shall receive compensation at one-fourth 21437
the rate that is prescribed for the clerks of courts of common 21438
pleas as determined in accordance with the population of the 21439
county and the rates set forth in sections 325.08 and 325.18 of 21440
the Revised Code. This compensation shall be paid from the county 21441
treasury in semimonthly installments and is in addition to the 21442
annual compensation that is received for the performance of the 21443
duties of the clerk of courts of Hamilton county, as provided in 21444
sections 325.08 and 325.18 of the Revised Code. 21445

(c) In the Portage county and Wayne county municipal courts, 21446
the clerks of courts of Portage county and Wayne county shall be 21447
the clerks, respectively, of the Portage county and Wayne county 21448
municipal courts and may appoint a chief deputy clerk for each 21449
branch that is established pursuant to section 1901.311 of the 21450
Revised Code and assistant clerks as the judges of the municipal 21451
court determine are necessary, all of whom shall receive the 21452
compensation that the legislative authority prescribes. The clerks 21453
of courts of Portage county and Wayne county, acting as the clerks 21454
of the Portage county and Wayne county municipal courts and 21455
assuming the duties of these offices, shall receive compensation 21456
payable from the county treasury in semimonthly installments at 21457
one-fourth the rate that is prescribed for the clerks of courts of 21458

common pleas as determined in accordance with the population of 21459
the county and the rates set forth in sections 325.08 and 325.18 21460
of the Revised Code. 21461

(d) In the Montgomery county and Miami county municipal 21462
courts, the clerks of courts of Montgomery county and Miami county 21463
shall be the clerks, respectively, of the Montgomery county and 21464
Miami county municipal courts. The clerks of courts of Montgomery 21465
county and Miami county, acting as the clerks of the Montgomery 21466
county and Miami county municipal courts and assuming the duties 21467
of these offices, shall receive compensation at one-fourth the 21468
rate that is prescribed for the clerks of courts of common pleas 21469
as determined in accordance with the population of the county and 21470
the rates set forth in sections 325.08 and 325.18 of the Revised 21471
Code. This compensation shall be paid from the county treasury in 21472
semimonthly installments and is in addition to the annual 21473
compensation that is received for the performance of the duties of 21474
the clerks of courts of Montgomery county and Miami county, as 21475
provided in sections 325.08 and 325.18 of the Revised Code. 21476

(e) Except as otherwise provided in division (A) (1) (e) of 21477
this section, in the Akron municipal court, candidates for 21478
election to the office of clerk of the court shall be nominated by 21479
primary election. The primary election shall be held on the day 21480
specified in the charter of the city of Akron for the nomination 21481
of municipal officers. Notwithstanding any contrary provision of 21482
section 3513.05 or 3513.257 of the Revised Code, the declarations 21483
of candidacy and petitions of partisan candidates and the 21484
nominating petitions of independent candidates for the office of 21485
clerk of the Akron municipal court shall be signed by at least 21486
fifty qualified electors of the territory of the court. 21487

The candidates shall file a declaration of candidacy and 21488
petition, or a nominating petition, whichever is applicable, not 21489
later than four p.m. of the ninetieth day before the day of the 21490

primary election, in the form prescribed by section 3513.07 or 21491
3513.261 of the Revised Code. The declaration of candidacy and 21492
petition, or the nominating petition, shall conform to the 21493
applicable requirements of section 3513.05 or 3513.257 of the 21494
Revised Code. 21495

If no valid declaration of candidacy and petition is filed by 21496
any person for nomination as a candidate of a particular political 21497
party for election to the office of clerk of the Akron municipal 21498
court, a primary election shall not be held for the purpose of 21499
nominating a candidate of that party for election to that office. 21500
If only one person files a valid declaration of candidacy and 21501
petition for nomination as a candidate of a particular political 21502
party for election to that office, a primary election shall not be 21503
held for the purpose of nominating a candidate of that party for 21504
election to that office, and the candidate shall be issued a 21505
certificate of nomination in the manner set forth in section 21506
3513.02 of the Revised Code. 21507

Declarations of candidacy and petitions, nominating 21508
petitions, and certificates of nomination for the office of clerk 21509
of the Akron municipal court shall contain a designation of the 21510
term for which the candidate seeks election. At the following 21511
regular municipal election, all candidates for the office shall be 21512
submitted to the qualified electors of the territory of the court 21513
in the manner that is provided in section 1901.07 of the Revised 21514
Code for the election of the judges of the court. The clerk so 21515
elected shall hold office for a term of six years, which term 21516
shall commence on the first day of January following the clerk's 21517
election and continue until the clerk's successor is elected and 21518
qualified. 21519

(f) Except as otherwise provided in division (A)(1)(f) of 21520
this section, in the Barberton municipal court, candidates for 21521
election to the office of clerk of the court shall be nominated by 21522

primary election. The primary election shall be held on the day 21523
specified in the charter of the city of Barberton for the 21524
nomination of municipal officers. Notwithstanding any contrary 21525
provision of section 3513.05 or 3513.257 of the Revised Code, the 21526
declarations of candidacy and petitions of partisan candidates and 21527
the nominating petitions of independent candidates for the office 21528
of clerk of the Barberton municipal court shall be signed by at 21529
least fifty qualified electors of the territory of the court. 21530

The candidates shall file a declaration of candidacy and 21531
petition, or a nominating petition, whichever is applicable, not 21532
later than four p.m. of the ninetieth day before the day of the 21533
primary election, in the form prescribed by section 3513.07 or 21534
3513.261 of the Revised Code. The declaration of candidacy and 21535
petition, or the nominating petition, shall conform to the 21536
applicable requirements of section 3513.05 or 3513.257 of the 21537
Revised Code. 21538

If no valid declaration of candidacy and petition is filed by 21539
any person for nomination as a candidate of a particular political 21540
party for election to the office of clerk of the Barberton 21541
municipal court, a primary election shall not be held for the 21542
purpose of nominating a candidate of that party for election to 21543
that office. If only one person files a valid declaration of 21544
candidacy and petition for nomination as a candidate of a 21545
particular political party for election to that office, a primary 21546
election shall not be held for the purpose of nominating a 21547
candidate of that party for election to that office, and the 21548
candidate shall be issued a certificate of nomination in the 21549
manner set forth in section 3513.02 of the Revised Code. 21550

Declarations of candidacy and petitions, nominating 21551
petitions, and certificates of nomination for the office of clerk 21552
of the Barberton municipal court shall contain a designation of 21553
the term for which the candidate seeks election. At the following 21554

regular municipal election, all candidates for the office shall be 21555
submitted to the qualified electors of the territory of the court 21556
in the manner that is provided in section 1901.07 of the Revised 21557
Code for the election of the judges of the court. The clerk so 21558
elected shall hold office for a term of six years, which term 21559
shall commence on the first day of January following the clerk's 21560
election and continue until the clerk's successor is elected and 21561
qualified. 21562

(g) (i) Through December 31, 2008, except as otherwise 21563
provided in division (A) (1) (g) (i) of this section, in the Cuyahoga 21564
Falls municipal court, candidates for election to the office of 21565
clerk of the court shall be nominated by primary election. The 21566
primary election shall be held on the day specified in the charter 21567
of the city of Cuyahoga Falls for the nomination of municipal 21568
officers. Notwithstanding any contrary provision of section 21569
3513.05 or 3513.257 of the Revised Code, the declarations of 21570
candidacy and petitions of partisan candidates and the nominating 21571
petitions of independent candidates for the office of clerk of the 21572
Cuyahoga Falls municipal court shall be signed by at least fifty 21573
qualified electors of the territory of the court. 21574

The candidates shall file a declaration of candidacy and 21575
petition, or a nominating petition, whichever is applicable, not 21576
later than four p.m. of the ninetieth day before the day of the 21577
primary election, in the form prescribed by section 3513.07 or 21578
3513.261 of the Revised Code. The declaration of candidacy and 21579
petition, or the nominating petition, shall conform to the 21580
applicable requirements of section 3513.05 or 3513.257 of the 21581
Revised Code. 21582

If no valid declaration of candidacy and petition is filed by 21583
any person for nomination as a candidate of a particular political 21584
party for election to the office of clerk of the Cuyahoga Falls 21585
municipal court, a primary election shall not be held for the 21586

purpose of nominating a candidate of that party for election to 21587
that office. If only one person files a valid declaration of 21588
candidacy and petition for nomination as a candidate of a 21589
particular political party for election to that office, a primary 21590
election shall not be held for the purpose of nominating a 21591
candidate of that party for election to that office, and the 21592
candidate shall be issued a certificate of nomination in the 21593
manner set forth in section 3513.02 of the Revised Code. 21594

Declarations of candidacy and petitions, nominating 21595
petitions, and certificates of nomination for the office of clerk 21596
of the Cuyahoga Falls municipal court shall contain a designation 21597
of the term for which the candidate seeks election. At the 21598
following regular municipal election, all candidates for the 21599
office shall be submitted to the qualified electors of the 21600
territory of the court in the manner that is provided in section 21601
1901.07 of the Revised Code for the election of the judges of the 21602
court. The clerk so elected shall hold office for a term of six 21603
years, which term shall commence on the first day of January 21604
following the clerk's election and continue until the clerk's 21605
successor is elected and qualified. 21606

(ii) Division (A) (1) (g) (i) of this section shall have no 21607
effect after December 31, 2008. 21608

(h) Except as otherwise provided in division (A) (1) (h) of 21609
this section, in the Toledo municipal court, candidates for 21610
election to the office of clerk of the court shall be nominated by 21611
primary election. The primary election shall be held on the day 21612
specified in the charter of the city of Toledo for the nomination 21613
of municipal officers. Notwithstanding any contrary provision of 21614
section 3513.05 or 3513.257 of the Revised Code, the declarations 21615
of candidacy and petitions of partisan candidates and the 21616
nominating petitions of independent candidates for the office of 21617
clerk of the Toledo municipal court shall be signed by at least 21618

fifty qualified electors of the territory of the court. 21619

The candidates shall file a declaration of candidacy and 21620
petition, or a nominating petition, whichever is applicable, not 21621
later than four p.m. of the ninetieth day before the day of the 21622
primary election, in the form prescribed by section 3513.07 or 21623
3513.261 of the Revised Code. The declaration of candidacy and 21624
petition, or the nominating petition, shall conform to the 21625
applicable requirements of section 3513.05 or 3513.257 of the 21626
Revised Code. 21627

If no valid declaration of candidacy and petition is filed by 21628
any person for nomination as a candidate of a particular political 21629
party for election to the office of clerk of the Toledo municipal 21630
court, a primary election shall not be held for the purpose of 21631
nominating a candidate of that party for election to that office. 21632
If only one person files a valid declaration of candidacy and 21633
petition for nomination as a candidate of a particular political 21634
party for election to that office, a primary election shall not be 21635
held for the purpose of nominating a candidate of that party for 21636
election to that office, and the candidate shall be issued a 21637
certificate of nomination in the manner set forth in section 21638
3513.02 of the Revised Code. 21639

Declarations of candidacy and petitions, nominating 21640
petitions, and certificates of nomination for the office of clerk 21641
of the Toledo municipal court shall contain a designation of the 21642
term for which the candidate seeks election. At the following 21643
regular municipal election, all candidates for the office shall be 21644
submitted to the qualified electors of the territory of the court 21645
in the manner that is provided in section 1901.07 of the Revised 21646
Code for the election of the judges of the court. The clerk so 21647
elected shall hold office for a term of six years, which term 21648
shall commence on the first day of January following the clerk's 21649
election and continue until the clerk's successor is elected and 21650

qualified. 21651

(2) (a) Except for the Alliance, Auglaize county, Brown 21652
county, Columbiana county, Holmes county, Perry county, Putnam 21653
county, Sandusky county, Lima, Lorain, Massillon, and Youngstown 21654
municipal courts, in a municipal court for which the population of 21655
the territory is less than one hundred thousand, the clerk shall 21656
be appointed by the court, and the clerk shall hold office until 21657
the clerk's successor is appointed and qualified. 21658

(b) In the Alliance, Lima, Lorain, Massillon, and Youngstown 21659
municipal courts, the clerk shall be elected for a term of office 21660
as described in division (A) (1) (a) of this section. 21661

(c) In the Auglaize county, Brown county, Holmes county, 21662
Perry county, Putnam county, and Sandusky county municipal courts, 21663
the clerks of courts of Auglaize county, Brown county, Holmes 21664
county, Perry county, Putnam county, and Sandusky county shall be 21665
the clerks, respectively, of the Auglaize county, Brown county, 21666
Holmes county, Perry county, Putnam county, and Sandusky county 21667
municipal courts and may appoint a chief deputy clerk for each 21668
branch office that is established pursuant to section 1901.311 of 21669
the Revised Code, and assistant clerks as the judge of the court 21670
determines are necessary, all of whom shall receive the 21671
compensation that the legislative authority prescribes. The clerks 21672
of courts of Auglaize county, Brown county, Holmes county, Perry 21673
county, Putnam county, and Sandusky county, acting as the clerks 21674
of the Auglaize county, Brown county, Holmes county, Perry county, 21675
Putnam county, and Sandusky county municipal courts and assuming 21676
the duties of these offices, shall receive compensation payable 21677
from the county treasury in semimonthly installments at one-fourth 21678
the rate that is prescribed for the clerks of courts of common 21679
pleas as determined in accordance with the population of the 21680
county and the rates set forth in sections 325.08 and 325.18 of 21681
the Revised Code. 21682

(d) In the Columbiana county municipal court, the clerk of courts of Columbiana county shall be the clerk of the municipal court, may appoint a chief deputy clerk for each branch office that is established pursuant to section 1901.311 of the Revised Code, and may appoint any assistant clerks that the judges of the court determine are necessary. All of the chief deputy clerks and assistant clerks shall receive the compensation that the legislative authority prescribes. The clerk of courts of Columbiana county, acting as the clerk of the Columbiana county municipal court and assuming the duties of that office, shall receive in either biweekly installments or semimonthly installments, as determined by the payroll administrator, compensation payable from the county treasury at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code.

(3) During the temporary absence of the clerk due to illness, vacation, or other proper cause, the court may appoint a temporary clerk, who shall be paid the same compensation, have the same authority, and perform the same duties as the clerk.

(B) Except in the Hamilton county, Montgomery county, Miami county, Portage county, and Wayne county municipal courts, if a vacancy occurs in the office of the clerk of the Alliance, Lima, Lorain, Massillon, or Youngstown municipal court or occurs in the office of the clerk of a municipal court for which the population of the territory equals or exceeds one hundred thousand because the clerk ceases to hold the office before the end of the clerk's term or because a clerk-elect fails to take office, the vacancy shall be filled, until a successor is elected and qualified, by a person chosen by the residents of the territory of the court who are members of the county central committee of the political party

by which the last occupant of that office or the clerk-elect was 21715
nominated. Not less than five nor more than fifteen days after a 21716
vacancy occurs, those members of that county central committee 21717
shall meet to make an appointment to fill the vacancy. At least 21718
four days before the date of the meeting, the chairperson or a 21719
secretary of the county central committee shall notify each such 21720
member of that county central committee by first class mail of the 21721
date, time, and place of the meeting and its purpose. A majority 21722
of all such members of that county central committee constitutes a 21723
quorum, and a majority of the quorum is required to make the 21724
appointment. If the office so vacated was occupied or was to be 21725
occupied by a person not nominated at a primary election, or if 21726
the appointment was not made by the committee members in 21727
accordance with this division, the court shall make an appointment 21728
to fill the vacancy. A successor shall be elected to fill the 21729
office for the unexpired term at the first municipal election that 21730
is held more than one hundred thirty-five days after the vacancy 21731
occurred. 21732

(C) (1) In a municipal court, other than the Auglaize county, 21733
the Brown county, the Columbiana county, the Holmes county, the 21734
Perry county, the Putnam county, the Sandusky county, and the 21735
Lorain municipal courts, for which the population of the territory 21736
is less than one hundred thousand, the clerk of the municipal 21737
court shall receive the annual compensation that the presiding 21738
judge of the court prescribes, if the revenue of the court for the 21739
preceding calendar year, as certified by the auditor or chief 21740
fiscal officer of the municipal corporation in which the court is 21741
located or, in the case of a county-operated municipal court, the 21742
county auditor, is equal to or greater than the expenditures, 21743
including any debt charges, for the operation of the court payable 21744
under this chapter from the city treasury or, in the case of a 21745
county-operated municipal court, the county treasury for that 21746
calendar year, as also certified by the auditor or chief fiscal 21747

officer. If the revenue of a municipal court, other than the 21748
Auglaize county, the Brown county, the Columbiana county, the 21749
Perry county, the Putnam county, the Sandusky county, and the 21750
Lorain municipal courts, for which the population of the territory 21751
is less than one hundred thousand for the preceding calendar year 21752
as so certified is not equal to or greater than those expenditures 21753
for the operation of the court for that calendar year as so 21754
certified, the clerk of a municipal court shall receive the annual 21755
compensation that the legislative authority prescribes. As used in 21756
this division, "revenue" means the total of all costs and fees 21757
that are collected and paid to the city treasury or, in a 21758
county-operated municipal court, the county treasury by the clerk 21759
of the municipal court under division (F) of this section and all 21760
interest received and paid to the city treasury or, in a 21761
county-operated municipal court, the county treasury in relation 21762
to the costs and fees under division (G) of this section. 21763

(2) In a municipal court, other than the Hamilton county, 21764
Montgomery county, Miami county, Portage county, and Wayne county 21765
municipal courts, for which the population of the territory is one 21766
hundred thousand or more, and in the Lorain municipal court, the 21767
clerk of the municipal court shall receive annual compensation in 21768
a sum equal to eighty-five per cent of the salary of a judge of 21769
the court. 21770

(3) The compensation of a clerk described in division (C) (1) 21771
or (2) of this section and of the clerk of the Columbiana county 21772
municipal court is payable in either semimonthly installments or 21773
biweekly installments, as determined by the payroll administrator, 21774
from the same sources and in the same manner as provided in 21775
section 1901.11 of the Revised Code, except that the compensation 21776
of the clerk of the Carroll county municipal court is payable in 21777
biweekly installments. 21778

(D) Before entering upon the duties of the clerk's office, 21779

the clerk of a municipal court shall give bond of not less than 21780
six thousand dollars to be determined by the judges of the court, 21781
conditioned upon the faithful performance of the clerk's duties. 21782

(E) The clerk of a municipal court may do all of the 21783
following: administer oaths, take affidavits, and issue executions 21784
upon any judgment rendered in the court, including a judgment for 21785
unpaid costs; issue, sign, and attach the seal of the court to all 21786
writs, process, subpoenas, and papers issuing out of the court; 21787
and approve all bonds, sureties, recognizances, and undertakings 21788
fixed by any judge of the court or by law. The clerk may refuse to 21789
accept for filing any pleading or paper submitted for filing by a 21790
person who has been found to be a vexatious litigator under 21791
section 2323.52 of the Revised Code and who has failed to obtain 21792
leave to proceed under that section. The clerk shall do all of the 21793
following: file and safely keep all journals, records, books, and 21794
papers belonging or appertaining to the court; record the 21795
proceedings of the court; perform all other duties that the judges 21796
of the court may prescribe; and keep a book showing all receipts 21797
and disbursements, which book shall be open for public inspection 21798
at all times. 21799

The clerk shall prepare and maintain a general index, a 21800
docket, and other records that the court, by rule, requires, all 21801
of which shall be the public records of the court. In the docket, 21802
the clerk shall enter, at the time of the commencement of an 21803
action, the names of the parties in full, the names of the 21804
counsel, and the nature of the proceedings. Under proper dates, 21805
the clerk shall note the filing of the complaint, issuing of 21806
summons or other process, returns, and any subsequent pleadings. 21807
The clerk also shall enter all reports, verdicts, orders, 21808
judgments, and proceedings of the court, clearly specifying the 21809
relief granted or orders made in each action. The court may order 21810
an extended record of any of the above to be made and entered, 21811

under the proper action heading, upon the docket at the request of 21812
any party to the case, the expense of which record may be taxed as 21813
costs in the case or may be required to be prepaid by the party 21814
demanding the record, upon order of the court. 21815

(F) The clerk of a municipal court shall receive, collect, 21816
and issue receipts for all costs, fees, fines, bail, and other 21817
moneys payable to the office or to any officer of the court. The 21818
clerk shall on or before the twentieth day of the month following 21819
the month in which they are collected disburse to the proper 21820
persons or officers, and take receipts for, all costs, fees, 21821
fines, bail, and other moneys that the clerk collects. Subject to 21822
sections 307.515 and 4511.193 of the Revised Code and to any other 21823
section of the Revised Code that requires a specific manner of 21824
disbursement of any moneys received by a municipal court and 21825
except for the Hamilton county, Lawrence county, and Ottawa county 21826
municipal courts, the clerk shall pay all fines received for 21827
violation of municipal ordinances into the treasury of the 21828
municipal corporation the ordinance of which was violated and 21829
shall pay all fines received for violation of township resolutions 21830
adopted pursuant to section 503.52 or 503.53 or Chapter 504. of 21831
the Revised Code into the treasury of the township the resolution 21832
of which was violated. Subject to sections 1901.024 and 4511.193 21833
of the Revised Code, in the Hamilton county, Lawrence county, and 21834
Ottawa county municipal courts, the clerk shall pay fifty per cent 21835
of the fines received for violation of municipal ordinances and 21836
fifty per cent of the fines received for violation of township 21837
resolutions adopted pursuant to section 503.52 or 503.53 or 21838
Chapter 504. of the Revised Code into the treasury of the county. 21839
Subject to sections 307.515, 4511.19, and 5503.04 of the Revised 21840
Code and to any other section of the Revised Code that requires a 21841
specific manner of disbursement of any moneys received by a 21842
municipal court, the clerk shall pay all fines collected for the 21843
violation of state laws into the county treasury. Except in a 21844

county-operated municipal court, the clerk shall pay all costs and 21845
fees the disbursement of which is not otherwise provided for in 21846
the Revised Code into the city treasury. The clerk of a 21847
county-operated municipal court shall pay the costs and fees the 21848
disbursement of which is not otherwise provided for in the Revised 21849
Code into the county treasury. Moneys deposited as security for 21850
costs shall be retained pending the litigation. The clerk shall 21851
keep a separate account of all receipts and disbursements in civil 21852
and criminal cases, which shall be a permanent public record of 21853
the office. On the expiration of the term of the clerk, the clerk 21854
shall deliver the records to the clerk's successor. The clerk 21855
shall have other powers and duties as are prescribed by rule or 21856
order of the court. 21857

(G) All moneys paid into a municipal court shall be noted on 21858
the record of the case in which they are paid and shall be 21859
deposited in a state or national bank, as defined in section 21860
1101.01 of the Revised Code, that is selected by the clerk. Any 21861
interest received upon the deposits shall be paid into the city 21862
treasury, except that, in a county-operated municipal court, the 21863
interest shall be paid into the treasury of the county in which 21864
the court is located. 21865

On the first Monday in January of each year, the clerk shall 21866
make a list of the titles of all cases in the court that were 21867
finally determined more than one year past in which there remains 21868
unclaimed in the possession of the clerk any funds, or any part of 21869
a deposit for security of costs not consumed by the costs in the 21870
case. The clerk shall give notice of the moneys to the parties who 21871
are entitled to the moneys or to their attorneys of record. All 21872
the moneys remaining unclaimed on the first day of April of each 21873
year shall be paid by the clerk to the city treasurer, except 21874
that, in a county-operated municipal court, the moneys shall be 21875
paid to the treasurer of the county in which the court is located. 21876

The treasurer shall pay any part of the moneys at any time to the person who has the right to the moneys upon proper certification of the clerk.

(H) Deputy clerks of a municipal court other than the Carroll county municipal court may be appointed by the clerk and shall receive the compensation, payable in either biweekly installments or semimonthly installments, as determined by the payroll administrator, out of the city treasury, that the clerk may prescribe, except that the compensation of any deputy clerk of a county-operated municipal court shall be paid out of the treasury of the county in which the court is located. The judge of the Carroll county municipal court may appoint deputy clerks for the court, and the deputy clerks shall receive the compensation, payable in biweekly installments out of the county treasury, that the judge may prescribe. Each deputy clerk shall take an oath of office before entering upon the duties of the deputy clerk's office and, when so qualified, may perform the duties appertaining to the office of the clerk. The clerk may require any of the deputy clerks to give bond of not less than three thousand dollars, conditioned for the faithful performance of the deputy clerk's duties.

(I) For the purposes of this section, whenever the population of the territory of a municipal court falls below one hundred thousand but not below ninety thousand, and the population of the territory prior to the most recent regular federal census exceeded one hundred thousand, the legislative authority of the municipal corporation may declare, by resolution, that the territory shall be considered to have a population of at least one hundred thousand.

(J) The clerk or a deputy clerk shall be in attendance at all sessions of the municipal court, although not necessarily in the courtroom, and may administer oaths to witnesses and jurors and

receive verdicts. 21909

Sec. 1907.15. (A) (1) In counties having more than one county 21910
court judge, ~~subject to division (A) (2) of this section,~~ the 21911
presiding judge of the county court may divide the county court 21912
district into areas of separate jurisdiction and may designate the 21913
location at which each judge shall hold court. Except in county 21914
court districts exceeding one hundred twenty thousand population, 21915
each area of separate jurisdiction shall be made up of one or more 21916
townships. In assigning areas of separate jurisdiction, the 21917
presiding judge shall make each area of separate jurisdiction as 21918
equal in population and case load to others in the district as is 21919
possible under existing conditions. 21920

Whenever the territory of a county court district is reduced 21921
by the territorial expansion of municipal court jurisdiction, the 21922
presiding judge may redetermine areas of separate jurisdiction 21923
and, if necessary, reassign areas so as to make each area of 21924
separate jurisdiction as equal in population and case load to 21925
others in the district as is possible under the altered 21926
conditions. 21927

In county court districts exceeding one hundred twenty 21928
thousand population, ~~subject to division (A) (2) of this section,~~ 21929
the presiding judge of the county court may assign more than one 21930
county court judge to an area of separate jurisdiction. In any 21931
county court district of that nature, ~~subject to division (A) (2)~~ 21932
~~of this section,~~ the presiding judge from time to time may assign 21933
a judge from one area of separate jurisdiction to another area of 21934
separate jurisdiction and redetermine and reassign areas of 21935
separate jurisdiction. Upon that redetermination and reassignment, 21936
the presiding judge shall consider, in addition to population, the 21937
case load of each area of separate jurisdiction. 21938

(2) ~~The presiding judge of the county court of Jefferson~~ 21939

~~county shall determine areas of separate jurisdiction for the judges of the Jefferson county county court in the manner described in division (A) (1) of this section but subject to the provisions of this division governing the location in which each judge shall hold court. The judge of the Jefferson county county court whose term commences January 1, 1993, and that judge's successors, shall hold court in Wintersville or Cross Creek township. The judge of the Jefferson county county court whose term commences January 1, 1995, and that judge's successors, shall hold court in Dillonvale. The judge of the Jefferson county county court whose term commences January 2, 1995, and that judge's successors, shall hold court in Toronto.~~

~~(3) In counties having only one county court judge, the area of jurisdiction shall consist of the entire county court district, and the county court judge, with the concurrence of the board of county commissioners, shall designate the location at which the judge shall hold court.~~

~~(B) The jurisdiction of each county court judge shall be coextensive with the boundaries of the county court district.~~

Sec. 2133.01. Unless the context otherwise requires, as used in sections 2133.01 to 2133.15 of the Revised Code:

(A) "Adult" means an individual who is eighteen years of age or older.

(B) "Attending physician" means the physician to whom a declarant or other patient, or the family of a declarant or other patient, has assigned primary responsibility for the treatment or care of the declarant or other patient, or, if the responsibility has not been assigned, the physician who has accepted that responsibility.

(C) "Comfort care" means any of the following:

(1) Nutrition when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death;	21970 21971 21972
(2) Hydration when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death;	21973 21974 21975
(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death.	21976 21977 21978 21979
(D) "Consulting physician" means a physician who, in conjunction with the attending physician of a declarant or other patient, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of this chapter, to a reasonable degree of medical certainty and in accordance with reasonable medical standards.	21980 21981 21982 21983 21984 21985 21986
(E) "Declarant" means any adult who has executed a declaration in accordance with section 2133.02 of the Revised Code.	21987 21988 21989
(F) "Declaration" means a written document executed in accordance with section 2133.02 of the Revised Code.	21990 21991
(G) "Durable power of attorney for health care" means a document created pursuant to sections 1337.11 to 1337.17 of the Revised Code.	21992 21993 21994
(H) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.	21995 21996 21997
(I) "Health care facility" means any of the following:	21998
(1) A hospital;	21999

(2) A hospice care program, pediatric respite care program,	22000
or other institution that specializes in comfort care of patients	22001
in a terminal condition or in a permanently unconscious state;	22002
(3) A nursing home or residential care facility, as defined	22003
in section 3721.01 of the Revised Code;	22004
(4) A home health agency and any residential facility where a	22005
person is receiving care under the direction of a home health	22006
agency;	22007
(5) An intermediate care facility for individuals with	22008
intellectual disabilities.	22009
(J) "Health care personnel" means physicians, nurses,	22010
physician assistants, emergency medical technicians-basic,	22011
emergency medical technicians-intermediate, emergency medical	22012
technicians-paramedic, medical technicians, dietitians, other	22013
authorized persons acting under the direction of an attending	22014
physician, and administrators of health care facilities.	22015
(K) "Home health agency" has the same meaning as in section	22016
3701.881 <u>3740.01</u> of the Revised Code.	22017
(L) "Hospice care program" and "pediatric respite care	22018
program" have the same meanings as in section 3712.01 of the	22019
Revised Code.	22020
(M) "Hospital" has the same meanings as in sections 3701.01,	22021
3727.01, and 5122.01 of the Revised Code.	22022
(N) "Hydration" means fluids that are artificially or	22023
technologically administered.	22024
(O) "Incompetent" has the same meaning as in section 2111.01	22025
of the Revised Code.	22026
(P) "Intermediate care facility for the individuals with	22027
intellectual disabilities" has the same meaning as in section	22028
5124.01 of the Revised Code.	22029

(Q) "Life-sustaining treatment" means any medical procedure, 22030
treatment, intervention, or other measure that, when administered 22031
to a qualified patient or other patient, will serve principally to 22032
prolong the process of dying. 22033

(R) "Nurse" means a person who is licensed to practice 22034
nursing as a registered nurse or to practice practical nursing as 22035
a licensed practical nurse pursuant to Chapter 4723. of the 22036
Revised Code. 22037

(S) "Nursing home" has the same meaning as in section 3721.01 22038
of the Revised Code. 22039

(T) "Nutrition" means sustenance that is artificially or 22040
technologically administered. 22041

(U) "Permanently unconscious state" means a state of 22042
permanent unconsciousness in a declarant or other patient that, to 22043
a reasonable degree of medical certainty as determined in 22044
accordance with reasonable medical standards by the declarant's or 22045
other patient's attending physician and one other physician who 22046
has examined the declarant or other patient, is characterized by 22047
both of the following: 22048

(1) Irreversible unawareness of one's being and environment. 22049

(2) Total loss of cerebral cortical functioning, resulting in 22050
the declarant or other patient having no capacity to experience 22051
pain or suffering. 22052

(V) "Person" has the same meaning as in section 1.59 of the 22053
Revised Code and additionally includes political subdivisions and 22054
governmental agencies, boards, commissions, departments, 22055
institutions, offices, and other instrumentalities. 22056

(W) "Physician" means a person who is authorized under 22057
Chapter 4731. of the Revised Code to practice medicine and surgery 22058
or osteopathic medicine and surgery. 22059

(X) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.

(Y) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including the state medical board and the board of nursing.

(Z) "Qualified patient" means an adult who has executed a declaration and has been determined to be in a terminal condition or in a permanently unconscious state.

(AA) "Terminal condition" means an irreversible, incurable, and untreatable condition caused by disease, illness, or injury from which, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by a declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, both of the following apply:

(1) There can be no recovery.

(2) Death is likely to occur within a relatively short time if life-sustaining treatment is not administered.

(BB) "Tort action" means a civil action for damages for injury, death, or loss to person or property, other than a civil action for damages for breach of a contract or another agreement between persons.

Sec. 2151.011. (A) As used in the Revised Code:

(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:

(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised

Code or as being the juvenile division or the juvenile division 22090
combined with one or more other divisions; 22091

(b) The juvenile court of Cuyahoga county or Hamilton county 22092
that is separately and independently created by section 2151.08 or 22093
Chapter 2153. of the Revised Code and that has jurisdiction under 22094
this chapter and Chapter 2152. of the Revised Code; 22095

(c) If division (A) (1) (a) or (b) of this section does not 22096
apply, the probate division of the court of common pleas. 22097

(2) "Juvenile judge" means a judge of a court having 22098
jurisdiction under this chapter. 22099

(3) "Private child placing agency" means any association, as 22100
defined in section 5103.02 of the Revised Code, that is certified 22101
under section 5103.03 of the Revised Code to accept temporary, 22102
permanent, or legal custody of children and place the children for 22103
either foster care or adoption. 22104

(4) "Private noncustodial agency" means any person, 22105
organization, association, or society certified by the department 22106
of job and family services that does not accept temporary or 22107
permanent legal custody of children, that is privately operated in 22108
this state, and that does one or more of the following: 22109

(a) Receives and cares for children for two or more 22110
consecutive weeks; 22111

(b) Participates in the placement of children in certified 22112
foster homes; 22113

(c) Provides adoption services in conjunction with a public 22114
children services agency or private child placing agency. 22115

(B) As used in this chapter: 22116

(1) "Adequate parental care" means the provision by a child's 22117
parent or parents, guardian, or custodian of adequate food, 22118
clothing, and shelter to ensure the child's health and physical 22119

safety and the provision by a child's parent or parents of 22120
specialized services warranted by the child's physical or mental 22121
needs. 22122

(2) "Adult" means an individual who is eighteen years of age 22123
or older. 22124

(3) "Agreement for temporary custody" means a voluntary 22125
agreement authorized by section 5103.15 of the Revised Code that 22126
transfers the temporary custody of a child to a public children 22127
services agency or a private child placing agency. 22128

(4) "Alternative response" means the public children services 22129
agency's response to a report of child abuse or neglect that 22130
engages the family in a comprehensive evaluation of child safety, 22131
risk of subsequent harm, and family strengths and needs and that 22132
does not include a determination as to whether child abuse or 22133
neglect occurred. 22134

(5) "Certified foster home" means a foster home, as defined 22135
in section 5103.02 of the Revised Code, certified under section 22136
5103.03 of the Revised Code. 22137

(6) "Child" means a person who is under eighteen years of 22138
age, except that the juvenile court has jurisdiction over any 22139
person who is adjudicated an unruly child prior to attaining 22140
eighteen years of age until the person attains twenty-one years of 22141
age, and, for purposes of that jurisdiction related to that 22142
adjudication, a person who is so adjudicated an unruly child shall 22143
be deemed a "child" until the person attains twenty-one years of 22144
age. 22145

(7) "Child day camp," "child care," "child day-care center," 22146
"part-time child day-care center," "type A family day-care home," 22147
"licensed type B family day-care home," "type B family day-care 22148
home," "administrator of a child day-care center," "administrator 22149
of a type A family day-care home," and "in-home aide" have the 22150

same meanings as in section 5104.01 of the Revised Code. 22151

(8) "Child care provider" means an individual who is a 22152
child-care staff member or administrator of a child day-care 22153
center, a type A family day-care home, or a type B family day-care 22154
home, or an in-home aide or an individual who is licensed, is 22155
regulated, is approved, operates under the direction of, or 22156
otherwise is certified by the department of job and family 22157
services, department of developmental disabilities, or the early 22158
childhood programs of the department of education. 22159

(9) "Commit" means to vest custody as ordered by the court. 22160

(10) "Counseling" includes both of the following: 22161

(a) General counseling services performed by a public 22162
children services agency or shelter for victims of domestic 22163
violence to assist a child, a child's parents, and a child's 22164
siblings in alleviating identified problems that may cause or have 22165
caused the child to be an abused, neglected, or dependent child. 22166

(b) Psychiatric or psychological therapeutic counseling 22167
services provided to correct or alleviate any mental or emotional 22168
illness or disorder and performed by a licensed psychiatrist, 22169
licensed psychologist, or a person licensed under Chapter 4757. of 22170
the Revised Code to engage in social work or professional 22171
counseling. 22172

(11) "Custodian" means a person who has legal custody of a 22173
child or a public children services agency or private child 22174
placing agency that has permanent, temporary, or legal custody of 22175
a child. 22176

(12) "Delinquent child" has the same meaning as in section 22177
2152.02 of the Revised Code. 22178

(13) "Detention" means the temporary care of children pending 22179
court adjudication or disposition, or execution of a court order, 22180

in a public or private facility designed to physically restrict 22181
the movement and activities of children. 22182

(14) "Developmental disability" has the same meaning as in 22183
section 5123.01 of the Revised Code. 22184

(15) "Differential response approach" means an approach that 22185
a public children services agency may use to respond to accepted 22186
reports of child abuse or neglect with either an alternative 22187
response or a traditional response. 22188

(16) "Foster caregiver" has the same meaning as in section 22189
5103.02 of the Revised Code. 22190

(17) "Guardian" means a person, association, or corporation 22191
that is granted authority by a probate court pursuant to Chapter 22192
2111. of the Revised Code to exercise parental rights over a child 22193
to the extent provided in the court's order and subject to the 22194
residual parental rights of the child's parents. 22195

(18) "Habitual truant" means any child of compulsory school 22196
age who is absent without legitimate excuse for absence from the 22197
public school the child is supposed to attend for thirty or more 22198
consecutive hours, forty-two or more hours in one school month, or 22199
seventy-two or more hours in a school year. 22200

(19) "Intellectual disability" has the same meaning as in 22201
section 5123.01 of the Revised Code. 22202

(20) "Juvenile traffic offender" has the same meaning as in 22203
section 2152.02 of the Revised Code. 22204

(21) "Legal custody" means a legal status that vests in the 22205
custodian the right to have physical care and control of the child 22206
and to determine where and with whom the child shall live, and the 22207
right and duty to protect, train, and discipline the child and to 22208
provide the child with food, shelter, education, and medical care, 22209
all subject to any residual parental rights, privileges, and 22210

responsibilities. An individual granted legal custody shall 22211
exercise the rights and responsibilities personally unless 22212
otherwise authorized by any section of the Revised Code or by the 22213
court. 22214

(22) A "legitimate excuse for absence from the public school 22215
the child is supposed to attend" includes, but is not limited to, 22216
any of the following: 22217

(a) The fact that the child in question has enrolled in and 22218
is attending another public or nonpublic school in this or another 22219
state; 22220

(b) The fact that the child in question is excused from 22221
attendance at school for any of the reasons specified in section 22222
3321.04 of the Revised Code; 22223

(c) The fact that the child in question has received an age 22224
and schooling certificate in accordance with section 3331.01 of 22225
the Revised Code. 22226

(23) "Mental illness" has the same meaning as in section 22227
5122.01 of the Revised Code. 22228

(24) "Mental injury" means any behavioral, cognitive, 22229
emotional, or mental disorder in a child caused by an act or 22230
omission that is described in section 2919.22 of the Revised Code 22231
and is committed by the parent or other person responsible for the 22232
child's care. 22233

(25) "Nonsecure care, supervision, or training" means care, 22234
supervision, or training of a child in a facility that does not 22235
confine or prevent movement of the child within the facility or 22236
from the facility. 22237

(26) "Of compulsory school age" has the same meaning as in 22238
section 3321.01 of the Revised Code. 22239

(27) "Organization" means any institution, public, 22240

semipublic, or private, and any private association, society, or 22241
agency located or operating in the state, incorporated or 22242
unincorporated, having among its functions the furnishing of 22243
protective services or care for children, or the placement of 22244
children in certified foster homes or elsewhere. 22245

(28) "Out-of-home care" means detention facilities, shelter 22246
facilities, certified children's crisis care facilities, certified 22247
foster homes, placement in a prospective adoptive home prior to 22248
the issuance of a final decree of adoption, organizations, 22249
certified organizations, child day-care centers, type A family 22250
day-care homes, type B family day-care homes, child care provided 22251
by in-home aides, group home providers, group homes, institutions, 22252
state institutions, residential facilities, residential care 22253
facilities, residential camps, day camps, private, nonprofit 22254
therapeutic wilderness camps, public schools, chartered nonpublic 22255
schools, educational service centers, hospitals, and medical 22256
clinics that are responsible for the care, physical custody, or 22257
control of children. 22258

(29) "Out-of-home care child abuse" means any of the 22259
following when committed by a person responsible for the care of a 22260
child in out-of-home care: 22261

(a) Engaging in sexual activity with a child in the person's 22262
care; 22263

(b) Denial to a child, as a means of punishment, of proper or 22264
necessary subsistence, education, medical care, or other care 22265
necessary for a child's health; 22266

(c) Use of restraint procedures on a child that cause injury 22267
or pain; 22268

(d) Administration of prescription drugs or psychotropic 22269
medication to the child without the written approval and ongoing 22270
supervision of a licensed physician; 22271

(e) Commission of any act, other than by accidental means,	22272
that results in any injury to or death of the child in out-of-home	22273
care or commission of any act by accidental means that results in	22274
an injury to or death of a child in out-of-home care and that is	22275
at variance with the history given of the injury or death.	22276
(30) "Out-of-home care child neglect" means any of the	22277
following when committed by a person responsible for the care of a	22278
child in out-of-home care:	22279
(a) Failure to provide reasonable supervision according to	22280
the standards of care appropriate to the age, mental and physical	22281
condition, or other special needs of the child;	22282
(b) Failure to provide reasonable supervision according to	22283
the standards of care appropriate to the age, mental and physical	22284
condition, or other special needs of the child, that results in	22285
sexual or physical abuse of the child by any person;	22286
(c) Failure to develop a process for all of the following:	22287
(i) Administration of prescription drugs or psychotropic	22288
drugs for the child;	22289
(ii) Assuring that the instructions of the licensed physician	22290
who prescribed a drug for the child are followed;	22291
(iii) Reporting to the licensed physician who prescribed the	22292
drug all unfavorable or dangerous side effects from the use of the	22293
drug.	22294
(d) Failure to provide proper or necessary subsistence,	22295
education, medical care, or other individualized care necessary	22296
for the health or well-being of the child;	22297
(e) Confinement of the child to a locked room without	22298
monitoring by staff;	22299
(f) Failure to provide ongoing security for all prescription	22300
and nonprescription medication;	22301

(g) Isolation of a child for a period of time when there is 22302
substantial risk that the isolation, if continued, will impair or 22303
retard the mental health or physical well-being of the child. 22304

(31) "Permanent custody" means a legal status that vests in a 22305
public children services agency or a private child placing agency, 22306
all parental rights, duties, and obligations, including the right 22307
to consent to adoption, and divests the natural parents or 22308
adoptive parents of all parental rights, privileges, and 22309
obligations, including all residual rights and obligations. 22310

(32) "Permanent surrender" means the act of the parents or, 22311
if a child has only one parent, of the parent of a child, by a 22312
voluntary agreement authorized by section 5103.15 of the Revised 22313
Code, to transfer the permanent custody of the child to a public 22314
children services agency or a private child placing agency. 22315

(33) "Person" means an individual, association, corporation, 22316
or partnership and the state or any of its political subdivisions, 22317
departments, or agencies. 22318

(34) "Person responsible for a child's care in out-of-home 22319
care" means any of the following: 22320

(a) Any foster caregiver, in-home aide, or provider; 22321

(b) Any administrator, employee, or agent of any of the 22322
following: a public or private detention facility; shelter 22323
facility; certified children's crisis care facility; organization; 22324
certified organization; child day-care center; type A family 22325
day-care home; licensed type B family day-care home; group home; 22326
institution; state institution; residential facility; residential 22327
care facility; residential camp; day camp; school district; 22328
community school; chartered nonpublic school; educational service 22329
center; hospital; or medical clinic; 22330

(c) Any person who supervises or coaches children as part of 22331
an extracurricular activity sponsored by a school district, public 22332

school, or chartered nonpublic school; 22333

(d) Any other person who performs a similar function with 22334
respect to, or has a similar relationship to, children. 22335

(35) "Physical impairment" means having one or more of the 22336
following conditions that substantially limit one or more of an 22337
individual's major life activities, including self-care, receptive 22338
and expressive language, learning, mobility, and self-direction: 22339

(a) A substantial impairment of vision, speech, or hearing; 22340

(b) A congenital orthopedic impairment; 22341

(c) An orthopedic impairment caused by disease, rheumatic 22342
fever or any other similar chronic or acute health problem, or 22343
amputation or another similar cause. 22344

(36) "Placement for adoption" means the arrangement by a 22345
public children services agency or a private child placing agency 22346
with a person for the care and adoption by that person of a child 22347
of whom the agency has permanent custody. 22348

(37) "Placement in foster care" means the arrangement by a 22349
public children services agency or a private child placing agency 22350
for the out-of-home care of a child of whom the agency has 22351
temporary custody or permanent custody. 22352

(38) "Planned permanent living arrangement" means an order of 22353
a juvenile court pursuant to which both of the following apply: 22354

(a) The court gives legal custody of a child to a public 22355
children services agency or a private child placing agency without 22356
the termination of parental rights. 22357

(b) The order permits the agency to make an appropriate 22358
placement of the child and to enter into a written agreement with 22359
a foster care provider or with another person or agency with whom 22360
the child is placed. 22361

(39) "Practice of social work" and "practice of professional 22362

counseling" have the same meanings as in section 4757.01 of the Revised Code. 22363
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(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code. 22365
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(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A) (4) of section 2152.19 of the Revised Code. 22367
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(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child. 22371
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(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code. 22379
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(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code. 22381
22382

(45) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code. 22383
22384

(46) "Resource family" has the same meaning as in section 5103.02 of the Revised Code. 22385
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(47) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes. 22387
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22389

~~(46)~~(48) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health and addiction services under section 5119.34 of the 22390
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Revised Code and that provides care for a child. 22393

~~(47)~~(49) "Residential facility" means a home or facility that 22394
is licensed by the department of developmental disabilities under 22395
section 5123.19 of the Revised Code and in which a child with a 22396
developmental disability resides. 22397

~~(48)~~(50) "Residual parental rights, privileges, and 22398
responsibilities" means those rights, privileges, and 22399
responsibilities remaining with the natural parent after the 22400
transfer of legal custody of the child, including, but not 22401
necessarily limited to, the privilege of reasonable visitation, 22402
consent to adoption, the privilege to determine the child's 22403
religious affiliation, and the responsibility for support. 22404

~~(49)~~(51) "School day" means the school day established by the 22405
board of education of the applicable school district pursuant to 22406
section 3313.481 of the Revised Code. 22407

~~(50)~~(52) "School year" has the same meaning as in section 22408
3313.62 of the Revised Code. 22409

~~(51)~~(53) "Secure correctional facility" means a facility 22410
under the direction of the department of youth services that is 22411
designed to physically restrict the movement and activities of 22412
children and used for the placement of children after adjudication 22413
and disposition. 22414

~~(52)~~(54) "Sexual activity" has the same meaning as in section 22415
2907.01 of the Revised Code. 22416

~~(53)~~(55) "Shelter" means the temporary care of children in 22417
physically unrestricted facilities pending court adjudication or 22418
disposition. 22419

~~(54)~~(56) "Shelter for victims of domestic violence" has the 22420
same meaning as in section 3113.33 of the Revised Code. 22421

~~(55)~~(57) "Temporary custody" means legal custody of a child 22422

who is removed from the child's home, which custody may be 22423
terminated at any time at the discretion of the court or, if the 22424
legal custody is granted in an agreement for temporary custody, by 22425
the person who executed the agreement. 22426

~~(56)~~(58) "Traditional response" means a public children 22427
services agency's response to a report of child abuse or neglect 22428
that encourages engagement of the family in a comprehensive 22429
evaluation of the child's current and future safety needs and a 22430
fact-finding process to determine whether child abuse or neglect 22431
occurred and the circumstances surrounding the alleged harm or 22432
risk of harm. 22433

(C) For the purposes of this chapter, a child shall be 22434
presumed abandoned when the parents of the child have failed to 22435
visit or maintain contact with the child for more than ninety 22436
days, regardless of whether the parents resume contact with the 22437
child after that period of ninety days. 22438

Sec. 2151.152. The juvenile judge may enter into an agreement 22439
with the department of job and family services pursuant to section 22440
5101.11 of the Revised Code for the purpose of reimbursing the 22441
court for foster care maintenance costs ~~and~~, associated 22442
administrative and training costs, and prevention services costs 22443
under the "Family First Prevention Services Act," Public Law 22444
115-123, incurred on behalf of a child who is ~~either~~any of the 22445
following: 22446

(A) Eligible for payments under Title IV-E of the "Social 22447
Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, and who is in 22448
the temporary or permanent custody of the court or subject to a 22449
disposition issued under division (A) (5) of section 2151.354 or 22450
division (A) (7) (a) (ii) or (A) (8) of section 2152.19 of the Revised 22451
Code; 22452

(B) Determined to be at serious risk of removal from the home 22453

and for whom the court has undertaken a plan of reasonable efforts 22454
to prevent such removal-; 22455

(C) At imminent risk of removal from the home and is a 22456
sibling of a child in the temporary or permanent custody of the 22457
court. 22458

The agreement shall govern the responsibilities and duties 22459
the court shall perform in providing services to the child. 22460

Sec. 2151.23. (A) The juvenile court has exclusive original 22461
jurisdiction under the Revised Code as follows: 22462

(1) Concerning any child who on or about the date specified 22463
in the complaint, indictment, or information is alleged to have 22464
violated section 2151.87 of the Revised Code or an order issued 22465
under that section or to be a juvenile traffic offender or a 22466
delinquent, unruly, abused, neglected, or dependent child and, 22467
based on and in relation to the allegation pertaining to the 22468
child, concerning the parent, guardian, or other person having 22469
care of a child who is alleged to be an unruly child for being an 22470
habitual truant or who is alleged to be a delinquent child for 22471
violating a court order regarding the child's prior adjudication 22472
as an unruly child for being an habitual truant; 22473

(2) Subject to divisions (G), (I), (K), and (V) of section 22474
2301.03 of the Revised Code, to determine the custody of any child 22475
not a ward of another court of this state; 22476

(3) To hear and determine any application for a writ of 22477
habeas corpus involving the custody of a child; 22478

(4) To exercise the powers and jurisdiction given the probate 22479
division of the court of common pleas in Chapter 5122. of the 22480
Revised Code, if the court has probable cause to believe that a 22481
child otherwise within the jurisdiction of the court is a mentally 22482
ill person subject to court order, as defined in section 5122.01 22483

of the Revised Code;	22484
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	22485 22486
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B) (1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B) (1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	22487 22488 22489 22490 22491 22492 22493 22494 22495 22496
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	22497 22498
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	22499 22500 22501 22502
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	22503 22504 22505 22506
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	22507 22508
(11) Subject to divisions (G), (I), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for	22509 22510 22511 22512 22513 22514

support brought under Chapter 3115. of the Revised Code;	22515
(12) Concerning an action commenced under section 121.38 of the Revised Code;	22516 22517
(13) To hear and determine violations of section 3321.38 of the Revised Code;	22518 22519
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	22520 22521 22522 22523 22524
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;	22525 22526 22527 22528 22529 22530 22531 22532
(16) To hear and determine a petition for a protection order against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age;	22533 22534 22535 22536 22537 22538
(17) Concerning emancipated young adults under sections 2151.45 to 2151.455 of the Revised Code;	22539 22540
<u>(18) To hear and determine a request for a court order to examine and interview a child who may be an abused, neglected, or dependent child under section 2151.25 of the Revised Code.</u>	22541 22542 22543
(B) Except as provided in divisions (G) and (I) of section	22544

2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	22545 22546
(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;	22547 22548 22549 22550
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	22551 22552 22553
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	22554 22555
(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;	22556 22557 22558
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	22559 22560
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	22561 22562
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	22563 22564 22565
(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;	22566 22567 22568
(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.	22569 22570 22571 22572
(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and	22573 22574

independent juvenile court, has jurisdiction to hear, determine, 22575
and make a record of any action for divorce or legal separation 22576
that involves the custody or care of children and that is filed in 22577
the court of common pleas and certified by the court of common 22578
pleas with all the papers filed in the action to the juvenile 22579
court for trial, provided that no certification of that nature 22580
shall be made to any juvenile court unless the consent of the 22581
juvenile judge first is obtained. After a certification of that 22582
nature is made and consent is obtained, the juvenile court shall 22583
proceed as if the action originally had been begun in that court, 22584
except as to awards for spousal support or support due and unpaid 22585
at the time of certification, over which the juvenile court has no 22586
jurisdiction. 22587

(D) The juvenile court, except as provided in division (I) of 22588
section 2301.03 of the Revised Code, has jurisdiction to hear and 22589
determine all matters as to custody and support of children duly 22590
certified by the court of common pleas to the juvenile court after 22591
a divorce decree has been granted, including jurisdiction to 22592
modify the judgment and decree of the court of common pleas as the 22593
same relate to the custody and support of children. 22594

(E) The juvenile court, except as provided in division (I) of 22595
section 2301.03 of the Revised Code, has jurisdiction to hear and 22596
determine the case of any child certified to the court by any 22597
court of competent jurisdiction if the child comes within the 22598
jurisdiction of the juvenile court as defined by this section. 22599

(F) (1) The juvenile court shall exercise its jurisdiction in 22600
child custody matters in accordance with sections 3109.04 and 22601
3127.01 to 3127.53 of the Revised Code and, as applicable, 22602
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised 22603
Code. 22604

(2) The juvenile court shall exercise its jurisdiction in 22605
child support matters in accordance with section 3109.05 of the 22606

Revised Code. 22607

(G) Any juvenile court that makes or modifies an order for 22608
child support shall comply with Chapters 3119., 3121., 3123., and 22609
3125. of the Revised Code. If any person required to pay child 22610
support under an order made by a juvenile court on or after April 22611
15, 1985, or modified on or after December 1, 1986, is found in 22612
contempt of court for failure to make support payments under the 22613
order, the court that makes the finding, in addition to any other 22614
penalty or remedy imposed, shall assess all court costs arising 22615
out of the contempt proceeding against the person and require the 22616
person to pay any reasonable attorney's fees of any adverse party, 22617
as determined by the court, that arose in relation to the act of 22618
contempt. 22619

(H) If a child who is charged with an act that would be an 22620
offense if committed by an adult was fourteen years of age or 22621
older and under eighteen years of age at the time of the alleged 22622
act and if the case is transferred for criminal prosecution 22623
pursuant to section 2152.12 of the Revised Code, except as 22624
provided in section 2152.121 of the Revised Code, the juvenile 22625
court does not have jurisdiction to hear or determine the case 22626
subsequent to the transfer. The court to which the case is 22627
transferred for criminal prosecution pursuant to that section has 22628
jurisdiction subsequent to the transfer to hear and determine the 22629
case in the same manner as if the case originally had been 22630
commenced in that court, subject to section 2152.121 of the 22631
Revised Code, including, but not limited to, jurisdiction to 22632
accept a plea of guilty or another plea authorized by Criminal 22633
Rule 11 or another section of the Revised Code and jurisdiction to 22634
accept a verdict and to enter a judgment of conviction pursuant to 22635
the Rules of Criminal Procedure against the child for the 22636
commission of the offense that was the basis of the transfer of 22637
the case for criminal prosecution, whether the conviction is for 22638

the same degree or a lesser degree of the offense charged, for the 22639
commission of a lesser-included offense, or for the commission of 22640
another offense that is different from the offense charged. 22641

(I) If a person under eighteen years of age allegedly commits 22642
an act that would be a felony if committed by an adult and if the 22643
person is not taken into custody or apprehended for that act until 22644
after the person attains twenty-one years of age, the juvenile 22645
court does not have jurisdiction to hear or determine any portion 22646
of the case charging the person with committing that act. In those 22647
circumstances, divisions (A) and (B) of section 2152.12 of the 22648
Revised Code do not apply regarding the act, and the case charging 22649
the person with committing the act shall be a criminal prosecution 22650
commenced and heard in the appropriate court having jurisdiction 22651
of the offense as if the person had been eighteen years of age or 22652
older when the person committed the act. All proceedings 22653
pertaining to the act shall be within the jurisdiction of the 22654
court having jurisdiction of the offense, and that court has all 22655
the authority and duties in the case that it has in other criminal 22656
cases in that court. 22657

(J) In exercising its exclusive original jurisdiction under 22658
division (A) (16) of this section with respect to any proceedings 22659
brought under section 2151.34 or 3113.31 of the Revised Code in 22660
which the respondent is a child, the juvenile court retains all 22661
dispositionary powers consistent with existing rules of juvenile 22662
procedure and may also exercise its discretion to adjudicate 22663
proceedings as provided in sections 2151.34 and 3113.31 of the 22664
Revised Code, including the issuance of protection orders or the 22665
approval of consent agreements under those sections. 22666

Sec. 2151.25. (A) If a public children services agency 22667
receives a report of child abuse or neglect under section 2151.421 22668
of the Revised Code, or a report that a child may be a dependent 22669

child, and is denied reasonable access to the child by a parent, 22670
guardian, custodian, or caregiver of the child, or to any other 22671
information necessary to determine if the child is, or at risk of 22672
becoming, an abused, neglected, or dependent child, the agency may 22673
request a juvenile court to issue an order granting the agency 22674
access to examine and interview the child, or to conduct other 22675
activities necessary to determine the risk to the child. The 22676
agency shall make the request by submitting a sworn affidavit 22677
explaining the need for the order in the juvenile court of the 22678
county in which the child has a residence or legal settlement or 22679
in which the reported abuse or neglect of the child occurred or 22680
the reported conditions exist regarding the child's dependency. 22681

(B) The affidavit shall include the following: 22682

(1) The particular facts of the allegation or allegations in 22683
the report that may indicate the child is an abused, neglected, or 22684
dependent child; 22685

(2) The agency's efforts to gather additional information to 22686
determine whether or not the child may be, or at risk of becoming, 22687
an abused, neglected, or dependent child; 22688

(3) The agency efforts to obtain consent from a parent, 22689
guardian, custodian, or caregiver to examine and interview the 22690
child, or to conduct other activities necessary to determine the 22691
risk to the child; 22692

(4) The activities the agency deems necessary to determine 22693
the current risk to the child. 22694

(C) The affidavit shall not identify the source of the 22695
allegation or allegations in the report that may indicate the 22696
child is an abused, neglected, or dependent child. 22697

(D) (1) Upon receipt of request and a sworn affidavit 22698
submitted according to division (A) of this section, if the court 22699
determines that probable cause exists, the court may, without a 22700

hearing, issue an order requiring the parent, guardian, custodian, or caregiver of the child comply with the agency's investigation, including, an interview and examination of the child, and other activity the court deems necessary to determine the current risk posed to the child. 22701
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(2) The court may include within the order specific instructions on the manner and location of the interview and examination of the child, as well as detail any other necessary activities. 22706
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(E) An order issued pursuant to this section is not a final, appealable order for purposes of appeal under division (B) of section 2505.02 of the Revised Code. 22710
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Sec. 2151.316. (A) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to establish and enforce a foster youth bill of rights for individuals who are in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement or in the Title IV-E eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services and who are subject to out-of-home care or placed with a kinship caregiver as defined in section 5101.85 of the Revised Code. 22713
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(B) If the rights of an individual, as established under division (A) of this section, conflict with the rights of a resource family or resource caregiver, as established in section 5103.163 of the Revised Code, the rights of the individual shall preempt the rights of the resource family or resource caregiver. 22723
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(C) The rights established by rules under this section shall not create grounds for a civil action against the department, the recommending agency, or the custodial agency. 22728
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Sec. 2151.362. (A) (1) In the manner prescribed by division 22731
(C) (1) or (2) of section 3313.64 of the Revised Code, as 22732
applicable, the court, at the time of making any order that 22733
removes a child from the child's own home or that vests legal or 22734
permanent custody of the child in a person other than the child's 22735
parent or a government agency, shall determine the school district 22736
that is to bear the cost of educating the child. The court shall 22737
make the determination a part of the order that provides for the 22738
child's placement or commitment. That school district shall bear 22739
the cost of educating the child unless and until the department of 22740
education determines that a different district shall be 22741
responsible for bearing that cost pursuant to division (A) (2) of 22742
this section. The court's order shall state that the determination 22743
of which school district is responsible to bear the cost of 22744
educating the child is subject to re-determination by the 22745
department pursuant to that division. 22746

(2) If, while the child is in the custody of a person other 22747
than the child's parent or a government agency, the department of 22748
education determines that the place of residence of the child's 22749
parent has changed since the court issued its initial order, the 22750
department may name a different school district to bear the cost 22751
of educating the child. The department shall make this new 22752
determination, and any future determinations, based on evidence 22753
received from the school district currently responsible to bear 22754
the cost of educating the child. If the department finds that the 22755
evidence demonstrates to its satisfaction that the residence of 22756
the child's parent has changed since the court issued its initial 22757
order under division (A) (1) of this section, or since the 22758
department last made a determination under division (A) (2) of this 22759
section, the department shall name the district in which the 22760
child's parent currently resides or, if the parent's residence is 22761
not known, the district in which the parent's last known residence 22762

is located. If the department cannot determine any Ohio district 22763
in which the parent currently resides or has resided, the school 22764
district designated in the initial court order under division 22765
(A) (1) of this section, or in the most recent determination made 22766
by the department under division (A) (2) of this section, shall 22767
continue to bear the cost of educating the child. 22768

(B) Whenever a child is placed in a detention facility 22769
established under section 2152.41 of the Revised Code or a 22770
juvenile facility established under section 2151.65 of the Revised 22771
Code, the facility shall be responsible for coordinating the 22772
education of the child. The facility may take any of the following 22773
measures in coordinating the education of the child: 22774

(1) If applicable, use the chartered nonpublic school that 22775
the facility operates; 22776

(2) Arrange with the school district responsible for bearing 22777
the cost of educating the child determined under division (A) of 22778
this section, for the facility to educate the child on its own; 22779

(3) Contract with an educational service center for the 22780
service center to educate the child; 22781

(4) Contract with the school district in which the facility 22782
is located for that school district to educate the child; 22783

(5) If the child is enrolled in an internet- or 22784
computer-based community school established under Chapter 3314. of 22785
the Revised Code, and provided that the facility possesses the 22786
necessary hardware, software, and internet connectivity, permit 22787
continued instruction of the child by the internet- or 22788
computer-based community school. 22789

If the facility coordinates the education of the child 22790
pursuant to division (B) (1), (2), (3), or (4) of this section, 22791
child's school district as determined by the court or the 22792
department, in the same manner as prescribed in division (A) of 22793

this section, shall pay the cost of educating the child based on 22794
the per capita cost of the educational facility within the 22795
detention home or juvenile facility. 22796

If the facility coordinates the education of the child 22797
pursuant to division (B)(5) of this section, payment for the cost 22798
of educating the child shall be made only as provided in ~~division~~ 22799
~~(C) of section 3314.08~~ 3317.022 of the Revised Code. 22800

(C) Whenever a child is placed by the court in a private 22801
institution, school, or residential treatment center or any other 22802
private facility, the state shall pay to the court a subsidy to 22803
help defray the expense of educating the child in an amount equal 22804
to the product of the daily per capita educational cost of the 22805
private facility, as determined pursuant to this section, and the 22806
number of days the child resides at the private facility, provided 22807
that the subsidy shall not exceed twenty-five hundred dollars per 22808
year per child. The daily per capita educational cost of a private 22809
facility shall be determined by dividing the actual program cost 22810
of the private facility or twenty-five hundred dollars, whichever 22811
is less, by three hundred sixty-five days or by three hundred 22812
sixty-six days for years that include February twenty-ninth. The 22813
state shall pay seventy-five per cent of the total subsidy for 22814
each year quarterly to the court. The state may adjust the 22815
remaining twenty-five per cent of the total subsidy to be paid to 22816
the court for each year to an amount that is less than twenty-five 22817
per cent of the total subsidy for that year based upon the 22818
availability of funds appropriated to the department of education 22819
for the purpose of subsidizing courts that place a child in a 22820
private institution, school, or residential treatment center or 22821
any other private facility and shall pay that adjusted amount to 22822
the court at the end of the year. 22823

Sec. 2151.412. (A) Each public children services agency and 22824

private child placing agency shall prepare and maintain a case 22825
plan for any child to whom the agency is providing services and to 22826
whom any of the following applies: 22827

(1) The agency filed a complaint pursuant to section 2151.27 22828
of the Revised Code alleging that the child is an abused, 22829
neglected, or dependent child; 22830

(2) The agency has temporary or permanent custody of the 22831
child; 22832

(3) The child is living at home subject to an order for 22833
protective supervision; 22834

(4) The child is in a planned permanent living arrangement. 22835

Except as provided by division (A) (2) of section 5103.153 of 22836
the Revised Code, a private child placing agency providing 22837
services to a child who is the subject of a voluntary permanent 22838
custody surrender agreement entered into under division (B) (2) of 22839
section 5103.15 of the Revised Code is not required to prepare and 22840
maintain a case plan for that child. 22841

(B) Each public children services agency shall prepare and 22842
maintain a case plan ~~or a family service plan~~ for any child for 22843
whom the agency is providing in-home services pursuant to an 22844
alternative response. 22845

(C) (1) The director of job and family services shall adopt 22846
rules pursuant to Chapter 119. of the Revised Code setting forth 22847
the content and format of case plans required by division (A) of 22848
this section and establishing procedures for developing, 22849
implementing, and changing the case plans. The rules shall at a 22850
minimum comply with the requirements of Title IV-E of the "Social 22851
Security Act," ~~94 Stat. 501,~~ 42 U.S.C. ~~671~~ 670, et seq. (1980), ~~as~~ 22852
~~amended.~~ 22853

(2) The director of job and family services shall adopt rules 22854

pursuant to Chapter 119. of the Revised Code requiring public 22855
children services agencies and private child placing agencies to 22856
maintain case plans for children and their families who are 22857
receiving services in their homes from the agencies and for whom 22858
case plans are not required by division (A) of this section. The 22859
rules for public children services agencies shall include the 22860
requirements for case plans ~~or family service plans~~ maintained for 22861
children and their families who are receiving services in their 22862
homes from public children services agencies pursuant to an 22863
alternative response. The agencies shall maintain case plans ~~and~~ 22864
~~family service plans~~ as required by those rules; however, the case 22865
plans ~~and family service plans~~ shall not be subject to any other 22866
provision of this section except as specifically required by the 22867
rules. 22868

(D) Each public children services agency and private child 22869
placing agency that is required by division (A) of this section to 22870
maintain a case plan shall file the case plan with the court prior 22871
to the child's adjudicatory hearing but no later than thirty days 22872
after the earlier of the date on which the complaint in the case 22873
was filed or the child was first placed into shelter care. If the 22874
agency does not have sufficient information prior to the 22875
adjudicatory hearing to complete any part of the case plan, the 22876
agency shall specify in the case plan the additional information 22877
necessary to complete each part of the case plan and the steps 22878
that will be taken to obtain that information. All parts of the 22879
case plan shall be completed by the earlier of thirty days after 22880
the adjudicatory hearing or the date of the dispositional hearing 22881
for the child. 22882

(E) Any agency that is required by division (A) of this 22883
section to prepare a case plan shall attempt to obtain an 22884
agreement among all parties, including, but not limited to, the 22885
parents, guardian, or custodian of the child and the guardian ad 22886

litem of the child regarding the content of the case plan. If all 22887
parties agree to the content of the case plan and the court 22888
approves it, the court shall journalize it as part of its 22889
dispositional order. If the agency cannot obtain an agreement upon 22890
the contents of the case plan or the court does not approve it, 22891
the parties shall present evidence on the contents of the case 22892
plan at the dispositional hearing. The court, based upon the 22893
evidence presented at the dispositional hearing and the best 22894
interest of the child, shall determine the contents of the case 22895
plan and journalize it as part of the dispositional order for the 22896
child. 22897

(F) (1) All parties, including the parents, guardian, or 22898
custodian of the child, are bound by the terms of the journalized 22899
case plan. A party that fails to comply with the terms of the 22900
journalized case plan may be held in contempt of court. 22901

(2) Any party may propose a change to a substantive part of 22902
the case plan, including, but not limited to, the child's 22903
placement and the visitation rights of any party. A party 22904
proposing a change to the case plan shall file the proposed change 22905
with the court and give notice of the proposed change in writing 22906
before the end of the day after the day of filing it to all 22907
parties and the child's guardian ad litem. All parties and the 22908
guardian ad litem shall have seven days from the date the notice 22909
is sent to object to and request a hearing on the proposed change. 22910

(a) If it receives a timely request for a hearing, the court 22911
shall schedule a hearing pursuant to section 2151.417 of the 22912
Revised Code to be held no later than thirty days after the 22913
request is received by the court. The court shall give notice of 22914
the date, time, and location of the hearing to all parties and the 22915
guardian ad litem. The agency may implement the proposed change 22916
after the hearing, if the court approves it. The agency shall not 22917
implement the proposed change unless it is approved by the court. 22918

(b) If it does not receive a timely request for a hearing, 22919
the court may approve the proposed change without a hearing. If 22920
the court approves the proposed change without a hearing, it shall 22921
journalize the case plan with the change not later than fourteen 22922
days after the change is filed with the court. If the court does 22923
not approve the proposed change to the case plan, it shall 22924
schedule a hearing to be held pursuant to section 2151.417 of the 22925
Revised Code no later than thirty days after the expiration of the 22926
fourteen-day time period and give notice of the date, time, and 22927
location of the hearing to all parties and the guardian ad litem 22928
of the child. If, despite the requirements of division (F)(2) of 22929
this section, the court neither approves and journalizes the 22930
proposed change nor conducts a hearing, the agency may implement 22931
the proposed change not earlier than fifteen days after it is 22932
submitted to the court. 22933

(3) If an agency has reasonable cause to believe that a child 22934
is suffering from illness or injury and is not receiving proper 22935
care and that an appropriate change in the child's case plan is 22936
necessary to prevent immediate or threatened physical or emotional 22937
harm, to believe that a child is in immediate danger from the 22938
child's surroundings and that an immediate change in the child's 22939
case plan is necessary to prevent immediate or threatened physical 22940
or emotional harm to the child, or to believe that a parent, 22941
guardian, custodian, or other member of the child's household has 22942
abused or neglected the child and that the child is in danger of 22943
immediate or threatened physical or emotional harm from that 22944
person unless the agency makes an appropriate change in the 22945
child's case plan, it may implement the change without prior 22946
agreement or a court hearing and, before the end of the next day 22947
after the change is made, give all parties, the guardian ad litem 22948
of the child, and the court notice of the change. Before the end 22949
of the third day after implementing the change in the case plan, 22950
the agency shall file a statement of the change with the court and 22951

give notice of the filing accompanied by a copy of the statement 22952
to all parties and the guardian ad litem. All parties and the 22953
guardian ad litem shall have ten days from the date the notice is 22954
sent to object to and request a hearing on the change. 22955

(a) If it receives a timely request for a hearing, the court 22956
shall schedule a hearing pursuant to section 2151.417 of the 22957
Revised Code to be held no later than thirty days after the 22958
request is received by the court. The court shall give notice of 22959
the date, time, and location of the hearing to all parties and the 22960
guardian ad litem. The agency shall continue to administer the 22961
case plan with the change after the hearing, if the court approves 22962
the change. If the court does not approve the change, the court 22963
shall make appropriate changes to the case plan and shall 22964
journalize the case plan. 22965

(b) If it does not receive a timely request for a hearing, 22966
the court may approve the change without a hearing. If the court 22967
approves the change without a hearing, it shall journalize the 22968
case plan with the change within fourteen days after receipt of 22969
the change. If the court does not approve the change to the case 22970
plan, it shall schedule a hearing under section 2151.417 of the 22971
Revised Code to be held no later than thirty days after the 22972
expiration of the fourteen-day time period and give notice of the 22973
date, time, and location of the hearing to all parties and the 22974
guardian ad litem of the child. 22975

(G) (1) All case plans for children in temporary custody shall 22976
have the following general goals: 22977

(a) Consistent with the best interest and special needs of 22978
the child, to achieve a safe out-of-home placement in the least 22979
restrictive, most family-like setting available and in close 22980
proximity to the home from which the child was removed or the home 22981
in which the child will be permanently placed; 22982

(b) To eliminate with all due speed the need for the out-of-home placement so that the child can safely return home. 22983
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(2) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the general goals of case plans for children subject to dispositional orders for protective supervision, a planned permanent living arrangement, or permanent custody. 22985
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(H) In the agency's development of a case plan and the court's review of the case plan, the child's health and safety shall be the paramount concern. The agency and the court shall be guided by the following general priorities: 22990
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(1) A child who is residing with or can be placed with the child's parents within a reasonable time should remain in their legal custody even if an order of protective supervision is required for a reasonable period of time; 22994
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(2) If both parents of the child have abandoned the child, have relinquished custody of the child, have become incapable of supporting or caring for the child even with reasonable assistance, or have a detrimental effect on the health, safety, and best interest of the child, the child should be placed in the legal custody of a suitable member of the child's extended family; 22998
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(3) If a child described in division (H)(2) of this section has no suitable member of the child's extended family to accept legal custody, the child should be placed in the legal custody of a suitable nonrelative who shall be made a party to the proceedings after being given legal custody of the child; 23004
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(4) If the child has no suitable member of the child's extended family to accept legal custody of the child and no suitable nonrelative is available to accept legal custody of the child and, if the child temporarily cannot or should not be placed with the child's parents, guardian, or custodian, the child should 23009
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be placed in the temporary custody of a public children services agency or a private child placing agency;

(5) If the child cannot be placed with either of the child's parents within a reasonable period of time or should not be placed with either, if no suitable member of the child's extended family or suitable nonrelative is available to accept legal custody of the child, and if the agency has a reasonable expectation of placing the child for adoption, the child should be committed to the permanent custody of the public children services agency or private child placing agency;

(6) If the child is to be placed for adoption or foster care, the placement shall not be delayed or denied on the basis of the child's or adoptive or foster family's race, color, or national origin.

(I) The case plan for a child in temporary custody shall include at a minimum the following requirements if the child is or has been the victim of abuse or neglect or if the child witnessed the commission in the child's household of abuse or neglect against a sibling of the child, a parent of the child, or any other person in the child's household:

(1) A requirement that the child's parents, guardian, or custodian participate in mandatory counseling;

(2) A requirement that the child's parents, guardian, or custodian participate in any supportive services that are required by or provided pursuant to the child's case plan.

(J) ~~A~~ (1) Prior to January 1, 2023, a case plan for a child in temporary custody may include, as a supplement, a plan for locating a permanent family placement. The supplement shall not be considered part of the case plan for purposes of division (E) of this section.

(2) On and after January 1, 2023, a case plan for a child in

temporary custody shall include a permanency plan for the child 23045
unless it is documented that such a plan would not be in the best 23046
interest of the child. The permanency plan shall describe the 23047
services the agency shall provide to achieve permanency for the 23048
child if reasonable efforts to return the child to the child's 23049
home, or eliminate the continued removal from that home, are 23050
unsuccessful. Those services shall be provided concurrently with 23051
reasonable efforts to return the child home or eliminate the 23052
child's continued removal from home. 23053

(3) The director of job and family services, pursuant to 23054
Chapter 119. of the Revised Code, shall adopt rules necessary to 23055
carry out the purposes of division (J) of this section. 23056

(K) (1) A public children services agency may request that the 23057
superintendent of the bureau of criminal identification and 23058
investigation conduct a criminal records check with respect to a 23059
parent, guardian, custodian, prospective custodian, or prospective 23060
placement whose actions result in a finding after the filing of a 23061
complaint as described in division (A) (1) of this section that a 23062
child is an abused, neglected, or dependent child. The public 23063
children services agency shall request that the superintendent 23064
obtain information from the federal bureau of investigation as 23065
part of the criminal records check. 23066

(2) At any time on or after the date that is ninety days 23067
after ~~the effective date of this amendment~~ September 10, 2012, a 23068
prosecuting attorney, or an assistant prosecuting attorney 23069
appointed under section 309.06 of the Revised Code, may request 23070
that the superintendent of the bureau of criminal identification 23071
and investigation conduct a criminal records check with respect to 23072
each parent, guardian, custodian, prospective custodian, or 23073
prospective placement whose actions resulted in a finding after 23074
the filing of a complaint described in division (A) (1) of this 23075
section that a child is an abused, neglected, or dependent child. 23076

Each prosecuting attorney or assistant prosecuting attorney who 23077
makes such a request shall request that the superintendent obtain 23078
information from the federal bureau of investigation as part of 23079
the criminal records check for each parent, guardian, custodian, 23080
prospective custodian, or prospective placement who is a subject 23081
of the request. 23082

(3) A public children services agency, prosecuting attorney, 23083
or assistant prosecuting attorney that requests a criminal records 23084
check under division (K) (1) or (2) of this section shall do both 23085
of the following: 23086

(a) Provide to each parent, guardian, custodian, prospective 23087
custodian, or prospective placement for whom a criminal records 23088
check is requested a copy of the form prescribed pursuant to 23089
division (C) (1) of section 109.572 of the Revised Code and a 23090
standard fingerprint impression sheet prescribed pursuant to 23091
division (C) (2) of that section and obtain the completed form and 23092
impression sheet from the parent, guardian, custodian, prospective 23093
custodian, or prospective placement; 23094

(b) Forward the completed form and impression sheet to the 23095
superintendent of the bureau of criminal identification and 23096
investigation. 23097

(4) A parent, guardian, custodian, prospective custodian, or 23098
prospective placement who is given a form and fingerprint 23099
impression sheet under division (K) (3) (a) of this section and who 23100
fails to complete the form or provide fingerprint impressions may 23101
be held in contempt of court. 23102

Sec. 2151.416. (A) Each agency that is required by section 23103
2151.412 of the Revised Code to prepare a case plan for a child 23104
shall complete a semiannual administrative review of the case plan 23105
no later than six months after the earlier of the date on which 23106
the complaint in the case was filed or the child was first placed 23107

in shelter care. After the first administrative review, the agency 23108
shall complete semiannual administrative reviews no later than 23109
every six months. If the court issues an order pursuant to section 23110
2151.414 or 2151.415 of the Revised Code, the agency shall 23111
complete an administrative review no later than six months after 23112
the court's order and continue to complete administrative reviews 23113
no later than every six months after the first review, except that 23114
the court hearing held pursuant to section 2151.417 of the Revised 23115
Code may take the place of any administrative review that would 23116
otherwise be held at the time of the court hearing. When 23117
conducting a review, the child's health and safety shall be the 23118
paramount concern. 23119

(B) Each administrative review required by division (A) of 23120
this section shall be conducted by a review panel of at least 23121
three persons, including, but not limited to, both of the 23122
following: 23123

(1) A caseworker with day-to-day responsibility for, or 23124
familiarity with, the management of the child's case plan; 23125

(2) A person who is not responsible for the management of the 23126
child's case plan or for the delivery of services to the child or 23127
the parents, guardian, or custodian of the child. 23128

(C) Each semiannual administrative review shall include, but 23129
not be limited to, a joint meeting by the review panel with the 23130
parents, guardian, or custodian of the child, the guardian ad 23131
litem of the child, and the child's foster care provider and shall 23132
include an opportunity for those persons to submit any written 23133
materials to be included in the case record of the child. If a 23134
parent, guardian, custodian, guardian ad litem, or foster care 23135
provider of the child cannot be located after reasonable efforts 23136
to do so or declines to participate in the administrative review 23137
after being contacted, the agency does not have to include them in 23138
the joint meeting. 23139

(D) The agency shall prepare a written summary of the 23140
semiannual administrative review that shall include, but not be 23141
limited to, all of the following: 23142

(1) A conclusion regarding the safety and appropriateness of 23143
the child's foster care placement; 23144

(2) The extent of the compliance with the case plan of all 23145
parties; 23146

(3) The extent of progress that has been made toward 23147
alleviating the circumstances that required the agency to assume 23148
temporary custody of the child; 23149

(4) An estimated date by which the child may be returned to 23150
and safely maintained in the child's home or placed for adoption 23151
or legal custody; 23152

(5) An updated case plan that includes any changes that the 23153
agency is proposing in the case plan; 23154

(6) The recommendation of the agency as to which agency or 23155
person should be given custodial rights over the child for the 23156
six-month period after the administrative review; 23157

(7) The names of all persons who participated in the 23158
administrative review; 23159

(8) A summary of the agency's intensive efforts to secure a 23160
placement with an appropriate and willing kinship caregiver as 23161
defined in section 5101.85 of the Revised Code, including any use 23162
of search technology to find biological family members of the 23163
child and all other efforts undertaken since the last review, 23164
unless a court has determined that intensive efforts are 23165
unnecessary pursuant to section 2151.4118 of the Revised Code. 23166

(E) The agency shall file the summary with the court no later 23167
than seven days after the completion of the administrative review. 23168
If the agency proposes a change to the case plan as a result of 23169

the administrative review, the agency shall file the proposed 23170
change with the court at the time it files the summary. The agency 23171
shall give notice of the summary and proposed change in writing 23172
before the end of the next day after filing them to all parties 23173
and the child's guardian ad litem. All parties and the guardian ad 23174
litem shall have seven days after the date the notice is sent to 23175
object to and request a hearing on the proposed change. 23176

(1) If the court receives a timely request for a hearing, the 23177
court shall schedule a hearing pursuant to section 2151.417 of the 23178
Revised Code to be held not later than thirty days after the court 23179
receives the request. The court shall give notice of the date, 23180
time, and location of the hearing to all parties and the guardian 23181
ad litem. The agency may implement the proposed change after the 23182
hearing, if the court approves it. The agency shall not implement 23183
the proposed change unless it is approved by the court. 23184

(2) If the court does not receive a timely request for a 23185
hearing, the court may approve the proposed change without a 23186
hearing. If the court approves the proposed change without a 23187
hearing, it shall journalize the case plan with the change not 23188
later than fourteen days after the change is filed with the court. 23189
If the court does not approve the proposed change to the case 23190
plan, it shall schedule a review hearing to be held pursuant to 23191
section 2151.417 of the Revised Code no later than thirty days 23192
after the expiration of the fourteen-day time period and give 23193
notice of the date, time, and location of the hearing to all 23194
parties and the guardian ad litem of the child. If, despite the 23195
requirements of this division and division (D) of section 2151.417 23196
of the Revised Code, the court neither approves and journalizes 23197
the proposed change nor conducts a hearing, the agency may 23198
implement the proposed change not earlier than fifteen days after 23199
it is submitted to the court. 23200

(F) The director of job and family services may adopt rules 23201

pursuant to Chapter 119. of the Revised Code for procedures and 23202
standard forms for conducting administrative reviews pursuant to 23203
this section. 23204

(G) The juvenile court that receives the written summary of 23205
the administrative review, upon determining, either from the 23206
written summary, case plan, or otherwise, that the custody or care 23207
arrangement is not in the best interest of the child, may 23208
terminate the custody of an agency and place the child in the 23209
custody of another institution or association certified by the 23210
department of job and family services under section 5103.03 of the 23211
Revised Code. 23212

Sec. 2151.4115. (A) As used in sections 2151.4116 to 23213
2151.4122 of the Revised Code: 23214

(1) "Kinship caregiver" has the same meaning as used in 23215
section 5101.85 of the Revised Code. 23216

(2) "Search technology" means any locate-and-research tool, 23217
search engine, electronic database, or social media search tool 23218
available to a public children services agency or a private child 23219
placing agency. 23220

Sec. 2151.4116. A public children services agency or private 23221
child placing agency shall make intensive efforts to identify and 23222
engage an appropriate and willing kinship caregiver for the care 23223
of a child who is in one of following: 23224

(A) Temporary custody of the agency; 23225

(B) A planned permanent living arrangement with the agency. 23226

Sec. 2151.4117. (A) At every court hearing regarding a child 23227
described in section 2151.4116 of the Revised Code, the court 23228
shall determine whether the public children services agency or 23229
private child placing agency has continued intensive efforts to 23230

identify and engage appropriate and willing kinship caregivers for 23231
the child. 23232

(B) At each hearing the court shall: 23233

(1) Review the placement of the child to determine if the 23234
child is receiving care in the home of a kinship caregiver; 23235

(2) Review the efforts of the agency since the previous 23236
hearing to place the child with a kinship caregiver in accordance 23237
with section 2151.33 of the Revised Code, including efforts to 23238
utilize search technology to find biological family members for 23239
the child; 23240

(3) Review any previous court order issued under section 23241
2151.4118 of the Revised Code to determine if the order should 23242
continue based on the child's current placement situation. 23243

Sec. 2151.4118. A court may issue an order that determines, 23244
with respect to a child described in section 2151.4116 of the 23245
Revised Code who is not receiving care in the home of a kinship 23246
caregiver, that the continuation of the child's current placement 23247
is in the child's best interest and that intensive efforts to 23248
identify and engage an appropriate and willing kinship caregiver 23249
for the child are unnecessary if the court makes the findings in 23250
section 2151.4119 of the Revised Code. 23251

Sec. 2151.4119. A court may issue an order under section 23252
2151.4118 of the Revised Code if it finds all of the following: 23253

(A) The child has been living in a stable home environment 23254
with the child's current caregivers for the past twelve 23255
consecutive months. 23256

(B) The current caregivers have expressed interest in 23257
providing permanency for the child. 23258

(C) The removal of the child from the current caregivers 23259
would be detrimental to the child's emotional well-being. 23260

Sec. 2151.4120. If a court makes the findings under section 23261
2151.4119 of the Revised Code, the court and public children 23262
services agency or private child placing agency may consider the 23263
child's current caregiver as having a kin relationship with the 23264
child and at an equal standing to other kin in regards to 23265
permanency. 23266

Sec. 2151.4121. If a relative who received the required 23267
notice pursuant to section 2151.33 of the Revised Code fails 23268
within six months from the date of receipt to demonstrate interest 23269
in and willingness to provide a permanent home for a child, a 23270
court may excuse the public children services agency or private 23271
child placing agency from considering such relative for placement 23272
if the court has issued an order under section 2151.4119 of the 23273
Revised Code. 23274

Sec. 2151.4122. Nothing in sections 2151.4115 to 2151.4121 of 23275
the Revised Code shall be construed to prevent a public children 23276
services agency or private child placing agency from continuing to 23277
search or consider kinship caregivers. 23278

Sec. 2151.421. (A) (1) (a) No person described in division 23279
(A) (1) (b) of this section who is acting in an official or 23280
professional capacity and knows, or has reasonable cause to 23281
suspect based on facts that would cause a reasonable person in a 23282
similar position to suspect, that a child under eighteen years of 23283
age, or a person under twenty-one years of age with a 23284
developmental disability or physical impairment, has suffered or 23285
faces a threat of suffering any physical or mental wound, injury, 23286
disability, or condition of a nature that reasonably indicates 23287

abuse or neglect of the child shall fail to immediately report 23288
that knowledge or reasonable cause to suspect to the entity or 23289
persons specified in this division. Except as otherwise provided 23290
in this division or section 5120.173 of the Revised Code, the 23291
person making the report shall make it to the public children 23292
services agency or a peace officer in the county in which the 23293
child resides or in which the abuse or neglect is occurring or has 23294
occurred. If the person making the report is a peace officer, the 23295
officer shall make it to the public children services agency in 23296
the county in which the child resides or in which the abuse or 23297
neglect is occurring or has occurred. In the circumstances 23298
described in section 5120.173 of the Revised Code, the person 23299
making the report shall make it to the entity specified in that 23300
section. 23301

(b) Division (A) (1) (a) of this section applies to any person 23302
who is an attorney; health care professional; practitioner of a 23303
limited branch of medicine as specified in section 4731.15 of the 23304
Revised Code; licensed school psychologist; independent marriage 23305
and family therapist or marriage and family therapist; coroner; 23306
administrator or employee of a child day-care center; 23307
administrator or employee of a residential camp, child day camp, 23308
or private, nonprofit therapeutic wilderness camp; administrator 23309
or employee of a certified child care agency or other public or 23310
private children services agency; school teacher; school employee; 23311
school authority; peace officer; humane society agent; dog warden, 23312
deputy dog warden, or other person appointed to act as an animal 23313
control officer for a municipal corporation or township in 23314
accordance with state law, an ordinance, or a resolution; person, 23315
other than a cleric, rendering spiritual treatment through prayer 23316
in accordance with the tenets of a well-recognized religion; 23317
employee of a county department of job and family services who is 23318
a professional and who works with children and families; 23319

superintendent or regional administrator employed by the 23320
department of youth services; superintendent, board member, or 23321
employee of a county board of developmental disabilities; 23322
investigative agent contracted with by a county board of 23323
developmental disabilities; employee of the department of 23324
developmental disabilities; employee of a facility or home that 23325
provides respite care in accordance with section 5123.171 of the 23326
Revised Code; employee of an entity that provides homemaker 23327
services; employee of a qualified organization as defined in 23328
section 2151.90 of the Revised Code; a host family as defined in 23329
section 2151.90 of the Revised Code; foster caregiver; a person 23330
performing the duties of an assessor pursuant to Chapter 3107. or 23331
5103. of the Revised Code; third party employed by a public 23332
children services agency to assist in providing child or family 23333
related services; court appointed special advocate; or guardian ad 23334
litem. 23335

(c) If two or more health care professionals, after providing 23336
health care services to a child, determine or suspect that the 23337
child has been or is being abused or neglected, the health care 23338
professionals may designate one of the health care professionals 23339
to report the abuse or neglect. A single report made under this 23340
division shall meet the reporting requirements of division (A) (1) 23341
of this section. 23342

(2) Except as provided in division (A) (3) of this section, an 23343
attorney or a physician is not required to make a report pursuant 23344
to division (A) (1) of this section concerning any communication 23345
the attorney or physician receives from a client or patient in an 23346
attorney-client or physician-patient relationship, if, in 23347
accordance with division (A) or (B) of section 2317.02 of the 23348
Revised Code, the attorney or physician could not testify with 23349
respect to that communication in a civil or criminal proceeding. 23350

(3) The client or patient in an attorney-client or 23351

physician-patient relationship described in division (A) (2) of 23352
this section is deemed to have waived any testimonial privilege 23353
under division (A) or (B) of section 2317.02 of the Revised Code 23354
with respect to any communication the attorney or physician 23355
receives from the client or patient in that attorney-client or 23356
physician-patient relationship, and the attorney or physician 23357
shall make a report pursuant to division (A) (1) of this section 23358
with respect to that communication, if all of the following apply: 23359

(a) The client or patient, at the time of the communication, 23360
is a child under eighteen years of age or is a person under 23361
twenty-one years of age with a developmental disability or 23362
physical impairment. 23363

(b) The attorney or physician knows, or has reasonable cause 23364
to suspect based on facts that would cause a reasonable person in 23365
similar position to suspect that the client or patient has 23366
suffered or faces a threat of suffering any physical or mental 23367
wound, injury, disability, or condition of a nature that 23368
reasonably indicates abuse or neglect of the client or patient. 23369

(c) The abuse or neglect does not arise out of the client's 23370
or patient's attempt to have an abortion without the notification 23371
of her parents, guardian, or custodian in accordance with section 23372
2151.85 of the Revised Code. 23373

(4) (a) No cleric and no person, other than a volunteer, 23374
designated by any church, religious society, or faith acting as a 23375
leader, official, or delegate on behalf of the church, religious 23376
society, or faith who is acting in an official or professional 23377
capacity, who knows, or has reasonable cause to believe based on 23378
facts that would cause a reasonable person in a similar position 23379
to believe, that a child under eighteen years of age, or a person 23380
under twenty-one years of age with a developmental disability or 23381
physical impairment, has suffered or faces a threat of suffering 23382
any physical or mental wound, injury, disability, or condition of 23383

a nature that reasonably indicates abuse or neglect of the child, 23384
and who knows, or has reasonable cause to believe based on facts 23385
that would cause a reasonable person in a similar position to 23386
believe, that another cleric or another person, other than a 23387
volunteer, designated by a church, religious society, or faith 23388
acting as a leader, official, or delegate on behalf of the church, 23389
religious society, or faith caused, or poses the threat of 23390
causing, the wound, injury, disability, or condition that 23391
reasonably indicates abuse or neglect shall fail to immediately 23392
report that knowledge or reasonable cause to believe to the entity 23393
or persons specified in this division. Except as provided in 23394
section 5120.173 of the Revised Code, the person making the report 23395
shall make it to the public children services agency or a peace 23396
officer in the county in which the child resides or in which the 23397
abuse or neglect is occurring or has occurred. In the 23398
circumstances described in section 5120.173 of the Revised Code, 23399
the person making the report shall make it to the entity specified 23400
in that section. 23401

(b) Except as provided in division (A) (4) (c) of this section, 23402
a cleric is not required to make a report pursuant to division 23403
(A) (4) (a) of this section concerning any communication the cleric 23404
receives from a penitent in a cleric-penitent relationship, if, in 23405
accordance with division (C) of section 2317.02 of the Revised 23406
Code, the cleric could not testify with respect to that 23407
communication in a civil or criminal proceeding. 23408

(c) The penitent in a cleric-penitent relationship described 23409
in division (A) (4) (b) of this section is deemed to have waived any 23410
testimonial privilege under division (C) of section 2317.02 of the 23411
Revised Code with respect to any communication the cleric receives 23412
from the penitent in that cleric-penitent relationship, and the 23413
cleric shall make a report pursuant to division (A) (4) (a) of this 23414
section with respect to that communication, if all of the 23415

following apply: 23416

(i) The penitent, at the time of the communication, is a 23417
child under eighteen years of age or is a person under twenty-one 23418
years of age with a developmental disability or physical 23419
impairment. 23420

(ii) The cleric knows, or has reasonable cause to believe 23421
based on facts that would cause a reasonable person in a similar 23422
position to believe, as a result of the communication or any 23423
observations made during that communication, the penitent has 23424
suffered or faces a threat of suffering any physical or mental 23425
wound, injury, disability, or condition of a nature that 23426
reasonably indicates abuse or neglect of the penitent. 23427

(iii) The abuse or neglect does not arise out of the 23428
penitent's attempt to have an abortion performed upon a child 23429
under eighteen years of age or upon a person under twenty-one 23430
years of age with a developmental disability or physical 23431
impairment without the notification of her parents, guardian, or 23432
custodian in accordance with section 2151.85 of the Revised Code. 23433

(d) Divisions (A)(4)(a) and (c) of this section do not apply 23434
in a cleric-penitent relationship when the disclosure of any 23435
communication the cleric receives from the penitent is in 23436
violation of the sacred trust. 23437

(e) As used in divisions (A)(1) and (4) of this section, 23438
"cleric" and "sacred trust" have the same meanings as in section 23439
2317.02 of the Revised Code. 23440

(B) Anyone who knows, or has reasonable cause to suspect 23441
based on facts that would cause a reasonable person in similar 23442
circumstances to suspect, that a child under eighteen years of 23443
age, or a person under twenty-one years of age with a 23444
developmental disability or physical impairment, has suffered or 23445
faces a threat of suffering any physical or mental wound, injury, 23446

disability, or other condition of a nature that reasonably 23447
indicates abuse or neglect of the child may report or cause 23448
reports to be made of that knowledge or reasonable cause to 23449
suspect to the entity or persons specified in this division. 23450
Except as provided in section 5120.173 of the Revised Code, a 23451
person making a report or causing a report to be made under this 23452
division shall make it or cause it to be made to the public 23453
children services agency or to a peace officer. In the 23454
circumstances described in section 5120.173 of the Revised Code, a 23455
person making a report or causing a report to be made under this 23456
division shall make it or cause it to be made to the entity 23457
specified in that section. 23458

(C) Any report made pursuant to division (A) or (B) of this 23459
section shall be made forthwith either by telephone or in person 23460
and shall be followed by a written report, if requested by the 23461
receiving agency or officer. The written report shall contain: 23462

(1) The names and addresses of the child and the child's 23463
parents or the person or persons having custody of the child, if 23464
known; 23465

(2) The child's age and the nature and extent of the child's 23466
injuries, abuse, or neglect that is known or reasonably suspected 23467
or believed, as applicable, to have occurred or of the threat of 23468
injury, abuse, or neglect that is known or reasonably suspected or 23469
believed, as applicable, to exist, including any evidence of 23470
previous injuries, abuse, or neglect; 23471

(3) Any other information, including, but not limited to, 23472
results and reports of any medical examinations, tests, or 23473
procedures performed under division (D) of this section, that 23474
might be helpful in establishing the cause of the injury, abuse, 23475
or neglect that is known or reasonably suspected or believed, as 23476
applicable, to have occurred or of the threat of injury, abuse, or 23477
neglect that is known or reasonably suspected or believed, as 23478

applicable, to exist. 23479

(D) (1) Any person, who is required by division (A) of this 23480
section to report child abuse or child neglect that is known or 23481
reasonably suspected or believed to have occurred, may take or 23482
cause to be taken color photographs of areas of trauma visible on 23483
a child and, if medically necessary for the purpose of diagnosing 23484
or treating injuries that are suspected to have occurred as a 23485
result of child abuse or child neglect, perform or cause to be 23486
performed radiological examinations and any other medical 23487
examinations of, and tests or procedures on, the child. 23488

(2) The results and any available reports of examinations, 23489
tests, or procedures made under division (D) (1) of this section 23490
shall be included in a report made pursuant to division (A) of 23491
this section. Any additional reports of examinations, tests, or 23492
procedures that become available shall be provided to the public 23493
children services agency, upon request. 23494

(3) If a health care professional provides health care 23495
services in a hospital, children's advocacy center, or emergency 23496
medical facility to a child about whom a report has been made 23497
under division (A) of this section, the health care professional 23498
may take any steps that are reasonably necessary for the release 23499
or discharge of the child to an appropriate environment. Before 23500
the child's release or discharge, the health care professional may 23501
obtain information, or consider information obtained, from other 23502
entities or individuals that have knowledge about the child. 23503
Nothing in division (D) (3) of this section shall be construed to 23504
alter the responsibilities of any person under sections 2151.27 23505
and 2151.31 of the Revised Code. 23506

(4) A health care professional may conduct medical 23507
examinations, tests, or procedures on the siblings of a child 23508
about whom a report has been made under division (A) of this 23509
section and on other children who reside in the same home as the 23510

child, if the professional determines that the examinations, 23511
tests, or procedures are medically necessary to diagnose or treat 23512
the siblings or other children in order to determine whether 23513
reports under division (A) of this section are warranted with 23514
respect to such siblings or other children. The results of the 23515
examinations, tests, or procedures on the siblings and other 23516
children may be included in a report made pursuant to division (A) 23517
of this section. 23518

(5) Medical examinations, tests, or procedures conducted 23519
under divisions (D) (1) and (4) of this section and decisions 23520
regarding the release or discharge of a child under division 23521
(D) (3) of this section do not constitute a law enforcement 23522
investigation or activity. 23523

(E) (1) When a peace officer receives a report made pursuant 23524
to division (A) or (B) of this section, upon receipt of the 23525
report, the peace officer who receives the report shall refer the 23526
report to the appropriate public children services agency, unless 23527
an arrest is made at the time of the report that results in the 23528
appropriate public children services agency being contacted 23529
concerning the possible abuse or neglect of a child or the 23530
possible threat of abuse or neglect of a child. 23531

(2) When a public children services agency receives a report 23532
pursuant to this division or division (A) or (B) of this section, 23533
upon receipt of the report, the public children services agency 23534
shall do both of the following: 23535

(a) Comply with section 2151.422 of the Revised Code; 23536

(b) If the county served by the agency is also served by a 23537
children's advocacy center and the report alleges sexual abuse of 23538
a child or another type of abuse of a child that is specified in 23539
the memorandum of understanding that creates the center as being 23540
within the center's jurisdiction, comply regarding the report with 23541

the protocol and procedures for referrals and investigations, with 23542
the coordinating activities, and with the authority or 23543
responsibility for performing or providing functions, activities, 23544
and services stipulated in the interagency agreement entered into 23545
under section 2151.428 of the Revised Code relative to that 23546
center. 23547

(F) No peace officer shall remove a child about whom a report 23548
is made pursuant to this section from the child's parents, 23549
stepparents, or guardian or any other persons having custody of 23550
the child without consultation with the public children services 23551
agency, unless, in the judgment of the officer, and, if the report 23552
was made by physician, the physician, immediate removal is 23553
considered essential to protect the child from further abuse or 23554
neglect. The agency that must be consulted shall be the agency 23555
conducting the investigation of the report as determined pursuant 23556
to section 2151.422 of the Revised Code. 23557

(G) (1) Except as provided in section 2151.422 of the Revised 23558
Code or in an interagency agreement entered into under section 23559
2151.428 of the Revised Code that applies to the particular 23560
report, the public children services agency shall investigate, 23561
within twenty-four hours, each report of child abuse or child 23562
neglect that is known or reasonably suspected or believed to have 23563
occurred and of a threat of child abuse or child neglect that is 23564
known or reasonably suspected or believed to exist that is 23565
referred to it under this section to determine the circumstances 23566
surrounding the injuries, abuse, or neglect or the threat of 23567
injury, abuse, or neglect, the cause of the injuries, abuse, 23568
neglect, or threat, and the person or persons responsible. The 23569
investigation shall be made in cooperation with the law 23570
enforcement agency and in accordance with the memorandum of 23571
understanding prepared under division (K) of this section. A 23572
representative of the public children services agency shall, at 23573

the time of initial contact with the person subject to the 23574
investigation, inform the person of the specific complaints or 23575
allegations made against the person. The information shall be 23576
given in a manner that is consistent with division (I)(1) of this 23577
section and protects the rights of the person making the report 23578
under this section. 23579

A failure to make the investigation in accordance with the 23580
memorandum is not grounds for, and shall not result in, the 23581
dismissal of any charges or complaint arising from the report or 23582
the suppression of any evidence obtained as a result of the report 23583
and does not give, and shall not be construed as giving, any 23584
rights or any grounds for appeal or post-conviction relief to any 23585
person. The public children services agency shall report each case 23586
to the uniform statewide automated child welfare information 23587
system that the department of job and family services shall 23588
maintain in accordance with section 5101.13 of the Revised Code. 23589
The public children services agency shall submit a report of its 23590
investigation, in writing, to the law enforcement agency. 23591

(2) The public children services agency shall make any 23592
recommendations to the county prosecuting attorney or city 23593
director of law that it considers necessary to protect any 23594
children that are brought to its attention. 23595

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 23596
(I)(3) of this section, any person, health care professional, 23597
hospital, institution, school, health department, or agency shall 23598
be immune from any civil or criminal liability for injury, death, 23599
or loss to person or property that otherwise might be incurred or 23600
imposed as a result of any of the following: 23601

(i) Participating in the making of reports pursuant to 23602
division (A) of this section or in the making of reports in good 23603
faith, pursuant to division (B) of this section; 23604

(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;	23605 23606
(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;	23607 23608 23609 23610
(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.	23611 23612 23613 23614
(b) Immunity under division (H) (1) (a) (ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession.	23615 23616 23617
(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.	23618 23619 23620 23621 23622 23623
(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.	23624 23625 23626 23627 23628 23629 23630 23631 23632
(I) (1) Except as provided in divisions (I) (4) and (O) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and	23633 23634 23635

the name of the person who made the report shall not be released 23636
for use, and shall not be used, as evidence in any civil action or 23637
proceeding brought against the person who made the report. Nothing 23638
in this division shall preclude the use of reports of other 23639
incidents of known or suspected abuse or neglect in a civil action 23640
or proceeding brought pursuant to division (N) of this section 23641
against a person who is alleged to have violated division (A) (1) 23642
of this section, provided that any information in a report that 23643
would identify the child who is the subject of the report or the 23644
maker of the report, if the maker of the report is not the 23645
defendant or an agent or employee of the defendant, has been 23646
redacted. In a criminal proceeding, the report is admissible in 23647
evidence in accordance with the Rules of Evidence and is subject 23648
to discovery in accordance with the Rules of Criminal Procedure. 23649

(2) (a) Except as provided in division (I) (2) (b) of this 23650
section, no person shall permit or encourage the unauthorized 23651
dissemination of the contents of any report made under this 23652
section. 23653

(b) A health care professional that obtains the same 23654
information contained in a report made under this section from a 23655
source other than the report may disseminate the information, if 23656
its dissemination is otherwise permitted by law. 23657

(3) A person who knowingly makes or causes another person to 23658
make a false report under division (B) of this section that 23659
alleges that any person has committed an act or omission that 23660
resulted in a child being an abused child or a neglected child is 23661
guilty of a violation of section 2921.14 of the Revised Code. 23662

(4) If a report is made pursuant to division (A) or (B) of 23663
this section and the child who is the subject of the report dies 23664
for any reason at any time after the report is made, but before 23665
the child attains eighteen years of age, the public children 23666
services agency or peace officer to which the report was made or 23667

referred, on the request of the child fatality review board, the 23668
suicide fatality review committee, or the director of health 23669
pursuant to guidelines established under section 3701.70 of the 23670
Revised Code, shall submit a summary sheet of information 23671
providing a summary of the report to the review board or review 23672
committee of the county in which the deceased child resided at the 23673
time of death or to the director. On the request of the review 23674
board, review committee, or director, the agency or peace officer 23675
may, at its discretion, make the report available to the review 23676
board, review committee, or director. If the county served by the 23677
public children services agency is also served by a children's 23678
advocacy center and the report of alleged sexual abuse of a child 23679
or another type of abuse of a child is specified in the memorandum 23680
of understanding that creates the center as being within the 23681
center's jurisdiction, the agency or center shall perform the 23682
duties and functions specified in this division in accordance with 23683
the interagency agreement entered into under section 2151.428 of 23684
the Revised Code relative to that advocacy center. 23685

(5) A public children services agency shall advise a person 23686
alleged to have inflicted abuse or neglect on a child who is the 23687
subject of a report made pursuant to this section, including a 23688
report alleging sexual abuse of a child or another type of abuse 23689
of a child referred to a children's advocacy center pursuant to an 23690
interagency agreement entered into under section 2151.428 of the 23691
Revised Code, in writing of the disposition of the investigation. 23692
The agency shall not provide to the person any information that 23693
identifies the person who made the report, statements of 23694
witnesses, or police or other investigative reports. 23695

(J) Any report that is required by this section, other than a 23696
report that is made to the state highway patrol as described in 23697
section 5120.173 of the Revised Code, shall result in protective 23698
services and emergency supportive services being made available by 23699

the public children services agency on behalf of the children 23700
about whom the report is made, in an effort to prevent further 23701
neglect or abuse, to enhance their welfare, and, whenever 23702
possible, to preserve the family unit intact. The agency required 23703
to provide the services shall be the agency conducting the 23704
investigation of the report pursuant to section 2151.422 of the 23705
Revised Code. 23706

(K) (1) Each public children services agency shall prepare a 23707
memorandum of understanding that is signed by all of the 23708
following: 23709

(a) If there is only one juvenile judge in the county, the 23710
juvenile judge of the county or the juvenile judge's 23711
representative; 23712

(b) If there is more than one juvenile judge in the county, a 23713
juvenile judge or the juvenile judges' representative selected by 23714
the juvenile judges or, if they are unable to do so for any 23715
reason, the juvenile judge who is senior in point of service or 23716
the senior juvenile judge's representative; 23717

(c) The county peace officer; 23718

(d) All chief municipal peace officers within the county; 23719

(e) Other law enforcement officers handling child abuse and 23720
neglect cases in the county; 23721

(f) The prosecuting attorney of the county; 23722

(g) If the public children services agency is not the county 23723
department of job and family services, the county department of 23724
job and family services; 23725

(h) The county humane society; 23726

(i) If the public children services agency participated in 23727
the execution of a memorandum of understanding under section 23728
2151.426 of the Revised Code establishing a children's advocacy 23729

center, each participating member of the children's advocacy center established by the memorandum. 23730
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(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. 23732
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(3) A memorandum of understanding shall include all of the following: 23751
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(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect; 23753
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(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or 23755
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neglected. 23762

(4) If a public children services agency participated in the 23763
execution of a memorandum of understanding under section 2151.426 23764
of the Revised Code establishing a children's advocacy center, the 23765
agency shall incorporate the contents of that memorandum in the 23766
memorandum prepared pursuant to this section. 23767

(5) The clerk of the court of common pleas in the county may 23768
sign the memorandum of understanding prepared under division 23769
(K) (1) of this section. If the clerk signs the memorandum of 23770
understanding, the clerk shall execute all relevant 23771
responsibilities as required of officials specified in the 23772
memorandum. 23773

(L) (1) Except as provided in division (L) (4) or (5) of this 23774
section, a person who is required to make a report pursuant to 23775
division (A) of this section may make a reasonable number of 23776
requests of the public children services agency that receives or 23777
is referred the report, or of the children's advocacy center that 23778
is referred the report if the report is referred to a children's 23779
advocacy center pursuant to an interagency agreement entered into 23780
under section 2151.428 of the Revised Code, to be provided with 23781
the following information: 23782

(a) Whether the agency or center has initiated an 23783
investigation of the report; 23784

(b) Whether the agency or center is continuing to investigate 23785
the report; 23786

(c) Whether the agency or center is otherwise involved with 23787
the child who is the subject of the report; 23788

(d) The general status of the health and safety of the child 23789
who is the subject of the report; 23790

(e) Whether the report has resulted in the filing of a 23791

complaint in juvenile court or of criminal charges in another 23792
court. 23793

(2) A person may request the information specified in 23794
division (L)(1) of this section only if, at the time the report is 23795
made, the person's name, address, and telephone number are 23796
provided to the person who receives the report. 23797

When a peace officer or employee of a public children 23798
services agency receives a report pursuant to division (A) or (B) 23799
of this section the recipient of the report shall inform the 23800
person of the right to request the information described in 23801
division (L)(1) of this section. The recipient of the report shall 23802
include in the initial child abuse or child neglect report that 23803
the person making the report was so informed and, if provided at 23804
the time of the making of the report, shall include the person's 23805
name, address, and telephone number in the report. 23806

Each request is subject to verification of the identity of 23807
the person making the report. If that person's identity is 23808
verified, the agency shall provide the person with the information 23809
described in division (L)(1) of this section a reasonable number 23810
of times, except that the agency shall not disclose any 23811
confidential information regarding the child who is the subject of 23812
the report other than the information described in those 23813
divisions. 23814

(3) A request made pursuant to division (L)(1) of this 23815
section is not a substitute for any report required to be made 23816
pursuant to division (A) of this section. 23817

(4) If an agency other than the agency that received or was 23818
referred the report is conducting the investigation of the report 23819
pursuant to section 2151.422 of the Revised Code, the agency 23820
conducting the investigation shall comply with the requirements of 23821
division (L) of this section. 23822

(5) A health care professional who made a report under 23823
division (A) of this section, or on whose behalf such a report was 23824
made as provided in division (A)(1)(c) of this section, may 23825
authorize a person to obtain the information described in division 23826
(L)(1) of this section if the person requesting the information is 23827
associated with or acting on behalf of the health care 23828
professional who provided health care services to the child about 23829
whom the report was made. 23830

(M) The director of job and family services shall adopt rules 23831
in accordance with Chapter 119. of the Revised Code to implement 23832
this section. The department of job and family services may enter 23833
into a plan of cooperation with any other governmental entity to 23834
aid in ensuring that children are protected from abuse and 23835
neglect. The department shall make recommendations to the attorney 23836
general that the department determines are necessary to protect 23837
children from child abuse and child neglect. 23838

(N) Whoever violates division (A) of this section is liable 23839
for compensatory and exemplary damages to the child who would have 23840
been the subject of the report that was not made. A person who 23841
brings a civil action or proceeding pursuant to this division 23842
against a person who is alleged to have violated division (A)(1) 23843
of this section may use in the action or proceeding reports of 23844
other incidents of known or suspected abuse or neglect, provided 23845
that any information in a report that would identify the child who 23846
is the subject of the report or the maker of the report, if the 23847
maker is not the defendant or an agent or employee of the 23848
defendant, has been redacted. 23849

(O)(1) As used in this division: 23850

(a) "Out-of-home care" includes a nonchartered nonpublic 23851
school if the alleged child abuse or child neglect, or alleged 23852
threat of child abuse or child neglect, described in a report 23853
received by a public children services agency allegedly occurred 23854

in or involved the nonchartered nonpublic school and the alleged 23855
perpetrator named in the report holds a certificate, permit, or 23856
license issued by the state board of education under section 23857
3301.071 or Chapter 3319. of the Revised Code. 23858

(b) "Administrator, director, or other chief administrative 23859
officer" means the superintendent of the school district if the 23860
out-of-home care entity subject to a report made pursuant to this 23861
section is a school operated by the district. 23862

(2) No later than the end of the day following the day on 23863
which a public children services agency receives a report of 23864
alleged child abuse or child neglect, or a report of an alleged 23865
threat of child abuse or child neglect, that allegedly occurred in 23866
or involved an out-of-home care entity, the agency shall provide 23867
written notice of the allegations contained in and the person 23868
named as the alleged perpetrator in the report to the 23869
administrator, director, or other chief administrative officer of 23870
the out-of-home care entity that is the subject of the report 23871
unless the administrator, director, or other chief administrative 23872
officer is named as an alleged perpetrator in the report. If the 23873
administrator, director, or other chief administrative officer of 23874
an out-of-home care entity is named as an alleged perpetrator in a 23875
report of alleged child abuse or child neglect, or a report of an 23876
alleged threat of child abuse or child neglect, that allegedly 23877
occurred in or involved the out-of-home care entity, the agency 23878
shall provide the written notice to the owner or governing board 23879
of the out-of-home care entity that is the subject of the report. 23880
The agency shall not provide witness statements or police or other 23881
investigative reports. 23882

(3) No later than three days after the day on which a public 23883
children services agency that conducted the investigation as 23884
determined pursuant to section 2151.422 of the Revised Code makes 23885
a disposition of an investigation involving a report of alleged 23886

child abuse or child neglect, or a report of an alleged threat of 23887
child abuse or child neglect, that allegedly occurred in or 23888
involved an out-of-home care entity, the agency shall send written 23889
notice of the disposition of the investigation to the 23890
administrator, director, or other chief administrative officer and 23891
the owner or governing board of the out-of-home care entity. The 23892
agency shall not provide witness statements or police or other 23893
investigative reports. 23894

(P) As used in this section: 23895

(1) "Children's advocacy center" and "sexual abuse of a 23896
child" have the same meanings as in section 2151.425 of the 23897
Revised Code. 23898

(2) "Health care professional" means an individual who 23899
provides health-related services including a physician, hospital 23900
intern or resident, dentist, podiatrist, registered nurse, 23901
licensed practical nurse, visiting nurse, licensed psychologist, 23902
speech pathologist, audiologist, person engaged in social work or 23903
the practice of professional counseling, and employee of a home 23904
health agency. "Health care professional" does not include a 23905
practitioner of a limited branch of medicine as specified in 23906
section 4731.15 of the Revised Code, licensed school psychologist, 23907
independent marriage and family therapist or marriage and family 23908
therapist, or coroner. 23909

(3) "Investigation" means the public children services 23910
agency's response to an accepted report of child abuse or neglect 23911
through either an alternative response or a traditional response. 23912

(4) "Peace officer" means a sheriff, deputy sheriff, 23913
constable, police officer of a township or joint police district, 23914
marshal, deputy marshal, municipal police officer, or a state 23915
highway patrol trooper. 23916

Sec. 2151.451. (A) The juvenile court of the county in, to 23917
which either of the following applies regarding 23918
an emancipated young adult described under division (A) (1) of section 5101.1411 23919
of the Revised Code ~~resides shall have,~~ may exercise jurisdiction 23920
over the emancipated young adult for purposes of sections 2151.45 23921
to 2151.455 of the Revised Code: 23922

(1) The county in which the emancipated young adult resides; 23923

(2) The county in which the emancipated young adult resided 23924
when the custody, arrangement, or care and placement described in 23925
division (A) (3) (a) of section 5101.141 of the Revised Code 23926
terminated. 23927

(B) A juvenile court, on its own motion or the motion of any 23928
party, may transfer a proceeding under ~~these~~ sections 2151.45 to 23929
2151.455 of the Revised Code to a juvenile court with jurisdiction 23930
as provided in this section. 23931

Sec. 2151.452. A juvenile court shall do both of the 23932
following regarding an emancipated young adult described under 23933
division (A) (1) of section 5101.1411 of the Revised Code: 23934

(A) Not later than one hundred eighty days after the 23935
voluntary participation agreement becomes effective, make a 23936
determination as to whether the emancipated young adult's best 23937
interest is served by continuing the care and placement with the 23938
department of job and family services or its representative. ~~An~~ 23939
~~emancipated young adult shall not be eligible for continued care~~ 23940
~~and placement if the court finds it is not in the emancipated~~ 23941
~~young adult's best interest.~~ 23942

(B) Not later than twelve months after the effective date 23943
~~that~~ of the voluntary participation agreement ~~is signed,~~ and 23944
~~annually~~ at least once every twelve months thereafter, make a 23945
determination ~~as to whether~~ that the department or its 23946

representative has made reasonable efforts ~~have been made to~~ 23947
finalize a permanency plan to prepare the emancipated young adult 23948
for independence. 23949

Sec. 2151.453. If any determination required under ~~division~~ 23950
~~(B)~~ of section 2151.452 of the Revised Code is not timely made, 23951
the federal payments for foster care under division (A) (1) of 23952
section 5101.1411 of the Revised Code for the emancipated young 23953
adult shall be suspended. The payments shall resume upon a 23954
subsequent determination that reasonable efforts have been made to 23955
prepare the emancipated young adult for independence, but only if 23956
both of the following apply: 23957

(A) The emancipated young adult complies with division (A) (1) 23958
of section 5101.1411 of the Revised Code. 23959

(B) There has been a timely determination of best interest 23960
under division (A) of section 2151.452 of the Revised Code. 23961

Sec. 2301.27. (A) (1) (a) The court of common pleas may 23962
establish a county department of probation. The establishment of 23963
the department shall be entered upon the journal of the court, and 23964
the clerk of the court of common pleas shall certify a copy of the 23965
journal entry establishing the department to each elective officer 23966
and board of the county. The department shall consist of a chief 23967
probation officer and the number of other probation officers and 23968
employees, clerks, and stenographers that is fixed from time to 23969
time by the court. The court shall appoint those individuals, fix 23970
their salaries, and supervise their work. 23971

(b) When appointing a chief probation officer, the court 23972
shall do all of the following: 23973

(i) Publicly advertise the position on the court's web site, 23974
including, but not limited to, the job description, qualifications 23975
for the position, and the application requirements; 23976

(ii) Conduct a competitive hiring process that adheres to state and federal equal employment opportunity laws; (23977-23978)

(iii) Review applicants who meet the posted qualifications and comply with the application requirements. (23979-23980)

(c) The court shall not appoint as a probation officer any person who does not possess the training, experience, and other qualifications prescribed by the adult parole authority created by section 5149.02 of the Revised Code or the department of youth services, as applicable. Probation officers have all the powers of regular police officers and shall perform any duties that are designated by the judge or judges of the court. All positions within the department of probation, except positions held by probation officers in the juvenile division of a court of common pleas and the position of chief probation officer, shall be in the classified service of the civil service of the county. (23981-23991)

(2) If two or more counties desire to jointly establish a probation department for those counties, the judges of the courts of common pleas of those counties may establish a probation department for those counties. If a probation department is established pursuant to division (A) (2) of this section to serve more than one county, the judges of the courts of common pleas that established the department shall designate the county treasurer of one of the counties served by the department as the treasurer to whom probation fees paid under section 2951.021 of the Revised Code are to be appropriated and transferred under division (A) (2) of section 321.44 of the Revised Code for deposit into the multicounty probation services fund established under division (B) of section 321.44 of the Revised Code. (23992-24004)

The cost of the administration and operation of a probation department established for two or more counties shall be prorated to the respective counties on the basis of population. (24005-24007)

(3) Probation officers shall receive, in addition to their
respective salaries, their necessary and reasonable travel and
other expenses incurred in the performance of their duties. Their
salaries and expenses shall be paid monthly from the county
treasury in the manner provided for the payment of the
compensation of other appointees of the court.

(4) Adult probation officers shall be trained in accordance
with a set of minimum standards that are established by the adult
parole authority of the department of rehabilitation and
correction. Probation officers in the juvenile division of a court
of common pleas shall be trained in accordance with a set of
minimum standards that are established by the department of youth
services.

(B) (1) (a) In lieu of establishing a county department of
probation under division (A) of this section and in lieu of
entering into an agreement with the adult parole authority as
described in division (B) of section 2301.32 of the Revised Code,
the court of common pleas may request the board of county
commissioners to contract with, and upon that request the board
may contract with, any nonprofit, public or private agency,
association, or organization for the provision of probation
services and supervisory services for persons placed under
community control sanctions. The contract shall specify that each
individual providing the probation services and supervisory
services shall possess the training, experience, and other
qualifications prescribed by the adult parole authority or the
department of youth services, as applicable. The individuals who
provide the probation services and supervisory services shall not
be included in the classified or unclassified civil service of the
county.

(b) A court of common pleas that has established a county
probation department or has entered into an agreement with the

adult parole authority as described in division (A) or (B) of 24040
section 2301.32 of the Revised Code may request the board of 24041
county commissioners to contract with, and upon that request the 24042
board may contract with, any nonprofit, public or private agency, 24043
association, or organization for the provision of probation 24044
services and supervisory services, including the preparation of 24045
presentence investigation reports to supplement the probation 24046
services and supervisory services provided by the county probation 24047
department or adult parole authority, as applicable. The contract 24048
shall specify that each individual providing the probation 24049
services and supervisory services shall possess the training, 24050
experience, and other qualifications prescribed by the adult 24051
parole authority. The individuals who provide the probation 24052
services and supervisory services shall not be included in the 24053
classified or unclassified civil service of the county. A 24054
nonprofit, public or private agency, association, or organization 24055
providing probation services or supervisory services under this 24056
division is hereby designated a criminal justice agency in the 24057
provision of those services, and as such is authorized by this 24058
state to apply for access to the computerized databases 24059
administered by the national crime information center or the law 24060
enforcement automated data system in Ohio and to other 24061
computerized databases administered for the purpose of making 24062
criminal justice information accessible to state criminal justice 24063
agencies. 24064

(2) (a) In lieu of establishing a county department of 24065
probation under division (A) of this section and in lieu of 24066
entering into an agreement with the adult parole authority as 24067
described in division (B) of section 2301.32 of the Revised Code, 24068
the courts of common pleas of two or more adjoining counties 24069
jointly may request the boards of county commissioners of those 24070
counties to contract with, and upon that request the boards of 24071
county commissioners of two or more adjoining counties jointly may 24072

contract with, any nonprofit, public or private agency, 24073
association, or organization for the provision of probation 24074
services and supervisory services for persons placed under 24075
community control sanctions for those counties. The contract shall 24076
specify that each individual providing the probation services and 24077
supervisory services shall possess the training, experience, and 24078
other qualifications prescribed by the adult parole authority or 24079
the department of youth services, as applicable. The individuals 24080
who provide the probation services and supervisory services shall 24081
not be included in the classified or unclassified civil service of 24082
any of those counties. 24083

(b) The courts of common pleas of two or more adjoining 24084
counties that have jointly established a probation department for 24085
those counties or have entered into an agreement with the adult 24086
parole authority as described in division (A) or (B) of section 24087
2301.32 of the Revised Code may jointly request the board of 24088
county commissioners of each county to contract with, and upon 24089
that request the board may contract with, any nonprofit, public or 24090
private agency, association, or organization for the provision of 24091
probation services and supervisory services, including the 24092
preparation of presentence investigation reports to supplement the 24093
probation services and supervisory services provided by the 24094
probation department or adult parole authority, as applicable. The 24095
contract shall specify that each individual providing the 24096
probation services and supervisory services shall possess the 24097
training, experience, and other qualifications prescribed by the 24098
adult parole authority. The individuals who provide the probation 24099
services and supervisory services shall not be included in the 24100
classified or unclassified civil service of the county. A 24101
nonprofit, public or private agency, association, or organization 24102
providing probation services or supervisory services under this 24103
division is hereby designated a criminal justice agency in the 24104
provision of those services, and as such is authorized by this 24105

state to apply for access to the computerized databases 24106
administered by the national crime information center or the law 24107
enforcement automated data system in Ohio and to other 24108
computerized databases administered for the purpose of making 24109
criminal justice information accessible to state criminal justice 24110
agencies. 24111

(C) The chief probation officer may grant permission to a 24112
probation officer to carry firearms when required in the discharge 24113
of official duties if the probation officer has successfully 24114
completed a basic firearm training program that is approved by the 24115
executive director of the Ohio peace officer training commission. 24116
A probation officer who has been granted permission to carry a 24117
firearm in the discharge of official duties, annually shall 24118
successfully complete a firearms requalification program in 24119
accordance with section 109.801 of the Revised Code. 24120

(D) As used in this section and sections 2301.28 to 2301.32 24121
of the Revised Code, "community control sanction" has the same 24122
meaning as in section 2929.01 of the Revised Code. 24123

Sec. 2303.05. The clerk of the court of common pleas may 24124
appoint one or more deputies. Such appointment or appointments 24125
shall be ~~in writing signed~~ endorsed by the clerk and entered on 24126
the journal of the court. 24127

Sec. 2317.54. No hospital, home health agency, ambulatory 24128
surgical facility, or provider of a hospice care program or 24129
pediatric respite care program shall be held liable for a 24130
physician's failure to obtain an informed consent from the 24131
physician's patient prior to a surgical or medical procedure or 24132
course of procedures, unless the physician is an employee of the 24133
hospital, home health agency, ambulatory surgical facility, or 24134
provider of a hospice care program or pediatric respite care 24135

program. 24136

Written consent to a surgical or medical procedure or course 24137
of procedures shall, to the extent that it fulfills all the 24138
requirements in divisions (A), (B), and (C) of this section, be 24139
presumed to be valid and effective, in the absence of proof by a 24140
preponderance of the evidence that the person who sought such 24141
consent was not acting in good faith, or that the execution of the 24142
consent was induced by fraudulent misrepresentation of material 24143
facts, or that the person executing the consent was not able to 24144
communicate effectively in spoken and written English or any other 24145
language in which the consent is written. Except as herein 24146
provided, no evidence shall be admissible to impeach, modify, or 24147
limit the authorization for performance of the procedure or 24148
procedures set forth in such written consent. 24149

(A) The consent sets forth in general terms the nature and 24150
purpose of the procedure or procedures, and what the procedures 24151
are expected to accomplish, together with the reasonably known 24152
risks, and, except in emergency situations, sets forth the names 24153
of the physicians who shall perform the intended surgical 24154
procedures. 24155

(B) The person making the consent acknowledges that such 24156
disclosure of information has been made and that all questions 24157
asked about the procedure or procedures have been answered in a 24158
satisfactory manner. 24159

(C) The consent is signed by the patient for whom the 24160
procedure is to be performed, or, if the patient for any reason 24161
including, but not limited to, competence, minority, or the fact 24162
that, at the latest time that the consent is needed, the patient 24163
is under the influence of alcohol, hallucinogens, or drugs, lacks 24164
legal capacity to consent, by a person who has legal authority to 24165
consent on behalf of such patient in such circumstances, including 24166
either of the following: 24167

(1) The parent, whether the parent is an adult or a minor, of the parent's minor child; 24168
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(2) An adult whom the parent of the minor child has given written authorization to consent to a surgical or medical procedure or course of procedures for the parent's minor child. 24170
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Any use of a consent form that fulfills the requirements stated in divisions (A), (B), and (C) of this section has no effect on the common law rights and liabilities, including the right of a physician to obtain the oral or implied consent of a patient to a medical procedure, that may exist as between physicians and patients on July 28, 1975. 24173
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As used in this section the term "hospital" has the same meaning as in section 2305.113 of the Revised Code; ~~"home health agency" has the same meaning as in section 3701.881 of the Revised Code;~~ "ambulatory surgical facility" has the same meaning as in section 3702.30 of the Revised Code; ~~and~~ "hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code, and "home health agency" has the same meaning as in section 3740.01 of the Revised Code. The provisions of this division apply to hospitals, doctors of medicine, doctors of osteopathic medicine, and doctors of podiatric medicine. 24179
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Sec. 2323.52. (A) As used in this section: 24190

(1) "Conduct" has the same meaning as in section 2323.51 of the Revised Code. 24191
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(2) "Vexatious conduct" means conduct of a party in a civil action that satisfies any of the following: 24193
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(a) The conduct obviously serves merely to harass or maliciously injure another party to the civil action. 24195
24196

(b) The conduct is not warranted under existing law and 24197

cannot be supported by a good faith argument for an extension, 24198
modification, or reversal of existing law. 24199

(c) The conduct is imposed solely for delay. 24200

(3) "Vexatious litigator" means any person who has 24201
habitually, persistently, and without reasonable grounds engaged 24202
in vexatious conduct in a civil action or actions, whether in the 24203
court of claims or in a court of appeals, court of common pleas, 24204
municipal court, or county court, whether the person or another 24205
person instituted the civil action or actions, and whether the 24206
vexatious conduct was against the same party or against different 24207
parties in the civil action or actions. "Vexatious litigator" does 24208
not include a person who is authorized to practice law in the 24209
courts of this state under the Ohio Supreme Court Rules for the 24210
Government of the Bar of Ohio unless that person is representing 24211
or has represented self pro se in the civil action or actions. For 24212
the purposes of division (A) (3) of this section, "civil action" 24213
includes a proceeding under section 2743.75 or 2743.76 of the 24214
Revised Code. 24215

(B) A person, the office of the attorney general, or a 24216
prosecuting attorney, city director of law, village solicitor, or 24217
similar chief legal officer of a municipal corporation who has 24218
defended against habitual and persistent vexatious conduct in the 24219
court of claims or in a court of appeals, court of common pleas, 24220
municipal court, or county court may commence a civil action in a 24221
court of common pleas with jurisdiction over the person who 24222
allegedly engaged in the habitual and persistent vexatious conduct 24223
to have that person declared a vexatious litigator. The person, 24224
office of the attorney general, prosecuting attorney, city 24225
director of law, village solicitor, or similar chief legal officer 24226
of a municipal corporation may commence this civil action while 24227
the civil action or actions in which the habitual and persistent 24228
vexatious conduct occurred are still pending or within one year 24229

after the termination of the civil action or actions in which the 24230
habitual and persistent vexatious conduct occurred. 24231

(C) A civil action to have a person declared a vexatious 24232
litigator shall proceed as any other civil action, and the Ohio 24233
Rules of Civil Procedure apply to the action. 24234

(D) (1) If the person alleged to be a vexatious litigator is 24235
found to be a vexatious litigator, subject to division (D) (2) of 24236
this section, the court of common pleas may enter an order 24237
prohibiting the vexatious litigator from doing one or more of the 24238
following without first obtaining the leave of that court to 24239
proceed: 24240

(a) Instituting legal proceedings in the court of claims or 24241
in a court of common pleas, municipal court, or county court; 24242

(b) Continuing any legal proceedings that the vexatious 24243
litigator had instituted in any of the courts specified in 24244
division (D) (1) (a) of this section prior to the entry of the 24245
order; 24246

(c) Making any application, other than an application for 24247
leave to proceed under division (F) (1) of this section, in any 24248
legal proceedings instituted by the vexatious litigator or another 24249
person in any of the courts specified in division (D) (1) (a) of 24250
this section. 24251

(2) If the court of common pleas finds a person who is 24252
authorized to practice law in the courts of this state under the 24253
Ohio Supreme Court Rules for the Government of the Bar of Ohio to 24254
be a vexatious litigator and enters an order described in division 24255
(D) (1) of this section in connection with that finding, the order 24256
shall apply to the person only insofar as the person would seek to 24257
institute proceedings described in division (D) (1) (a) of this 24258
section on a pro se basis, continue proceedings described in 24259
division (D) (1) (b) of this section on a pro se basis, or make an 24260

application described in division (D) (1) (c) of this section on a 24261
pro se basis. The order shall not apply to the person insofar as 24262
the person represents one or more other persons in the person's 24263
capacity as a licensed and registered attorney in a civil or 24264
criminal action or proceeding or other matter in a court of common 24265
pleas, municipal court, or county court or in the court of claims. 24266
Division (D) (2) of this section does not affect any remedy that is 24267
available to a court or an adversely affected party under section 24268
2323.51 or another section of the Revised Code, under Civil Rule 24269
11 or another provision of the Ohio Rules of Civil Procedure, or 24270
under the common law of this state as a result of frivolous 24271
conduct or other inappropriate conduct by an attorney who 24272
represents one or more clients in connection with a civil or 24273
criminal action or proceeding or other matter in a court of common 24274
pleas, municipal court, or county court or in the court of claims. 24275

(3) A person who is subject to an order entered pursuant to 24276
division (D) (1) of this section may not institute legal 24277
proceedings in a court of appeals, continue any legal proceedings 24278
that the vexatious litigator had instituted in a court of appeals 24279
prior to entry of the order, or make any application, other than 24280
the application for leave to proceed allowed by division (F) (2) of 24281
this section, in any legal proceedings instituted by the vexatious 24282
litigator or another person in a court of appeals without first 24283
obtaining leave of the court of appeals to proceed pursuant to 24284
division (F) (2) of this section. 24285

(E) An order that is entered under division (D) (1) of this 24286
section shall remain in force indefinitely unless the order 24287
provides for its expiration after a specified period of time. 24288

(F) (1) A court of common pleas that entered an order under 24289
division (D) (1) of this section shall not grant a person found to 24290
be a vexatious litigator leave for the institution or continuance 24291
of, or the making of an application in, legal proceedings in the 24292

court of claims or in a court of common pleas, municipal court, or 24293
county court unless the court of common pleas that entered that 24294
order is satisfied that the proceedings or application are not an 24295
abuse of process of the court in question and that there are 24296
reasonable grounds for the proceedings or application. If a person 24297
who has been found to be a vexatious litigator under this section 24298
requests the court of common pleas that entered an order under 24299
division (D) (1) of this section to grant the person leave to 24300
proceed as described in division (F) (1) of this section, the 24301
period of time commencing with the filing with that court of an 24302
application for the issuance of an order granting leave to proceed 24303
and ending with the issuance of an order of that nature shall not 24304
be computed as a part of an applicable period of limitations 24305
within which the legal proceedings or application involved 24306
generally must be instituted or made. 24307

(2) A person who is subject to an order entered pursuant to 24308
division (D) (1) of this section and who seeks to institute or 24309
continue any legal proceedings in a court of appeals or to make an 24310
application, other than an application for leave to proceed under 24311
division (F) (2) of this section, in any legal proceedings in a 24312
court of appeals shall file an application for leave to proceed in 24313
the court of appeals in which the legal proceedings would be 24314
instituted or are pending. The court of appeals shall not grant a 24315
person found to be a vexatious litigator leave for the institution 24316
or continuance of, or the making of an application in, legal 24317
proceedings in the court of appeals unless the court of appeals is 24318
satisfied that the proceedings or application are not an abuse of 24319
process of the court and that there are reasonable grounds for the 24320
proceedings or application. If a person who has been found to be a 24321
vexatious litigator under this section requests the court of 24322
appeals to grant the person leave to proceed as described in 24323
division (F) (2) of this section, the period of time commencing 24324
with the filing with the court of an application for the issuance 24325

of an order granting leave to proceed and ending with the issuance 24326
of an order of that nature shall not be computed as a part of an 24327
applicable period of limitations within which the legal 24328
proceedings or application involved generally must be instituted 24329
or made. 24330

(G) During the period of time that the order entered under 24331
division (D) (1) of this section is in force, no appeal by the 24332
person who is the subject of that order shall lie from a decision 24333
of the court of common pleas or court of appeals under division 24334
(F) of this section that denies that person leave for the 24335
institution or continuance of, or the making of an application in, 24336
legal proceedings in the court of claims or in a court of appeals, 24337
court of common pleas, municipal court, or county court. 24338

(H) The clerk of the court of common pleas that enters an 24339
order under division (D) (1) of this section shall send a certified 24340
copy of the order to the supreme court for publication in a manner 24341
that the supreme court determines is appropriate and that will 24342
facilitate the clerk of the court of claims and a clerk of a court 24343
of appeals, court of common pleas, municipal court, or county 24344
court in refusing to accept pleadings or other papers submitted 24345
for filing by persons who have been found to be a vexatious 24346
litigator under this section and who have failed to obtain leave 24347
to proceed under this section. 24348

(I) Whenever it appears by suggestion of the parties or 24349
otherwise that a person found to be a vexatious litigator under 24350
this section has instituted, continued, or made an application in 24351
legal proceedings without obtaining leave to proceed from the 24352
appropriate court of common pleas or court of appeals to do so 24353
under division (F) of this section, the court in which the legal 24354
proceedings are pending shall dismiss the proceedings or 24355
application of the vexatious litigator. 24356

Sec. 2329.312. (A) All levying officers appointed or 24357
authorized by a court under this chapter to conduct the judicial 24358
or execution sale of residential property consisting of one to 24359
four single-family units shall submit quarterly reports to the 24360
attorney general ~~for the purpose of assessing the extent to which~~ 24361
~~deadlines required by this chapter are met.~~ The reports shall 24362
include data on each such sale conducted by the officer, including 24363
data showing whether or not the deadlines required under division 24364
(E) of section 2308.02, division (B) of section 2329.17, and 24365
sections 2329.30 and 2329.31 of the Revised Code are met. 24366

(B) ~~Starting one year after the effective date of this~~ 24367
~~section September 28, 2016, the~~ The attorney general shall ~~do all~~ 24368
~~of the following:~~ 24369

~~(1) Establish and maintain a database comprised of the~~ 24370
~~information submitted by levying officers pursuant to division (A)~~ 24371
~~of this section;~~ 24372

~~(2) Make~~ make the information included in the ~~database~~ 24373
reports described in division (A) of this section publicly 24374
available; 24375

~~(3) Adopt rules for the creation and administration of the~~ 24376
~~database.~~ 24377

Sec. 2743.01. As used in this chapter: 24378

(A) "State" means the state of Ohio, including, but not 24379
limited to, the general assembly, the supreme court, the offices 24380
of all elected state officers, and all departments, boards, 24381
offices, commissions, agencies, institutions, and other 24382
instrumentalities of the state. "State" does not include political 24383
subdivisions. 24384

(B) "Political subdivisions" means municipal corporations, 24385
townships, counties, school districts, and all other bodies 24386

corporate and politic responsible for governmental activities only 24387
in geographic areas smaller than that of the state to which the 24388
sovereign immunity of the state attaches. 24389

(C) "Claim for an award of reparations" or "claim" means a 24390
claim for an award of reparations made under sections 2743.51 to 24391
2743.72 of the Revised Code. 24392

(D) "Award of reparations" or "award" means an award made 24393
under sections 2743.51 to 2743.72 of the Revised Code. 24394

(E) (1) "Public duty" includes, but is not limited to, any 24395
statutory, regulatory, or assumed duty concerning any action or 24396
omission of the state involving any of the following: 24397

(a) Permitting, certifying, licensing, inspecting, 24398
investigating, supervising, regulating, auditing, monitoring, law 24399
enforcement, ~~or~~ emergency response activity, or compromising 24400
claims; 24401

(b) Supervising, rehabilitating, or liquidating corporations 24402
or other business entities. 24403

(2) "Public duty" does not include any action of the state 24404
under circumstances in which a special relationship can be 24405
established between the state and an injured party as provided in 24406
division (A) (3) of section 2743.02 of the Revised Code. 24407

Sec. 2743.02. (A) (1) The state hereby waives its immunity 24408
from liability, except as provided for the office of the state 24409
fire marshal in division (G) (1) of section 9.60 and division (B) 24410
of section 3737.221 of the Revised Code and subject to division 24411
(H) of this section, and consents to be sued, and have its 24412
liability determined, in the court of claims created in this 24413
chapter in accordance with the same rules of law applicable to 24414
suits between private parties, except that the determination of 24415
liability is subject to the limitations set forth in this chapter 24416

and, in the case of state universities or colleges, in section 24417
3345.40 of the Revised Code, and except as provided in division 24418
(A) (2) or (3) of this section. To the extent that the state has 24419
previously consented to be sued, this chapter has no 24420
applicability. 24421

Except in the case of a civil action filed by the state, 24422
filing a civil action in the court of claims results in a complete 24423
waiver of any cause of action, based on the same act or omission, 24424
that the filing party has against any officer or employee, as 24425
defined in section 109.36 of the Revised Code. The waiver shall be 24426
void if the court determines that the act or omission was 24427
manifestly outside the scope of the officer's or employee's office 24428
or employment or that the officer or employee acted with malicious 24429
purpose, in bad faith, or in a wanton or reckless manner. 24430

(2) If a claimant proves in the court of claims that an 24431
officer or employee, as defined in section 109.36 of the Revised 24432
Code, would have personal liability for the officer's or 24433
employee's acts or omissions but for the fact that the officer or 24434
employee has personal immunity under section 9.86 of the Revised 24435
Code, the state shall be held liable in the court of claims in any 24436
action that is timely filed pursuant to section 2743.16 of the 24437
Revised Code and that is based upon the acts or omissions. 24438

(3) (a) Except as provided in division (A) (3) (b) of this 24439
section, the state is immune from liability in any civil action or 24440
proceeding involving the performance or nonperformance of a public 24441
duty, including the performance or nonperformance of a public duty 24442
that is owed by the state in relation to any action of an 24443
individual who is committed to the custody of the state. 24444

(b) The state immunity provided in division (A) (3) (a) of this 24445
section does not apply to any action of the state under 24446
circumstances in which a special relationship can be established 24447
between the state and an injured party. A special relationship 24448

under this division is demonstrated if all of the following 24449
elements exist: 24450

(i) An assumption by the state, by means of promises or 24451
actions, of an affirmative duty to act on behalf of the party who 24452
was allegedly injured; 24453

(ii) Knowledge on the part of the state's agents that 24454
inaction of the state could lead to harm; 24455

(iii) Some form of direct contact between the state's agents 24456
and the injured party; 24457

(iv) The injured party's justifiable reliance on the state's 24458
affirmative undertaking. 24459

(B) The state hereby waives the immunity from liability of 24460
all hospitals owned or operated by one or more political 24461
subdivisions and consents for them to be sued, and to have their 24462
liability determined, in the court of common pleas, in accordance 24463
with the same rules of law applicable to suits between private 24464
parties, subject to the limitations set forth in this chapter. 24465
This division is also applicable to hospitals owned or operated by 24466
political subdivisions that have been determined by the supreme 24467
court to be subject to suit prior to July 28, 1975. 24468

(C) Any hospital, as defined in section 2305.113 of the 24469
Revised Code, may purchase liability insurance covering its 24470
operations and activities and its agents, employees, nurses, 24471
interns, residents, staff, and members of the governing board and 24472
committees, and, whether or not such insurance is purchased, may, 24473
to the extent that its governing board considers appropriate, 24474
indemnify or agree to indemnify and hold harmless any such person 24475
against expense, including attorney's fees, damage, loss, or other 24476
liability arising out of, or claimed to have arisen out of, the 24477
death, disease, or injury of any person as a result of the 24478
negligence, malpractice, or other action or inaction of the 24479

indemnified person while acting within the scope of the 24480
indemnified person's duties or engaged in activities at the 24481
request or direction, or for the benefit, of the hospital. Any 24482
hospital electing to indemnify those persons, or to agree to so 24483
indemnify, shall reserve any funds that are necessary, in the 24484
exercise of sound and prudent actuarial judgment, to cover the 24485
potential expense, fees, damage, loss, or other liability. The 24486
superintendent of insurance may recommend, or, if the hospital 24487
requests the superintendent to do so, the superintendent shall 24488
recommend, a specific amount for any period that, in the 24489
superintendent's opinion, represents such a judgment. This 24490
authority is in addition to any authorization otherwise provided 24491
or permitted by law. 24492

(D) Recoveries against the state shall be reduced by the 24493
aggregate of insurance proceeds, disability award, or other 24494
collateral recovery ~~received by that~~ the claimant receives or is 24495
entitled to. This division does not apply to civil actions in the 24496
court of claims against a state university or college under the 24497
circumstances described in section 3345.40 of the Revised Code. 24498
The collateral benefits provisions of division (B) (2) of that 24499
section apply under those circumstances. 24500

(E) The only defendant in original actions in the court of 24501
claims is the state. The state may file a third-party complaint or 24502
counterclaim in any civil action, except a civil action for ten 24503
thousand dollars or less, that is filed in the court of claims. 24504

(F) A civil action against an officer or employee, as defined 24505
in section 109.36 of the Revised Code, that alleges that the 24506
officer's or employee's conduct was manifestly outside the scope 24507
of the officer's or employee's employment or official 24508
responsibilities, or that the officer or employee acted with 24509
malicious purpose, in bad faith, or in a wanton or reckless manner 24510
shall first be filed against the state in the court of claims that 24511

has exclusive, original jurisdiction to determine, initially, 24512
whether the officer or employee is entitled to personal immunity 24513
under section 9.86 of the Revised Code and whether the courts of 24514
common pleas have jurisdiction over the civil action. The officer 24515
or employee may participate in the immunity determination 24516
proceeding before the court of claims to determine whether the 24517
officer or employee is entitled to personal immunity under section 24518
9.86 of the Revised Code. 24519

The filing of a claim against an officer or employee under 24520
this division tolls the running of the applicable statute of 24521
limitations until the court of claims determines whether the 24522
officer or employee is entitled to personal immunity under section 24523
9.86 of the Revised Code. 24524

(G) If a claim lies against an officer or employee who is a 24525
member of the Ohio national guard, and the officer or employee 24526
was, at the time of the act or omission complained of, subject to 24527
the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 U.S.C. 24528
2671, et seq., the Federal Tort Claims Act is the exclusive remedy 24529
of the claimant and the state has no liability under this section. 24530

(H) If an inmate of a state correctional institution has a 24531
claim against the state for the loss of or damage to property and 24532
the amount claimed does not exceed three hundred dollars, before 24533
commencing an action against the state in the court of claims, the 24534
inmate shall file a claim for the loss or damage under the rules 24535
adopted by the director of rehabilitation and correction pursuant 24536
to this division. The inmate shall file the claim within the time 24537
allowed for commencement of a civil action under section 2743.16 24538
of the Revised Code. If the state admits or compromises the claim, 24539
the director shall make payment from a fund designated by the 24540
director for that purpose. If the state denies the claim or does 24541
not compromise the claim at least sixty days prior to expiration 24542
of the time allowed for commencement of a civil action based upon 24543

the loss or damage under section 2743.16 of the Revised Code, the 24544
inmate may commence an action in the court of claims under this 24545
chapter to recover damages for the loss or damage. 24546

The director of rehabilitation and correction shall adopt 24547
rules pursuant to Chapter 119. of the Revised Code to implement 24548
this division. 24549

Sec. 2743.03. (A) (1) There is hereby created a court of 24550
claims. Except as provided under section 107.43 of the Revised 24551
Code, the court of claims is a court of record and has exclusive, 24552
original jurisdiction of all civil actions against the state 24553
permitted by the waiver of immunity contained in section 2743.02 24554
of the Revised Code and exclusive jurisdiction of the causes of 24555
action of all parties in civil actions that are removed to the 24556
court of claims. The court shall have full equity powers in all 24557
actions within its jurisdiction and may entertain and determine 24558
all counterclaims, cross-claims, and third-party claims. 24559

(2) If the claimant in a civil action as described in 24560
division (A) (1) of this section also files a claim for a 24561
declaratory judgment, injunctive relief, or other equitable relief 24562
against the state that arises out of the same circumstances that 24563
gave rise to the civil action described in division (A) (1) of this 24564
section, the court of claims has exclusive, original jurisdiction 24565
to hear and determine that claim in that civil action. This 24566
division does not affect, and shall not be construed as affecting, 24567
the original jurisdiction of another court of this state to hear 24568
and determine a civil action in which the sole relief that the 24569
claimant seeks against the state is a declaratory judgment, 24570
injunctive relief, or other equitable relief. 24571

(3) In addition to its exclusive, original jurisdiction as 24572
conferred by divisions (A) (1) and (2) of this section, the court 24573
of claims has exclusive, original jurisdiction as follows: 24574

(a) As described in division (F) of section 2743.02, division 24575
(B) of section 3335.03, and division (C) of section 5903.02 of the 24576
Revised Code; 24577

(b) Under section 2743.75 of the Revised Code to hear 24578
complaints alleging a denial of access to public records in 24579
violation of division (B) of section 149.43 of the Revised Code, 24580
regardless of whether the public office or person responsible for 24581
public records is an office or employee of the state or of a 24582
political subdivision; 24583

(c) Under section 2743.76 of the Revised Code to hear 24584
complaints alleging a violation of section 121.22 of the Revised 24585
Code by a public body, as defined in section 121.22 of the Revised 24586
Code. 24587

(B) The court of claims shall sit in Franklin county, its 24588
hearings shall be public, and it shall consist of incumbent 24589
justices or judges of the supreme court, courts of appeals, or 24590
courts of common pleas, or retired justices or judges eligible for 24591
active duty pursuant to division (C) of Section 6 of Article IV, 24592
Ohio Constitution, sitting by temporary assignment of the chief 24593
justice of the supreme court. The chief justice may direct the 24594
court to sit in any county for cases on removal upon a showing of 24595
substantial hardship and whenever justice dictates. 24596

(C) (1) A civil action against the state shall be heard and 24597
determined by a single judge. Upon application by the claimant or 24598
the state, the chief justice of the supreme court may assign a 24599
panel of three judges to hear and determine a civil action 24600
presenting novel or complex issues of law or fact. Concurrence of 24601
two members of the panel is necessary for any judgment or order. 24602

(2) Whenever the chief justice of the supreme court believes 24603
an equitable resolution of a case will be expedited, the chief 24604
justice may appoint magistrates in accordance with Civil Rule 53 24605

to hear the case. 24606

(3) When any dispute under division (B) of section 153.12 of 24607
the Revised Code is brought to the court of claims, upon request 24608
of either party to the dispute, the chief justice of the supreme 24609
court shall appoint a single referee or a panel of three referees. 24610
The referees need not be attorneys, but shall be persons 24611
knowledgeable about construction contract law, a member of the 24612
construction industry panel of the American arbitration 24613
association, or an individual or individuals deemed qualified by 24614
the chief justice to serve. No person shall serve as a referee if 24615
that person has been employed by an affected state agency or a 24616
contractor or subcontractor involved in the dispute at any time in 24617
the preceding five years. Proceedings governing referees shall be 24618
in accordance with Civil Rule 53, except as modified by this 24619
division. The referee or panel of referees shall submit its 24620
report, which shall include a recommendation and finding of fact, 24621
to the judge assigned to the case by the chief justice, within 24622
thirty days of the conclusion of the hearings. Referees appointed 24623
pursuant to this division shall be compensated on a per diem basis 24624
at the same rate as is paid to judges of the court and also shall 24625
be paid their expenses. If a single referee is appointed or a 24626
panel of three referees is appointed, then, with respect to one 24627
referee of the panel, the compensation and expenses of the referee 24628
shall not be taxed as part of the costs in the case but shall be 24629
included in the budget of the court. If a panel of three referees 24630
is appointed, the compensation and expenses of the two remaining 24631
referees shall be taxed as costs of the case. 24632

All costs of a case shall be apportioned among the parties. 24633
The court may not require that any party deposit with the court 24634
cash, bonds, or other security in excess of two hundred dollars to 24635
guarantee payment of costs without the prior approval in each case 24636
of the chief justice. 24637

(4) An appeal from a decision of the attorney general 24638
pursuant to sections 2743.51 to 2743.72 of the Revised Code shall 24639
be heard and determined by the court of claims. 24640

(D) The Rules of Civil Procedure shall govern practice and 24641
procedure in all actions in the court of claims, except insofar as 24642
inconsistent with this chapter. The supreme court may promulgate 24643
rules governing practice and procedure in actions in the court as 24644
provided in Section 5 of Article IV, Ohio Constitution. 24645

(E) (1) A party who files a counterclaim against the state or 24646
makes the state a third-party defendant in an action commenced in 24647
any court, other than the court of claims, shall file a petition 24648
for removal in the court of claims. The petition shall state the 24649
basis for removal, be accompanied by a copy of all process, 24650
pleadings, and other papers served upon the petitioner, and shall 24651
be signed in accordance with Civil Rule 11. A petition for removal 24652
based on a counterclaim shall be filed within twenty-eight days 24653
after service of the counterclaim of the petitioner. A petition 24654
for removal based on third-party practice shall be filed within 24655
twenty-eight days after the filing of the third-party complaint of 24656
the petitioner. 24657

(2) Within seven days after filing a petition for removal, 24658
the petitioner shall give written notice to the parties, and shall 24659
file a copy of the petition with the clerk of the court in which 24660
the action was brought originally. The filing effects the removal 24661
of the action to the court of claims, and the clerk of the court 24662
where the action was brought shall forward all papers in the case 24663
to the court of claims. The court of claims shall adjudicate all 24664
civil actions removed. The court may remand a civil action to the 24665
court in which it originated upon a finding that the removal 24666
petition does not justify removal, or upon a finding that the 24667
state is no longer a party. 24668

(3) Bonds, undertakings, or security and injunctions, 24669

attachments, sequestrations, or other orders issued prior to 24670
removal remain in effect until dissolved or modified by the court 24671
of claims. 24672

Sec. 2743.15. (A) The director or other administrative chief, 24673
or the governing body, of any department, board, office, 24674
commission, agency, institution, or other instrumentality of the 24675
state, ~~with:~~ 24676

(1) With the approval of the attorney general and the court 24677
of claims, may settle or compromise any civil action against the 24678
state insofar as the department, board, office, commission, 24679
agency, institution, or other instrumentality is named as a 24680
defendant; 24681

(2) Shall notify the office of risk management in the 24682
department of administrative services of any settlement or 24683
compromise to allow for the proper reservation of funds. 24684

(B) The acceptance by the claimant of any such compromise or 24685
settlement shall be final and conclusive on the claimant and is a 24686
complete release of the civil action against the state insofar as 24687
the particular department, board, office, commission, agency, 24688
institution, or other instrumentality is named, or could be named, 24689
as a defendant. A compromise or settlement that requires the 24690
payment of money by the state may be implemented and enforced, 24691
insofar as the payment of money is concerned, only through the 24692
procedure specified in section 2743.19 of the Revised Code, which 24693
shall be commenced by the attorney general forwarding a clerk's 24694
certified copy of the settlement instrument to the director of 24695
budget and management. A copy of the settlement instrument of 24696
actions involving the office of risk management in the department 24697
of administrative services shall be forwarded to the office of 24698
risk management for payment via the risk management reserve fund 24699
created in section 9.823 of the Revised Code. 24700

No interest of any kind, including any kind set forth in 24701
sections 2743.18 and 2743.19 of the Revised Code, is allowed on 24702
any compromise or settlement of any civil action against the state 24703
under this section. 24704

The authority of the department of administrative services to 24705
compromise claims does not extend to other statutory and agency 24706
programs with direct settlement authority, including activities by 24707
the department of transportation, inmate property actions 24708
described in division (H) of section 2743.02 of the Revised Code, 24709
and wrongful imprisonment actions provided for in section 2743.48 24710
of the Revised Code. 24711

Sec. 2743.16. (A) Subject to division (B) of this section, 24712
civil actions against the state permitted by sections 2743.01 to 24713
2743.20 of the Revised Code shall be commenced no later than two 24714
years after the date of accrual of the cause of action or within 24715
any shorter period that is applicable to similar suits between 24716
private parties. 24717

(B) If a person suffers injury, death, or loss to person or 24718
property ~~from the operation of an automobile, truck, motor vehicle~~ 24719
~~with auxiliary equipment, self propelling equipment or trailer,~~ 24720
~~aircraft, or watercraft by an officer or employee of the state~~ 24721
~~while engaged in the course of his employment or official~~ 24722
~~responsibilities for the state, as contemplated in sections 9.821~~ 24723
~~to 9.83 of the Revised Code, the person or the representative of~~ 24724
that person or of the estate of that person shall attempt, prior 24725
to the commencement of an action based upon that injury, death, or 24726
loss, to have the claim based upon that injury, death, or loss 24727
compromised by the state office of risk management in the 24728
department of administrative services or satisfied by the state's 24729
liability insurance. No action for any such claim shall be filed 24730
in the court of claims until the person, the representative of 24731

that person, or the estate of the person asserting the claim has 24732
complied with this division. Any compromise by the office of risk 24733
management shall be paid from the risk management reserve fund 24734
created in section 9.823 of the Revised Code. The acceptance by 24735
the claimant of any such compromise or settlement shall be final 24736
and conclusive on the person or representative of the person or 24737
the person's estate and is a complete release against the state 24738
insofar as the particular department, board, office, commission, 24739
agency, institution, or other instrumentality is named, or could 24740
be named, as a defendant and results in a complete waiver of any 24741
cause of action, based on the same act or omission, that the 24742
person or representative of the person or the person's estate has 24743
against any officer or employee, as defined in section 109.36 of 24744
the Revised Code. 24745

If the state, upon a request of the person or of ~~his or his~~ 24746
~~estate's~~ the representative of the person or the person's estate 24747
to compromise such a claim, does not compromise the claim within a 24748
reasonable time after the request is made and at least sixty days 24749
prior to the expiration of the applicable period of limitations 24750
for commencement of an action based upon the injury, death, or 24751
loss, or if the amount of the claim is in excess of the state's 24752
liability insurance coverage, the person or ~~his or his estate's~~ 24753
the representative of the person or the person's estate may 24754
commence an action in the court of claims under this chapter to 24755
recover the claim or the unpaid amount of the claim from the 24756
state. Neither the person nor ~~his or his estate's~~ the 24757
representative of the person or the person's estate shall commence 24758
an action against the officer or employee to recover damages for 24759
the injury, death, or loss until after ~~he~~ the person or 24760
representative commences the action in the court of claims against 24761
the state and the action in that court is terminated. If the court 24762
of claims determines that the state is not liable for the injury, 24763
death, or loss ~~caused by the officer's or employee's operation of~~ 24764

~~the automobile, truck, motor vehicle with auxiliary equipment,~~ 24765
~~self-propelling equipment or trailer, aircraft, or watercraft,~~ 24766
person or ~~his or his estate's~~ the representative of the person or 24767
the person's estate is not prohibited by this division from 24768
commencing an action against the officer or employee to recover 24769
the claim or the unpaid amount of the claim based upon the injury, 24770
death, or loss. Nothing in this division shall affect the immunity 24771
of any state officer or employee pursuant to section 9.86 of the 24772
Revised Code. 24773

If a person or his or his estate's representative attempts, 24774
pursuant to this division, to have a claim compromised by the 24775
state or satisfied by the state's liability insurance, and if the 24776
state determines not to compromise the claim, the state's 24777
liability insurance will not cover the claim, or the claim is in 24778
excess of the state's liability insurance coverage, then the state 24779
shall so notify the person or his or his estate's representative 24780
in writing. The notice shall be provided as soon as possible after 24781
the state determines not to compromise the claim or it is 24782
determined that the state's liability insurance will not cover 24783
either the claim or the entire claim. 24784

(C) All summaries, reports, and records received and 24785
maintained by the office of risk management in the department of 24786
administrative services in connection with claims against the 24787
state are not public records, shall be held in confidence, shall 24788
not be released, and shall not be subject to discovery or 24789
introduction in evidence in any federal or state civil action. 24790

(D) (1) The period of limitations prescribed by division (A) 24791
of this section shall be tolled pursuant to section 2305.16 of the 24792
Revised Code. 24793

(2) If a person suffers injury, death, or loss to person or 24794
property ~~from the operation of an automobile, truck, motor vehicle~~ 24795
~~with auxiliary equipment, self-propelling equipment or trailer,~~ 24796

aircraft, or watercraft by an officer or employee of the state 24797
while engaged in the course of his employment or official 24798
responsibilities for the state contemplated by sections 9.82 to 24799
9.83 of the Revised Code, if the person or ~~his or his estate's~~ the 24800
representative of the person or the person's estate is required by 24801
division (B) of this section to attempt to have the claim based 24802
upon the injury, death, or loss compromised by the state or 24803
satisfied by the state's liability insurance prior to commencing 24804
an action based upon the injury, death, or loss, and if the person 24805
or ~~his or his estate's~~ the representative of the person or the 24806
person's estate complies with that division prior to the 24807
expiration of the applicable period of limitations prescribed by 24808
division (A) of this section for the commencement of an action in 24809
the court of claims based upon that injury, death, or loss, the 24810
period of time commencing with the submission of the claim to the 24811
state for the purposes of compromise or liability insurance 24812
satisfaction and ending with the state's compromise of the claim, 24813
the satisfaction of the claim by the state's liability insurance, 24814
or the provision of the written notice described in division (B) 24815
of this section shall not be computed as any part of the period 24816
within which an action based upon that injury, death, or loss must 24817
be brought. 24818

(3) If a person or ~~his or his estate's~~ the representative of 24819
a person or a person's estate commences an action to recover a 24820
claim, or the unpaid amount of a claim, against the state in the 24821
court of claims and that claim arises out ~~of the operation of an~~ 24822
~~automobile, truck, motor vehicle with auxiliary equipment,~~ 24823
~~self-propelling equipment or trailer, aircraft, or watercraft by~~ 24824
~~an officer or employee of the state while engaged in the course of~~ 24825
~~his employment or official responsibilities for the state~~ an 24826
injury, death, or loss contemplated by sections 9.82 to 9.83 of 24827
the Revised Code, the statute of limitations on the claim against 24828
the officer or employee shall not run during any time when the 24829

action against the state is pending in the court of claims. 24830

Sec. 2743.19. (A) In rendering a judgment against the state, 24831
the court of claims shall determine and specify in the judgment 24832
the department, office, commission, board, agency, institution, or 24833
other instrumentality of the state against which a determination 24834
of liability has been made. The court of claims shall award 24835
compensation for fees to a prevailing party in an action under 24836
this chapter in accordance with section 2335.39 of the Revised 24837
Code. 24838

(B) No execution shall issue against the state or any 24839
department, board, office, commission, agency, institution, or 24840
other instrumentality of the state upon any judgment for the 24841
payment of money. 24842

(C) Judgments shall be accomplished only through the 24843
following procedure, which may be enforced by writ of mandamus 24844
directed to the appropriate official: 24845

(1) The clerk of the court of claims shall forward a 24846
certified copy of the judgment to the director of budget and 24847
management and the attorney general or the officer who signed the 24848
investigative report for the department, office, commission, 24849
board, agency, institution, or other instrumentality of the state 24850
against which a determination of liability has been made. If the 24851
judgment requires payment from the risk management reserve fund 24852
created in section 9.823 of the Revised Code, a final signed copy 24853
of the judgment shall be forwarded to the office of risk 24854
management in the department of administrative services for 24855
payment. 24856

(2) The expense of a judgment paid, plus interest at the same 24857
rate that is applicable to judgments rendered against private 24858
parties to a suit as specified in section 1343.03 of the Revised 24859
Code and for the number of days determined pursuant to division 24860

(B) (1) or (2) of section 2743.18 of the Revised Code, shall be 24861
charged by the director of budget and management against available 24862
unencumbered moneys in the appropriations to whichever state 24863
departments, boards, offices, commissions, agencies, institutions, 24864
or other instrumentalities are named in the judgment. The director 24865
of budget and management shall have sole discretion to determine 24866
whether or not unencumbered moneys in a particular appropriation 24867
are available for satisfaction of a judgment. 24868

(3) The director of budget and management, upon receipt of 24869
the certified copy of the judgment from the clerk of the court of 24870
claims pursuant to division (C) (1) of this section, shall provide 24871
for payment of the judgment creditor in the amount of the judgment 24872
certified by the clerk of the court of claims, plus interest. 24873

(4) If the director of budget and management determines that 24874
sufficient unencumbered moneys do not exist in the particular 24875
appropriations to pay the judgment and interest, the director may 24876
make application for payment of the judgment and interest out of 24877
the emergency purposes account or another appropriation for 24878
emergencies or contingencies. 24879

(5) If moneys in the emergency purposes account or another 24880
appropriation for emergencies or contingencies are not used to pay 24881
the judgment and interest, the director of budget and management 24882
shall request the general assembly to make an appropriation 24883
sufficient to pay the judgment and interest, and no payment shall 24884
be made until the appropriation has been made. The appropriate 24885
state department, board, office, commission, agency, institution, 24886
or other instrumentality shall make this appropriation request 24887
during the current biennium and during each succeeding biennium 24888
until a sufficient appropriation is made. 24889

(6) If the judgment is against any department, board, office, 24890
commission, agency, institution, or other instrumentality of the 24891
state whose funds are not handled by the director of budget and 24892

management, the instrumentality against which the judgment is 24893
made, within sixty days after the date of the judgment, shall pay 24894
the judgment creditor in the amount of the judgment plus interest 24895
at the same rate that is applicable to judgments rendered against 24896
private parties to a suit as specified in section 1343.03 of the 24897
Revised Code and for the number of days determined pursuant to 24898
division (B) (1) or (2) of section 2743.18 of the Revised Code. 24899

(D) No judgment shall be forwarded by the clerk of the court 24900
of claims to the director of budget and management until all 24901
appeals have been determined and all rights to appeal have been 24902
exhausted, except as otherwise provided in this section. If a 24903
party to a civil action against the state appeals from only a 24904
portion of a judgment and if a remaining portion provides for the 24905
payment of money by the state, a certified copy of the judgment 24906
and a copy of the notice of appeal shall be forwarded to the 24907
director, and that part of the judgment calling for the payment of 24908
money by the state and not a subject of the appeal shall be 24909
processed for payment as described in this section. 24910

Sec. 2743.76. (A) In order to provide for an expeditious and 24911
economical procedure that attempts to resolve disputes alleging a 24912
violation of section 121.22 of the Revised Code, except for a 24913
court that hears an action pursuant to that section, the court of 24914
claims shall be the sole and exclusive authority in this state 24915
that adjudicates or resolves complaints based on alleged 24916
violations of that section. The clerk of the court of claims shall 24917
designate one or more current employees or hire one or more 24918
individuals to serve as special masters to hear complaints brought 24919
under this section. All special masters shall have been engaged in 24920
the practice of law in this state for at least four years and be 24921
in good standing with the supreme court at the time of designation 24922
or hiring. The clerk may assign administrative and clerical work 24923
associated with complaints brought under this section to current 24924

employees or may hire such additional employees as may be 24925
necessary to perform such work. 24926

(B) The clerk of the court of common pleas in each county 24927
shall act as the clerk of the court of claims for purposes of 24928
accepting those complaints filed with the clerk under division 24929
(D) (1) of this section, accepting filing fees for those 24930
complaints, and serving those complaints. 24931

(C) (1) Subject to division (C) (2) of this section, a person 24932
allegedly aggrieved by a violation of section 121.22 of the 24933
Revised Code may seek relief under that section or under this 24934
section, provided, however, that if the allegedly aggrieved person 24935
files a complaint under either section, that person may not seek 24936
relief that pertains to the same allegation in a complaint filed 24937
under the other section. 24938

(2) If the allegedly aggrieved person files a complaint under 24939
this section and the court of claims determines that the complaint 24940
constitutes a case of first impression that involves an issue of 24941
substantial public interest or a unique or complex case that 24942
manifestly requires discovery, hearings, or oral testimony, the 24943
court shall dismiss the complaint without prejudice and direct the 24944
allegedly aggrieved person to commence an action in the court of 24945
common pleas with appropriate jurisdiction as provided in division 24946
(I) (1) (a) (ii) of section 121.22 of the Revised Code. 24947

(D) (1) An allegedly aggrieved person who proceeds under this 24948
section shall file a complaint, on a form prescribed by the clerk 24949
of the court of claims, with the clerk of the court of claims or 24950
with the clerk of the court of common pleas of the county in which 24951
the public body that allegedly violated section 121.22 of the 24952
Revised Code is located. The person shall attach to the complaint 24953
copies of any documents, written responses, or other 24954
communications relating to the alleged violation from the public 24955
body or its authorized representative and shall pay a filing fee 24956

of twenty-five dollars made payable to the clerk of the court with 24957
whom the complaint is filed. The clerk shall serve a copy of the 24958
complaint on the public body and its authorized representative in 24959
accordance with Civil Rule 4.1 and, if the complaint is filed with 24960
the clerk of the court of common pleas, shall forward the 24961
complaint to the clerk of the court of claims, and to no other 24962
court, within five business days after service on the public body 24963
and its authorized representative is complete. 24964

(2) Upon receipt of a complaint filed under division (D) (1) 24965
of this section, the clerk of the court of claims shall assign a 24966
case number for the action and a special master to examine the 24967
complaint. Notwithstanding any provision to the contrary in this 24968
section, upon the recommendation of the special master, the court 24969
of claims on its own motion may dismiss the complaint at any time. 24970
The allegedly aggrieved person may voluntarily dismiss the 24971
complaint filed by that person under division (D) (1) of this 24972
section. 24973

(E) (1) Upon service of a complaint under division (D) (1) of 24974
this section, except as otherwise provided in this division, the 24975
special master assigned by the clerk under division (D) (2) of this 24976
section immediately shall refer the case to mediation services 24977
that the court of claims makes available to persons. If, in the 24978
interest of justice considering the circumstances of the case or 24979
the parties, the special master determines that the case should 24980
not be referred to mediation, the special master shall notify the 24981
court that the case was not referred to mediation, and the case 24982
shall proceed in accordance with division (F) of this section. If 24983
the case is referred to mediation, any further proceedings under 24984
division (F) of this section shall be stayed until the conclusion 24985
of the mediation. Any mediation proceedings under this division 24986
may be conducted by teleconference, telephone, or other electronic 24987
means. If an agreement is reached during mediation, the court 24988

shall dismiss the complaint. If an agreement is not reached, the 24989
special master shall notify the court that the case was not 24990
resolved and that the mediation has been terminated. 24991

(2) Within ten business days after the termination of the 24992
mediation or the notification to the court that the case was not 24993
referred to mediation under division (E)(1) of this section, the 24994
public body or its authorized representative shall file a 24995
response, and if applicable, a motion to dismiss the complaint, 24996
with the clerk of the court of claims and transmit copies of the 24997
pleadings to the allegedly aggrieved party. No further motions or 24998
pleadings shall be accepted by the clerk of the court of claims or 24999
by the special master assigned by the clerk under division (D)(2) 25000
of this section unless the special master directs in writing that 25001
a further motion or pleading be filed. 25002

(3) All of the following apply prior to the submission of the 25003
special master's report and recommendation to the court of claims 25004
under division (F)(1) of this section: 25005

(a) The special master shall not permit any discovery. 25006

(b) The parties may attach supporting affidavits to their 25007
respective pleadings. 25008

(c) The special master may require either or both of the 25009
parties to submit additional information or documentation 25010
supported by affidavits. 25011

(F)(1) Not later than thirty business days after receiving 25012
the response, or motion to dismiss the complaint, if applicable, 25013
of the public body or its authorized representative, the special 25014
master shall submit to the court of claims a report and 25015
recommendation based on the ordinary application of statutory law 25016
and case law as they existed at the time of the filing of the 25017
complaint. For good cause shown, the special master may extend the 25018
thirty-day period for the submission of the report and 25019

recommendation to the court of claims under this division. 25020

(2) Upon submission of the special master's report and 25021
recommendation to the court of claims under division (F) (1) of 25022
this section, the clerk shall send copies of the report and 25023
recommendation to each party by certified mail, return receipt 25024
requested, not later than three business days after the report and 25025
recommendation is filed. Either party may object to the report and 25026
recommendation within seven business days after receiving the 25027
report and recommendation by filing a written objection with the 25028
clerk and sending a copy to the other party by certified mail, 25029
return receipt requested. Any objection to the report and 25030
recommendation shall be specific and state with particularity all 25031
grounds for the objection. If neither party timely objects, the 25032
court of claims shall promptly issue a final order adopting the 25033
report and recommendation, unless it determines that there is an 25034
error of law or other defect evident on the face of the report and 25035
recommendation. If either party timely objects, the other party 25036
may file with the clerk a response within seven business days 25037
after receiving the objection and send a copy of the response to 25038
the objecting party by certified mail, return receipt requested. 25039
The court, within seven business days after the response to the 25040
objection is filed, shall issue a final order that adopts, 25041
modifies, or rejects the report and recommendation. 25042

(3) If the court of claims determines that the public body 25043
violated section 121.22 of the Revised Code as alleged by the 25044
aggrieved person and if no appeal from the court's final order is 25045
taken under division (G) of this section, all of the following 25046
apply: 25047

(a) The public body shall comply with the remedy that the 25048
court requires in its order. 25049

(b) The aggrieved person shall be entitled to recover from 25050
the public body the amount of the filing fee of twenty-five 25051

dollars and any other costs associated with the action that are 25052
incurred by the aggrieved person, but shall not be entitled to 25053
recover attorney's fees, except that division (G)(2) of this 25054
section applies if an appeal is taken under division (G)(1) of 25055
this section. 25056

(c) The court of claims shall issue an injunction to compel 25057
the members of the public body to comply with section 121.22 of 25058
the Revised Code. 25059

(4) A determination under this section that the public body 25060
violated section 121.22 of the Revised Code does not void or 25061
invalidate any actions taken by the public body. 25062

(G)(1) Any appeal from a final order of the court of claims 25063
under this section or from an order of the court of claims 25064
dismissing the complaint as provided in division (D)(2) of this 25065
section shall be taken to the court of appeals of the appellate 25066
district where the principal place of business of the public body 25067
that is alleged to have violated section 121.22 of the Revised 25068
Code is located. However, no appeal may be taken from a final 25069
order of the court of claims that adopts the special master's 25070
report and recommendation unless a timely objection to that report 25071
and recommendation was filed under division (F)(2) of this 25072
section. If the court of claims materially modifies the special 25073
master's report and recommendation, either party may take an 25074
appeal to the court of appeals of the appellate district of the 25075
principal place of business where that public body is located but 25076
the appeal shall be limited to the issue in the report and 25077
recommendation that is materially modified by the court of claims. 25078
In order to facilitate the expeditious resolution of disputes over 25079
alleged violations of section 121.22 of the Revised Code, the 25080
appeal shall be given such precedence over other pending matters 25081
as will ensure that the court will reach a decision promptly. 25082

(2) If a court of appeals in any appeal taken under division 25083

(G) (1) of this section by the public body or its authorized representative determines that the public body violated section 121.22 of the Revised Code as alleged by the aggrieved person and obviously filed the appeal with the intent to either delay compliance with the court of claims' order from which the appeal is taken for no reasonable cause or unduly harass the aggrieved person, the court of appeals may award reasonable attorney's fees to the aggrieved person in accordance with division (I) (2) (a) of section 121.22 of the Revised Code. No discovery may be conducted on the issue of the public body or its authorized representative filing the appeal with the alleged intent to either delay compliance with the court of claims' order for no reasonable cause or unduly harass the aggrieved person. This division shall not be construed as creating a presumption that the public body or its authorized representative filed the appeal with the intent to either delay compliance with the court of claims' order for no reasonable cause or unduly harass the aggrieved person.

(H) The powers of the court of claims prescribed in section 2743.05 of the Revised Code apply to the proceedings in that court under this section.

(I) (1) All filing fees collected by a clerk of the court of common pleas under division (D) (1) of this section shall be paid to the county treasurer for deposit into the county general revenue fund. All such money collected during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court of common pleas to the county treasurer.

(2) All filing fees collected by the clerk of the court of claims under division (D) (1) of this section shall be kept by the court of claims to assist in paying for its costs to implement this section. Not later than the first day of February of each year, the clerk of the court of claims shall prepare a report accessible to the public that details the fees collected during

the preceding calendar year by the clerk of the court of claims 25116
and the clerks of the courts of common pleas under this section. 25117

(J) Nothing in this section shall be construed to limit the 25118
authority of the auditor of state under division (G) of section 25119
109.43 of the Revised Code. 25120

Sec. 2746.04. In addition to any applicable fees or costs set 25121
forth in sections 2746.01 and 2746.02 of the Revised Code or any 25122
other applicable provision of law, a court of common pleas shall 25123
tax as costs or otherwise require the payment of fees for the 25124
following services rendered or as compensation for the following 25125
persons or any other of the following fees that are applicable in 25126
a particular case: 25127

(A) The fees provided for in section 2303.20 of the Revised 25128
Code; 25129

(B) Additional fees to computerize the court, make available 25130
computerized legal research services, computerize the office of 25131
the clerk of the court, provide financial assistance to legal aid 25132
societies, support the office of the state public defender, fund 25133
shelters for victims of domestic violence, and special projects of 25134
the court, as provided in section 2303.201 and, for a court that 25135
has a domestic relations division, section 2301.031 of the Revised 25136
Code; 25137

(C) Filing for a divorce decree under section 3105.10 or a 25138
decree of dissolution under section 3105.65 of the Revised Code, 25139
as provided in section 3109.14 of the Revised Code; 25140

(D) Filing of a foreign judgment pursuant to section 2329.022 25141
of the Revised Code, as provided in section 2329.025 of the 25142
Revised Code; 25143

(E) Interpreters, as provided in section 2301.14 of the 25144
Revised Code; 25145

(F) Jurors in civil actions, as provided in section 2335.28 of the Revised Code;	25146 25147
(G) Reporters, as provided in sections 2301.21 and 2301.24 of the Revised Code;	25148 25149
(H) In a case involving the operation by a nonresident of a vessel upon the waters in this state, or the operation on the waters in this state of a vessel owned by a nonresident if operated with the nonresident's consent, actual traveling expenses of the defendant, as provided in section 1547.36 of the Revised Code;	25150 25151 25152 25153 25154 25155
(I) In a civil case, the expenses of taking a deposition of a person who is imprisoned in a workhouse, juvenile detention facility, jail, or state correctional institution within this state, or who is in the custody of the department of youth services, as provided in section 2317.06 of the Revised Code;	25156 25157 25158 25159 25160
(J) In proceedings relating to the examination of a judgment debtor under sections 2333.09 to 2333.27 of the Revised Code, compensation for clerks, sheriffs, referees, receivers, and witnesses, as provided in section 2333.27 of the Revised Code;	25161 25162 25163 25164
(K) In an appeal from an order of an agency issued pursuant to an adjudication under section 119.12 of the Revised Code, the expense of preparing and transcribing the record;	25165 25166 25167
(L) In a case in which the court issues a protection order upon a petition alleging that the respondent engaged in domestic violence against a family or household member, the cost of supervision of the respondent's exercise of parenting time, visitation, or companionship rights, as provided in section 3113.31 of the Revised Code;	25168 25169 25170 25171 25172 25173
(M) Upon a petition to have a person involuntarily institutionalized, the costs of appointed counsel for the respondent at a full hearing, as provided in section 5123.76 of	25174 25175 25176

the Revised Code; 25177

(N) In a case before the domestic relations division of the 25178
Hamilton county court of common pleas, the expense of serving a 25179
summons, warrant, citation, subpoena, or other writ issued to an 25180
officer other than a bailiff, constable, or staff investigator of 25181
the division, as provided in section 2301.03 of the Revised Code; 25182

(O) The filing fee specified in section 2743.75 of the 25183
Revised Code in a case filed with the court of claims that alleges 25184
a denial of access to public records in violation of division (B) 25185
of section 149.43 of the Revised Code; 25186

(P) The filing fee specified in section 2743.76 of the 25187
Revised Code in a case filed with the court of claims alleging a 25188
violation of section 121.22 of the Revised Code. 25189

Sec. 2915.092. (A) (1) Subject to division (A) (2) of this 25190
section, ~~a charitable organization, a public school, a chartered 25191
nonpublic school, a community school, or a veteran's organization,~~ 25192
~~fraternal organization, or sporting organization~~ a person or entity 25193
that is exempt from federal income taxation under subsection 25194
501(a) and is described in subsection 501(c) (3), 501(c) (4), 25195
501(c) (6), 501(c) (7), 501(c) (8), 501(c) (10), or 501(c) (19) of the 25196
Internal Revenue Code may conduct a raffle to raise money for the 25197
~~organization or school~~ person or entity and does not need a license 25198
to conduct bingo in order to conduct a raffle drawing that is not 25199
for profit. 25200

(2) If ~~a charitable organization~~ a person or entity that is 25201
described in division (A) (1) of this section, but that is not also 25202
described in subsection 501(c) (3) of the Internal Revenue Code, 25203
conducts a raffle, the ~~charitable organization~~ person or entity 25204
shall distribute at least fifty per cent of the net profit from 25205
the raffle to a charitable purpose described in division (V) of 25206
section 2915.01 of the Revised Code or to a department or agency 25207

of the federal government, the state, or any political 25208
subdivision. 25209

(B) Except as provided in division (A) or (B) of this 25210
section, no person shall conduct a raffle drawing that is for 25211
profit or a raffle drawing that is not for profit. 25212

(C) Whoever violates division (B) of this section is guilty 25213
of illegal conduct of a raffle. Except as otherwise provided in 25214
this division, illegal conduct of a raffle is a misdemeanor of the 25215
first degree. If the offender previously has been convicted of a 25216
violation of division (B) of this section, illegal conduct of a 25217
raffle is a felony of the fifth degree. 25218

Sec. 2921.36. (A) No person shall knowingly convey, or 25219
attempt to convey, onto the grounds of a detention facility or of 25220
an institution, office building, or other place that is under the 25221
control of the department of mental health and addiction services, 25222
the department of developmental disabilities, the department of 25223
youth services, or the department of rehabilitation and correction 25224
any of the following items: 25225

(1) Any deadly weapon or dangerous ordnance, as defined in 25226
section 2923.11 of the Revised Code, or any part of or ammunition 25227
for use in such a deadly weapon or dangerous ordnance; 25228

(2) Any drug of abuse, as defined in section 3719.011 of the 25229
Revised Code; 25230

(3) Any intoxicating liquor, as defined in section 4301.01 of 25231
the Revised Code, except for small amounts of wine for sacramental 25232
purposes when the person engaging in the specified conduct is a 25233
cleric, as defined in section 2317.02 of the Revised Code. 25234

(B) Division (A) of this section does not apply to any person 25235
who conveys or attempts to convey an item onto the grounds of a 25236
detention facility or of an institution, office building, or other 25237

place under the control of the department of mental health and 25238
addiction services, the department of developmental disabilities, 25239
the department of youth services, or the department of 25240
rehabilitation and correction pursuant to the written 25241
authorization of the person in charge of the detention facility or 25242
the institution, office building, or other place and in accordance 25243
with the written rules of the detention facility or the 25244
institution, office building, or other place. 25245

(C) No person shall knowingly deliver, or attempt to deliver, 25246
to any person who is confined in a detention facility, to a child 25247
confined in a youth services facility, to a prisoner who is 25248
temporarily released from confinement for a work assignment, or to 25249
any patient in an institution under the control of the department 25250
of mental health and addiction services or the department of 25251
developmental disabilities any item listed in division (A) (1), 25252
(2), or (3) of this section. 25253

(D) No person shall knowingly deliver, or attempt to deliver, 25254
cash to any person who is confined in a detention facility, to a 25255
child confined in a youth services facility, or to a prisoner who 25256
is temporarily released from confinement for a work assignment. 25257

(E) No person shall knowingly deliver, or attempt to deliver, 25258
to any person who is confined in a detention facility, to a child 25259
confined in a youth services facility, or to a prisoner who is 25260
temporarily released from confinement for a work assignment a 25261
cellular telephone, two-way radio, or other electronic 25262
communications device. 25263

(F) (1) It is an affirmative defense to a charge under 25264
division (A) (1) of this section that the weapon or dangerous 25265
ordnance in question was being transported in a motor vehicle for 25266
any lawful purpose, that it was not on the actor's person, and, if 25267
the weapon or dangerous ordnance in question was a firearm, that 25268
it was unloaded and was being carried in a closed package, box, or 25269

case or in a compartment that can be reached only by leaving the 25270
vehicle. 25271

(2) It is an affirmative defense to a charge under division 25272
(C) of this section that the actor was not otherwise prohibited by 25273
law from delivering the item to the confined person, the child, 25274
the prisoner, or the patient and that either of the following 25275
applies: 25276

(a) The actor was permitted by the written rules of the 25277
detention facility or the institution, office building, or other 25278
place to deliver the item to the confined person or the patient. 25279

(b) The actor was given written authorization by the person 25280
in charge of the detention facility or the institution, office 25281
building, or other place to deliver the item to the confined 25282
person or the patient. 25283

(G) (1) Whoever violates division (A) (1) of this section or 25284
commits a violation of division (C) of this section involving an 25285
item listed in division (A) (1) of this section is guilty of 25286
illegal conveyance of weapons onto the grounds of a specified 25287
governmental facility, a felony of the third degree. If the 25288
offender is an officer or employee of the department of 25289
rehabilitation and correction, the court shall impose a mandatory 25290
prison term from the range of definite prison terms prescribed in 25291
division (A) (3) (b) of section 2929.14 of the Revised Code for a 25292
felony of the third degree. 25293

(2) Whoever violates division (A) (2) of this section or 25294
commits a violation of division (C) of this section involving any 25295
drug of abuse is guilty of illegal conveyance of drugs of abuse 25296
onto the grounds of a specified governmental facility, a felony of 25297
the third degree. If the offender is an officer or employee of the 25298
department of rehabilitation and correction or of the department 25299
of youth services, the court shall impose a mandatory prison term 25300

from the range of definite prison terms prescribed in division 25301
(A) (3) (b) of section 2929.14 of the Revised Code for a felony of 25302
the third degree. 25303

(3) Whoever violates division (A) (3) of this section or 25304
commits a violation of division (C) of this section involving any 25305
intoxicating liquor is guilty of illegal conveyance of 25306
intoxicating liquor onto the grounds of a specified governmental 25307
facility, a misdemeanor of the second degree. 25308

(4) Whoever violates division (D) of this section is guilty 25309
of illegal conveyance of cash onto the grounds of a detention 25310
facility, a misdemeanor of the first degree. If the offender 25311
previously has been convicted of or pleaded guilty to a violation 25312
of division (D) of this section, illegal conveyance of cash onto 25313
the grounds of a detention facility is a felony of the fifth 25314
degree. 25315

(5) Whoever violates division (E) of this section is guilty 25316
of illegal conveyance of a communications device onto the grounds 25317
of a specified governmental facility, a misdemeanor of the first 25318
degree, or if the offender previously has been convicted of or 25319
pleaded guilty to a violation of division (E) of this section, a 25320
felony of the fifth degree. 25321

Sec. 2929.15. (A) (1) If in sentencing an offender for a 25322
felony the court is not required to impose a prison term, a 25323
mandatory prison term, or a term of life imprisonment upon the 25324
offender, the court may directly impose a sentence that consists 25325
of one or more community control sanctions authorized pursuant to 25326
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 25327
court is sentencing an offender for a fourth degree felony OVI 25328
offense under division (G) (1) of section 2929.13 of the Revised 25329
Code, in addition to the mandatory term of local incarceration 25330
imposed under that division and the mandatory fine required by 25331

division (B) (3) of section 2929.18 of the Revised Code, the court 25332
may impose upon the offender a community control sanction or 25333
combination of community control sanctions in accordance with 25334
sections 2929.16 and 2929.17 of the Revised Code. If the court is 25335
sentencing an offender for a third or fourth degree felony OVI 25336
offense under division (G) (2) of section 2929.13 of the Revised 25337
Code, in addition to the mandatory prison term or mandatory prison 25338
term and additional prison term imposed under that division, the 25339
court also may impose upon the offender a community control 25340
sanction or combination of community control sanctions under 25341
section 2929.16 or 2929.17 of the Revised Code, but the offender 25342
shall serve all of the prison terms so imposed prior to serving 25343
the community control sanction. 25344

The duration of all community control sanctions imposed on an 25345
offender under this division shall not exceed five years. If the 25346
offender absconds or otherwise leaves the jurisdiction of the 25347
court in which the offender resides without obtaining permission 25348
from the court or the offender's probation officer to leave the 25349
jurisdiction of the court, or if the offender is confined in any 25350
institution for the commission of any offense while under a 25351
community control sanction, the period of the community control 25352
sanction ceases to run until the offender is brought before the 25353
court for its further action. If the court sentences the offender 25354
to one or more nonresidential sanctions under section 2929.17 of 25355
the Revised Code, the court shall impose as a condition of the 25356
nonresidential sanctions that, during the period of the sanctions, 25357
the offender must abide by the law and must not leave the state 25358
without the permission of the court or the offender's probation 25359
officer. The court may impose any other conditions of release 25360
under a community control sanction that the court considers 25361
appropriate, including, but not limited to, requiring that the 25362
offender not ingest or be injected with a drug of abuse and submit 25363

to random drug testing as provided in division (D) of this section 25364
to determine whether the offender ingested or was injected with a 25365
drug of abuse and requiring that the results of the drug test 25366
indicate that the offender did not ingest or was not injected with 25367
a drug of abuse. 25368

(2) (a) If a court sentences an offender to any community 25369
control sanction or combination of community control sanctions 25370
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 25371
Revised Code, the court shall place the offender under the general 25372
control and supervision of a department of probation in the county 25373
that serves the court for purposes of reporting to the court a 25374
violation of any condition of the sanctions, any condition of 25375
release under a community control sanction imposed by the court, a 25376
violation of law, or the departure of the offender from this state 25377
without the permission of the court or the offender's probation 25378
officer. Alternatively, if the offender resides in another county 25379
and a county department of probation has been established in that 25380
county or that county is served by a multicounty probation 25381
department established under section 2301.27 of the Revised Code, 25382
the court may request the court of common pleas of that county to 25383
receive the offender into the general control and supervision of 25384
that county or multicounty department of probation for purposes of 25385
reporting to the court a violation of any condition of the 25386
sanctions, any condition of release under a community control 25387
sanction imposed by the court, a violation of law, or the 25388
departure of the offender from this state without the permission 25389
of the court or the offender's probation officer, subject to the 25390
jurisdiction of the trial judge over and with respect to the 25391
person of the offender, and to the rules governing that department 25392
of probation. 25393

If there is no department of probation in the county that 25394
serves the court, the court shall place the offender, regardless 25395

of the offender's county of residence, under the general control 25396
and supervision of the adult parole authority or an entity 25397
authorized under division (B) of section 2301.27 of the Revised 25398
Code to provide probation and supervisory services to counties for 25399
purposes of reporting to the court a violation of any of the 25400
sanctions, any condition of release under a community control 25401
sanction imposed by the court, a violation of law, or the 25402
departure of the offender from this state without the permission 25403
of the court or the offender's probation officer. 25404

(b) If the court imposing sentence on an offender sentences 25405
the offender to any community control sanction or combination of 25406
community control sanctions authorized pursuant to section 25407
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 25408
offender violates any condition of the sanctions, violates any 25409
condition of release under a community control sanction imposed by 25410
the court, violates any law, or departs the state without the 25411
permission of the court or the offender's probation officer, the 25412
public or private person or entity that operates or administers 25413
the sanction or the program or activity that comprises the 25414
sanction shall report the violation or departure directly to the 25415
sentencing court, or shall report the violation or departure to 25416
the county or multicounty department of probation with general 25417
control and supervision over the offender under division (A) (2) (a) 25418
of this section or the officer of that department who supervises 25419
the offender, or, if there is no such department with general 25420
control and supervision over the offender under that division, to 25421
the adult parole authority or an entity authorized under division 25422
(B) of section 2301.27 of the Revised Code to provide probation 25423
and supervisory services to the county. If the public or private 25424
person or entity that operates or administers the sanction or the 25425
program or activity that comprises the sanction reports the 25426
violation or departure to the county or multicounty department of 25427
probation, the adult parole authority, or any other entity 25428

providing probation and supervisory services to the county, the 25429
department's, authority's, or other entity's officers may treat 25430
the offender as if the offender were on probation and in violation 25431
of the probation, and shall report the violation of the condition 25432
of the sanction, any condition of release under a community 25433
control sanction imposed by the court, the violation of law, or 25434
the departure from the state without the required permission to 25435
the sentencing court. 25436

(3) If an offender who is eligible for community control 25437
sanctions under this section admits to being drug addicted or the 25438
court has reason to believe that the offender is drug addicted, 25439
and if the offense for which the offender is being sentenced was 25440
related to the addiction, the court may require that the offender 25441
be assessed by a properly credentialed professional within a 25442
specified period of time and shall require the professional to 25443
file a written assessment of the offender with the court. If a 25444
court imposes treatment and recovery support services as a 25445
community control sanction, the court shall direct the level and 25446
type of treatment and recovery support services after 25447
consideration of the written assessment, if available at the time 25448
of sentencing, and recommendations of the professional and other 25449
treatment and recovery support services providers. 25450

(4) If an assessment completed pursuant to division (A)(3) of 25451
this section indicates that the offender is addicted to drugs or 25452
alcohol, the court may include in any community control sanction 25453
imposed for a violation of section 2925.02, 2925.03, 2925.04, 25454
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 25455
2925.37 of the Revised Code a requirement that the offender 25456
participate in alcohol and drug addiction services and recovery 25457
supports certified under section 5119.36 of the Revised Code or 25458
offered by a properly credentialed community addiction services 25459
provider. 25460

(B) (1) If the conditions of a community control sanction 25461
imposed for a felony are violated or if the offender violates a 25462
law or leaves the state without the permission of the court or the 25463
offender's probation officer, the sentencing court may impose on 25464
the violator one or more of the following penalties: 25465

(a) A longer time under the same sanction if the total time 25466
under the sanctions does not exceed the five-year limit specified 25467
in division (A) of this section; 25468

(b) A more restrictive sanction under section 2929.16, 25469
2929.17, or 2929.18 of the Revised Code, including but not limited 25470
to, a new term in a community-based correctional facility, halfway 25471
house, or jail pursuant to division (A) (6) of section 2929.16 of 25472
the Revised Code; 25473

(c) A prison term on the offender pursuant to section 2929.14 25474
of the Revised Code and division (B) (3) of this section, provided 25475
that a prison term imposed under this division is subject to the 25476
following limitations and rules, as applicable: 25477

(i) If the prison term is imposed for any technical violation 25478
of the conditions of a community control sanction imposed for a 25479
felony of the fifth degree, the prison term shall not exceed 25480
ninety days, provided that if the remaining period of community 25481
control at the time of the violation or the remaining period of 25482
the ~~suspended~~ reserved prison sentence at that time is less than 25483
ninety days, the prison term shall not exceed the length of the 25484
remaining period of community control or the remaining period of 25485
the ~~suspended~~ reserved prison sentence. If the court imposes a 25486
prison term as described in this division, division (B) (2) (b) of 25487
this section applies. 25488

(ii) If the prison term is imposed for any technical 25489
violation of the conditions of a community control sanction 25490
imposed for a felony of the fourth degree that is not an offense 25491

of violence and is not a sexually oriented offense , the prison 25492
term shall not exceed one hundred eighty days, provided that if 25493
the remaining period of the community control at the time of the 25494
violation or the remaining period of the ~~suspended~~ reserved prison 25495
sentence at that time is less than one hundred eighty days, the 25496
prison term shall not exceed the length of the remaining period of 25497
community control or the remaining period of the ~~suspended~~ 25498
reserved prison sentence. If the court imposes a prison term as 25499
described in this division, division (B) (2) (b) of this section 25500
applies. 25501

(iii) A court is not limited in the number of times it may 25502
sentence an offender to a prison term under division (B) (1) (c) of 25503
this section for a violation of the conditions of a community 25504
control sanction or for a violation of a law or leaving the state 25505
without the permission of the court or the offender's probation 25506
officer. If an offender who is under a community control sanction 25507
violates the conditions of the sanction or violates a law or 25508
leaves the state without the permission of the court or the 25509
offender's probation officer, is sentenced to a prison term for 25510
the violation or conduct, is released from the term after serving 25511
it, and subsequently violates the conditions of the sanction or 25512
violates a law or leaves the state without the permission of the 25513
court or the offender's probation officer, the court may impose a 25514
new prison term sanction on the offender under division (B) (1) (c) 25515
of this section for the subsequent violation or conduct. 25516

(2) (a) If an offender was acting pursuant to division 25517
(B) (2) (b) of section 2925.11 of the Revised Code and in so doing 25518
violated the conditions of a community control sanction based on a 25519
minor drug possession offense, as defined in section 2925.11 of 25520
the Revised Code, the sentencing court may consider the offender's 25521
conduct in seeking or obtaining medical assistance for another in 25522
good faith or for self or may consider the offender being the 25523

subject of another person seeking or obtaining medical assistance 25524
in accordance with that division as a mitigating factor before 25525
imposing any of the penalties described in division (B)(1) of this 25526
section. 25527

(b) If a court imposes a prison term on an offender under 25528
division (B)(1)(c)(i) or (ii) of this section for a technical 25529
violation of the conditions of a community control sanction, one 25530
of the following is applicable with respect to the time that the 25531
offender spends in prison under the term: 25532

(i) Subject to division (B)(2)(b)(ii) of this section, it 25533
shall be credited against the offender's community control 25534
sanction that was being served at the time of the violation, and 25535
the remaining time under that community control sanction shall be 25536
reduced by the time that the offender spends in prison under the 25537
prison term. The By determination of the court, the offender upon 25538
release from the prison term either shall continue serving the 25539
remaining time under the community control sanction, as reduced 25540
under this division, or shall have the community control sanction 25541
terminated. 25542

(ii) If ~~the offender,~~ at the time ~~of the~~ a prison term is 25543
imposed for a technical violation, the offender was serving a 25544
residential community control sanction ~~as part of a suspended~~ 25545
~~prison sentence, it~~ imposed under section 2929.16 of the Revised 25546
Code, the time spent serving the residential community control 25547
sanction shall be credited against the offender's ~~community~~ 25548
~~control sanction that was being served at the time of the~~ 25549
~~violation and against the suspended~~ reserved prison sentence, and 25550
the remaining time under that residential community control 25551
sanction and under the ~~suspended~~ reserved prison sentence shall be 25552
reduced by the time that the offender spends in prison under the 25553
prison term. The By determination of the court, the offender upon 25554
release from the prison term either shall continue serving the 25555

remaining time under the residential community control sanction, 25556
as reduced under this division, or shall have the residential 25557
community control sanction terminated. 25558

~~(c) A court is not limited in the number of times it may 25559
sentence an offender to a prison term under division (B) (1) (c) of 25560
this section for a violation of the conditions of a community 25561
control sanction or for a violation of a law or leaving the state 25562
without the permission of the court or the offender's probation 25563
officer. If an offender who is under a community control sanction 25564
violates the conditions of the sanction or violates a law or 25565
leaves the state without the permission of the court or the 25566
offender's probation officer, is sentenced to a prison term for 25567
the violation or conduct, is released from the term after serving 25568
it, and subsequently violates the conditions of the sanction or 25569
violates a law or leaves the state without the permission of the 25570
court or the offender's probation officer, the court may impose a 25571
new prison term sanction on the offender under division (B) (1) (c) 25572
of this section for the subsequent violation or conduct. 25573~~

(3) The prison term, if any, imposed on a violator pursuant 25574
to this division and division (B) (1) of this section shall be 25575
within the range of prison terms described in this division and 25576
shall not exceed ~~the~~ a prison term from the range of terms 25577
specified in the notice provided to the offender at the sentencing 25578
hearing pursuant to division ~~(B) (2)~~ (B) (4) of section 2929.19 of 25579
the Revised Code. The court may reduce the longer period of time 25580
that the offender is required to spend under the longer sanction, 25581
the more restrictive sanction, or a prison term imposed pursuant 25582
to division (B) (1) of this section by the time the offender 25583
successfully spent under the sanction that was initially imposed. 25584
Except as otherwise specified in this division, the prison term 25585
imposed under this division and division (B) (1) of this section 25586
shall be within the range of prison terms available as a definite 25587

term for the offense for which the sanction that was violated was 25588
imposed. If the offense for which the sanction that was violated 25589
was imposed is a felony of the first or second degree committed on 25590
or after March 22, 2019, the prison term so imposed under this 25591
division shall be within the range of prison terms available as a 25592
minimum term for the offense under division (A) (1) (a) or (2) (a) of 25593
section 2929.14 of the Revised Code. 25594

(C) If an offender, for a significant period of time, 25595
fulfills the conditions of a sanction imposed pursuant to section 25596
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 25597
manner, the court may reduce the period of time under the sanction 25598
or impose a less restrictive sanction, but the court shall not 25599
permit the offender to violate any law or permit the offender to 25600
leave the state without the permission of the court or the 25601
offender's probation officer. 25602

(D) (1) If a court under division (A) (1) of this section 25603
imposes a condition of release under a community control sanction 25604
that requires the offender to submit to random drug testing, the 25605
department of probation, the adult parole authority, or any other 25606
entity that has general control and supervision of the offender 25607
under division (A) (2) (a) of this section may cause the offender to 25608
submit to random drug testing performed by a laboratory or entity 25609
that has entered into a contract with any of the governmental 25610
entities or officers authorized to enter into a contract with that 25611
laboratory or entity under section 341.26, 753.33, or 5120.63 of 25612
the Revised Code. 25613

(2) If no laboratory or entity described in division (D) (1) 25614
of this section has entered into a contract as specified in that 25615
division, the department of probation, the adult parole authority, 25616
or any other entity that has general control and supervision of 25617
the offender under division (A) (2) (a) of this section shall cause 25618
the offender to submit to random drug testing performed by a 25619

reputable public laboratory to determine whether the individual 25620
who is the subject of the drug test ingested or was injected with 25621
a drug of abuse. 25622

(3) A laboratory or entity that has entered into a contract 25623
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 25624
shall perform the random drug tests under division (D)(1) of this 25625
section in accordance with the applicable standards that are 25626
included in the terms of that contract. A public laboratory shall 25627
perform the random drug tests under division (D)(2) of this 25628
section in accordance with the standards set forth in the policies 25629
and procedures established by the department of rehabilitation and 25630
correction pursuant to section 5120.63 of the Revised Code. An 25631
offender who is required under division (A)(1) of this section to 25632
submit to random drug testing as a condition of release under a 25633
community control sanction and whose test results indicate that 25634
the offender ingested or was injected with a drug of abuse shall 25635
pay the fee for the drug test if the department of probation, the 25636
adult parole authority, or any other entity that has general 25637
control and supervision of the offender requires payment of a fee. 25638
A laboratory or entity that performs the random drug testing on an 25639
offender under division (D)(1) or (2) of this section shall 25640
transmit the results of the drug test to the appropriate 25641
department of probation, the adult parole authority, or any other 25642
entity that has general control and supervision of the offender 25643
under division (A)(2)(a) of this section. 25644

(E) As used in this section, "technical violation" means a 25645
violation of the conditions of a community control sanction 25646
imposed for a felony of the fifth degree, or for a felony of the 25647
fourth degree that is not an offense of violence and is not a 25648
sexually oriented offense, and to which neither of the following 25649
applies: 25650

(1) The violation consists of a new criminal offense that is 25651

a felony or that is a misdemeanor other than a minor misdemeanor, 25652
and the violation is committed while under the community control 25653
sanction. 25654

(2) The violation consists of or includes the offender's 25655
articulated or demonstrated refusal to participate in the 25656
community control sanction imposed on the offender or any of its 25657
conditions, and the refusal demonstrates to the court that the 25658
offender has abandoned the objects of the community control 25659
sanction or condition. 25660

Sec. 2929.19. (A) The court shall hold a sentencing hearing 25661
before imposing a sentence under this chapter upon an offender who 25662
was convicted of or pleaded guilty to a felony and before 25663
resentencing an offender who was convicted of or pleaded guilty to 25664
a felony and whose case was remanded pursuant to section 2953.07 25665
or 2953.08 of the Revised Code. At the hearing, the offender, the 25666
prosecuting attorney, the victim or the victim's representative in 25667
accordance with section 2930.14 of the Revised Code, and, with the 25668
approval of the court, any other person may present information 25669
relevant to the imposition of sentence in the case. The court 25670
shall inform the offender of the verdict of the jury or finding of 25671
the court and ask the offender whether the offender has anything 25672
to say as to why sentence should not be imposed upon the offender. 25673

(B) (1) At the sentencing hearing, the court, before imposing 25674
sentence, shall do all of the following: 25675

(a) Consider the record, any information presented at the 25676
hearing by any person pursuant to division (A) of this section, 25677
and, if one was prepared, the presentence investigation report 25678
made pursuant to section 2951.03 of the Revised Code or Criminal 25679
Rule 32.2, and any victim impact statement made pursuant to 25680
section 2947.051 of the Revised Code; 25681

(b) If the offense was committed when the offender was under 25682

eighteen years of age, in addition to other factors considered, 25683
consider youth and its characteristics as mitigating factors, 25684
including: 25685

(i) The chronological age of the offender at the time of the 25686
offense and that age's hallmark features, including intellectual 25687
capacity, immaturity, impetuosity, and a failure to appreciate 25688
risks and consequences; 25689

(ii) The family and home environment of the offender at the 25690
time of the offense, the offender's inability to control the 25691
offender's surroundings, a history of trauma regarding the 25692
offender, and the offender's school and special education history; 25693

(iii) The circumstances of the offense, including the extent 25694
of the offender's participation in the conduct and the way 25695
familial and peer pressures may have impacted the offender's 25696
conduct; 25697

(iv) Whether the offender might have been charged and 25698
convicted of a lesser offense if not for the incompetencies 25699
associated with youth, such as the offender's inability to deal 25700
with police officers and prosecutors during the offender's 25701
interrogation or possible plea agreement or the offender's 25702
inability to assist the offender's own attorney; 25703

(v) Examples of the offender's rehabilitation, including any 25704
subsequent growth or increase in maturity during confinement. 25705

(2) Subject to division (B)(3) of this section, if the 25706
sentencing court determines at the sentencing hearing that a 25707
prison term is necessary or required, the court shall do all of 25708
the following: 25709

(a) Impose a stated prison term and, if the court imposes a 25710
mandatory prison term, notify the offender that the prison term is 25711
a mandatory prison term; 25712

(b) In addition to any other information, include in the 25713
sentencing entry the name and section reference to the offense or 25714
offenses, the sentence or sentences imposed and whether the 25715
sentence or sentences contain mandatory prison terms, if sentences 25716
are imposed for multiple counts whether the sentences are to be 25717
served concurrently or consecutively, and the name and section 25718
reference of any specification or specifications for which 25719
sentence is imposed and the sentence or sentences imposed for the 25720
specification or specifications; 25721

(c) If the prison term is a non-life felony indefinite prison 25722
term, notify the offender of all of the following: 25723

(i) That it is rebuttably presumed that the offender will be 25724
released from service of the sentence on the expiration of the 25725
minimum prison term imposed as part of the sentence or on the 25726
offender's presumptive earned early release date, as defined in 25727
section 2967.271 of the Revised Code, whichever is earlier; 25728

(ii) That the department of rehabilitation and correction may 25729
rebut the presumption described in division (B)(2)(c)(i) of this 25730
section if, at a hearing held under section 2967.271 of the 25731
Revised Code, the department makes specified determinations 25732
regarding the offender's conduct while confined, the offender's 25733
rehabilitation, the offender's threat to society, the offender's 25734
restrictive housing, if any, while confined, and the offender's 25735
security classification; 25736

(iii) That if, as described in division (B)(2)(c)(ii) of this 25737
section, the department at the hearing makes the specified 25738
determinations and rebuts the presumption, the department may 25739
maintain the offender's incarceration after the expiration of that 25740
minimum term or after that presumptive earned early release date 25741
for the length of time the department determines to be reasonable, 25742
subject to the limitation specified in section 2967.271 of the 25743
Revised Code; 25744

(iv) That the department may make the specified 25745
determinations and maintain the offender's incarceration under the 25746
provisions described in divisions (B)(2)(c)(i) and (ii) of this 25747
section more than one time, subject to the limitation specified in 25748
section 2967.271 of the Revised Code; 25749

(v) That if the offender has not been released prior to the 25750
expiration of the offender's maximum prison term imposed as part 25751
of the sentence, the offender must be released upon the expiration 25752
of that term. 25753

(d) Notify the offender that the offender will be supervised 25754
under section 2967.28 of the Revised Code after the offender 25755
leaves prison if the offender is being sentenced, other than to a 25756
sentence of life imprisonment, for a felony of the first degree or 25757
second degree, for a felony sex offense, or for a felony of the 25758
third degree that is an offense of violence and is not a felony 25759
sex offense. This division applies with respect to all prison 25760
terms imposed for an offense of a type described in this division, 25761
including a non-life felony indefinite prison term and including a 25762
term imposed for any offense of a type described in this division 25763
that is a risk reduction sentence, as defined in section 2967.28 25764
of the Revised Code. If a court imposes a sentence including a 25765
prison term of a type described in division (B)(2)(d) of this 25766
section on or after July 11, 2006, the failure of a court to 25767
notify the offender pursuant to division (B)(2)(d) of this section 25768
that the offender will be supervised under section 2967.28 of the 25769
Revised Code after the offender leaves prison or to include in the 25770
judgment of conviction entered on the journal a statement to that 25771
effect does not negate, limit, or otherwise affect the mandatory 25772
period of supervision that is required for the offender under 25773
division (B) of section 2967.28 of the Revised Code. Section 25774
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 25775
court imposed a sentence including a prison term of a type 25776

described in division (B)(2)(d) of this section and failed to 25777
notify the offender pursuant to division (B)(2)(d) of this section 25778
regarding post-release control or to include in the judgment of 25779
conviction entered on the journal or in the sentence a statement 25780
regarding post-release control. 25781

(e) Notify the offender that the offender may be supervised 25782
under section 2967.28 of the Revised Code after the offender 25783
leaves prison if the offender is being sentenced for a felony of 25784
the third, fourth, or fifth degree that is not subject to division 25785
(B)(2)(d) of this section. This division applies with respect to 25786
all prison terms imposed for an offense of a type described in 25787
this division, including a term imposed for any such offense that 25788
is a risk reduction sentence, as defined in section 2967.28 of the 25789
Revised Code. Section 2929.191 of the Revised Code applies if, 25790
prior to July 11, 2006, a court imposed a sentence including a 25791
prison term of a type described in division (B)(2)(e) of this 25792
section and failed to notify the offender pursuant to division 25793
(B)(2)(e) of this section regarding post-release control or to 25794
include in the judgment of conviction entered on the journal or in 25795
the sentence a statement regarding post-release control. 25796

(f) Notify the offender that, if a period of supervision is 25797
imposed following the offender's release from prison, as described 25798
in division (B)(2)(d) or (e) of this section, and if the offender 25799
violates that supervision or a condition of post-release control 25800
imposed under division (B) of section 2967.131 of the Revised 25801
Code, the parole board may impose a prison term, as part of the 25802
sentence, of up to one-half of the definite prison term originally 25803
imposed upon the offender as the offender's stated prison term or 25804
up to one-half of the minimum prison term originally imposed upon 25805
the offender as part of the offender's stated non-life felony 25806
indefinite prison term. If a court imposes a sentence including a 25807
prison term on or after July 11, 2006, the failure of a court to 25808

notify the offender pursuant to division (B)(2)(f) of this section 25809
that the parole board may impose a prison term as described in 25810
division (B)(2)(f) of this section for a violation of that 25811
supervision or a condition of post-release control imposed under 25812
division (B) of section 2967.131 of the Revised Code or to include 25813
in the judgment of conviction entered on the journal a statement 25814
to that effect does not negate, limit, or otherwise affect the 25815
authority of the parole board to so impose a prison term for a 25816
violation of that nature if, pursuant to division (D)(1) of 25817
section 2967.28 of the Revised Code, the parole board notifies the 25818
offender prior to the offender's release of the board's authority 25819
to so impose a prison term. Section 2929.191 of the Revised Code 25820
applies if, prior to July 11, 2006, a court imposed a sentence 25821
including a prison term and failed to notify the offender pursuant 25822
to division (B)(2)(f) of this section regarding the possibility of 25823
the parole board imposing a prison term for a violation of 25824
supervision or a condition of post-release control. 25825

(g)(i) Determine, notify the offender of, and include in the 25826
sentencing entry the total number of days, including the 25827
sentencing date but excluding conveyance time, that the offender 25828
has been confined for any reason arising out of the offense for 25829
which the offender is being sentenced and by which the department 25830
of rehabilitation and correction must reduce the definite prison 25831
term imposed on the offender as the offender's stated prison term 25832
or, if the offense is an offense for which a non-life felony 25833
indefinite prison term is imposed under division (A)(1)(a) or 25834
(2)(a) of section 2929.14 of the Revised Code, the minimum and 25835
maximum prison terms imposed on the offender as part of that 25836
non-life felony indefinite prison term, under section 2967.191 of 25837
the Revised Code. The court's calculation shall not include the 25838
number of days, if any, that the offender served in the custody of 25839
the department of rehabilitation and correction arising out of any 25840
prior offense for which the prisoner was convicted and sentenced. 25841

(ii) In making a determination under division (B) (2) (g) (i) of this section, the court shall consider the arguments of the parties and conduct a hearing if one is requested.

(iii) The sentencing court retains continuing jurisdiction to correct any error not previously raised at sentencing in making a determination under division (B) (2) (g) (i) of this section. The offender may, at any time after sentencing, file a motion in the sentencing court to correct any error made in making a determination under division (B) (2) (g) (i) of this section, and the court may in its discretion grant or deny that motion. If the court changes the number of days in its determination or redetermination, the court shall cause the entry granting that change to be delivered to the department of rehabilitation and correction without delay. Sections 2931.15 and 2953.21 of the Revised Code do not apply to a motion made under this section.

(iv) An inaccurate determination under division (B) (2) (g) (i) of this section is not grounds for setting aside the offender's conviction or sentence and does not otherwise render the sentence void or voidable.

(v) The department of rehabilitation and correction shall rely upon the latest journal entry of the court in determining the total days of local confinement for purposes of division ~~(B) (2) (f) (i)~~ (B) (2) (g) (i) to (iii) of this section and section 2967.191 of the Revised Code.

(3) (a) The court shall include in the offender's sentence a statement that the offender is a tier III sex offender/child-victim offender, and the court shall comply with the requirements of section 2950.03 of the Revised Code if any of the following apply:

(i) The offender is being sentenced for a violent sex offense or designated homicide, assault, or kidnapping offense that the

offender committed on or after January 1, 1997, and the offender 25873
is adjudicated a sexually violent predator in relation to that 25874
offense. 25875

(ii) The offender is being sentenced for a sexually oriented 25876
offense that the offender committed on or after January 1, 1997, 25877
and the offender is a tier III sex offender/child-victim offender 25878
relative to that offense. 25879

(iii) The offender is being sentenced on or after July 31, 25880
2003, for a child-victim oriented offense, and the offender is a 25881
tier III sex offender/child-victim offender relative to that 25882
offense. 25883

(iv) The offender is being sentenced under section 2971.03 of 25884
the Revised Code for a violation of division (A) (1) (b) of section 25885
2907.02 of the Revised Code committed on or after January 2, 2007. 25886

(v) The offender is sentenced to a term of life without 25887
parole under division (B) of section 2907.02 of the Revised Code. 25888

(vi) The offender is being sentenced for attempted rape 25889
committed on or after January 2, 2007, and a specification of the 25890
type described in section 2941.1418, 2941.1419, or 2941.1420 of 25891
the Revised Code. 25892

(vii) The offender is being sentenced under division 25893
(B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 25894
for an offense described in those divisions committed on or after 25895
January 1, 2008. 25896

(b) Additionally, if any criterion set forth in divisions 25897
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 25898
circumstances described in division (E) of section 2929.14 of the 25899
Revised Code, the court shall impose sentence on the offender as 25900
described in that division. 25901

(4) If the sentencing court determines at the sentencing 25902

hearing that a community control sanction should be imposed and 25903
the court is not prohibited from imposing a community control 25904
sanction, the court shall impose a community control sanction. The 25905
court shall notify the offender that, if the conditions of the 25906
sanction are violated, if the offender commits a violation of any 25907
law, or if the offender leaves this state without the permission 25908
of the court or the offender's probation officer, the court may 25909
impose a longer time under the same sanction, may impose a more 25910
restrictive sanction, or may impose a prison term on the offender 25911
and shall indicate the specific range from which the prison term 25912
~~that~~ may be imposed as a sanction for the violation, ~~as selected~~ 25913
~~by the court from~~ which shall be the range of prison terms for the 25914
offense that is specified pursuant to section 2929.14 of the 25915
Revised Code and as described in section 2929.15 of the Revised 25916
Code." 25917

(5) Before imposing a financial sanction under section 25918
2929.18 of the Revised Code or a fine under section 2929.32 of the 25919
Revised Code, the court shall consider the offender's present and 25920
future ability to pay the amount of the sanction or fine. 25921

(6) If the sentencing court sentences the offender to a 25922
sanction of confinement pursuant to section 2929.14 or 2929.16 of 25923
the Revised Code that is to be served in a local detention 25924
facility, as defined in section 2929.36 of the Revised Code, and 25925
if the local detention facility is covered by a policy adopted 25926
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 25927
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 25928
and section 2929.37 of the Revised Code, both of the following 25929
apply: 25930

(a) The court shall specify both of the following as part of 25931
the sentence: 25932

(i) If the offender is presented with an itemized bill 25933
pursuant to section 2929.37 of the Revised Code for payment of the 25934

costs of confinement, the offender is required to pay the bill in 25935
accordance with that section. 25936

(ii) If the offender does not dispute the bill described in 25937
division (B)(6)(a)(i) of this section and does not pay the bill by 25938
the times specified in section 2929.37 of the Revised Code, the 25939
clerk of the court may issue a certificate of judgment against the 25940
offender as described in that section. 25941

(b) The sentence automatically includes any certificate of 25942
judgment issued as described in division (B)(6)(a)(ii) of this 25943
section. 25944

(7) The failure of the court to notify the offender that a 25945
prison term is a mandatory prison term pursuant to division 25946
(B)(2)(a) of this section or to include in the sentencing entry 25947
any information required by division (B)(2)(b) of this section 25948
does not affect the validity of the imposed sentence or sentences. 25949
If the sentencing court notifies the offender at the sentencing 25950
hearing that a prison term is mandatory but the sentencing entry 25951
does not specify that the prison term is mandatory, the court may 25952
complete a corrected journal entry and send copies of the 25953
corrected entry to the offender and the department of 25954
rehabilitation and correction, or, at the request of the state, 25955
the court shall complete a corrected journal entry and send copies 25956
of the corrected entry to the offender and department of 25957
rehabilitation and correction. 25958

(C)(1) If the offender is being sentenced for a fourth degree 25959
felony OVI offense under division (G)(1) of section 2929.13 of the 25960
Revised Code, the court shall impose the mandatory term of local 25961
incarceration in accordance with that division, shall impose a 25962
mandatory fine in accordance with division (B)(3) of section 25963
2929.18 of the Revised Code, and, in addition, may impose 25964
additional sanctions as specified in sections 2929.15, 2929.16, 25965
2929.17, and 2929.18 of the Revised Code. The court shall not 25966

impose a prison term on the offender except that the court may 25967
impose a prison term upon the offender as provided in division 25968
(A) (1) of section 2929.13 of the Revised Code. 25969

(2) If the offender is being sentenced for a third or fourth 25970
degree felony OVI offense under division (G) (2) of section 2929.13 25971
of the Revised Code, the court shall impose the mandatory prison 25972
term in accordance with that division, shall impose a mandatory 25973
fine in accordance with division (B) (3) of section 2929.18 of the 25974
Revised Code, and, in addition, may impose an additional prison 25975
term as specified in section 2929.14 of the Revised Code. In 25976
addition to the mandatory prison term or mandatory prison term and 25977
additional prison term the court imposes, the court also may 25978
impose a community control sanction on the offender, but the 25979
offender shall serve all of the prison terms so imposed prior to 25980
serving the community control sanction. 25981

(D) The sentencing court, pursuant to division (I) (1) of 25982
section 2929.14 of the Revised Code, may recommend placement of 25983
the offender in a program of shock incarceration under section 25984
5120.031 of the Revised Code or an intensive program prison under 25985
section 5120.032 of the Revised Code, disapprove placement of the 25986
offender in a program or prison of that nature, or make no 25987
recommendation. If the court recommends or disapproves placement, 25988
it shall make a finding that gives its reasons for its 25989
recommendation or disapproval. 25990

Sec. 2929.34. (A) A person who is convicted of or pleads 25991
guilty to aggravated murder, murder, or an offense punishable by 25992
life imprisonment and who is sentenced to a term of life 25993
imprisonment or a prison term pursuant to that conviction shall 25994
serve that term in an institution under the control of the 25995
department of rehabilitation and correction. 25996

(B) (1) A person who is convicted of or pleads guilty to a 25997

felony other than aggravated murder, murder, or an offense 25998
punishable by life imprisonment and who is sentenced to a term of 25999
imprisonment or a prison term pursuant to that conviction shall 26000
serve that term as follows: 26001

(a) Subject to divisions (B) (1) (b), (B) (2), and (B) (3) of 26002
this section, in an institution under the control of the 26003
department of rehabilitation and correction if the term is a 26004
prison term or as otherwise determined by the sentencing court 26005
pursuant to section 2929.16 of the Revised Code if the term is not 26006
a prison term; 26007

(b) In a facility of a type described in division (G) (1) of 26008
section 2929.13 of the Revised Code, if the offender is sentenced 26009
pursuant to that division. 26010

(2) If the term is a prison term, the person may be 26011
imprisoned in a jail that is not a minimum security jail pursuant 26012
to agreement under section 5120.161 of the Revised Code between 26013
the department of rehabilitation and correction and the local 26014
authority that operates the jail. 26015

(3) (a) As used in divisions (B) (3) (a) to (d) of this section, 26016
"voluntary county" means any county in which the board of county 26017
commissioners of the county and the administrative judge of the 26018
general division of the court of common pleas of the county enter 26019
into an agreement of the type described in division (B) (3) (b) of 26020
this section and in which the agreement has not been terminated as 26021
described in that division. 26022

(b) In any voluntary county, the board of county 26023
commissioners of the county and the administrative judge of the 26024
general division of the court of common pleas of the county may 26025
agree to having the county participate in the procedures regarding 26026
local and state confinement established under division (B) (3) (c) 26027
of this section. A board of county commissioners and an 26028

administrative judge of a court of common pleas that enter into an agreement of the type described in this division may terminate the agreement, but a termination under this division shall take effect only at the end of the state fiscal biennium in which the termination decision is made.

(c) Except as provided in division (B)(3)(d) of this section, ~~en in any voluntary county, either division (B)(3)(c)(i) or~~ divisions (B)(3)(c)(i) and (ii) of this section shall apply:

(i) On and after July 1, 2018, no person sentenced by the court of common pleas of a voluntary county to a prison term for a felony of the fifth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C) or (D) of this section.

(ii) On and after September 1, 2022, no person sentenced by the court of common pleas of a voluntary county to a prison term for a felony of the fourth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C) or (D) of this section. ~~Nothing~~

Nothing in this division relieves the state of its obligation to pay for the cost of confinement of the person in a community-based correctional facility under division (D) of this section.

(d) Division (B)(3)(c) of this section does not apply to any person to whom any of the following apply:

(i) The felony of the fourth or fifth degree was an offense of violence, as defined in section 2901.01 of the Revised Code, a sex offense under Chapter 2907. of the Revised Code, a violation

of section 2925.03 of the Revised Code, or any offense for which a
mandatory prison term is required.

(ii) The person previously has been convicted of or pleaded
guilty to any felony offense of violence, as defined in section
2901.01 of the Revised Code, unless the felony of the fifth degree
for which the person is being sentenced is a violation of division
(I) (1) of section 2903.43 of the Revised Code.

(iii) The person previously has been convicted of or pleaded
guilty to any felony sex offense under Chapter 2907. of the
Revised Code.

(iv) The person's sentence is required to be served
concurrently to any other sentence imposed upon the person for a
felony that is required to be served in an institution under the
control of the department of rehabilitation and correction.

(C) A person who is convicted of or pleads guilty to one or
more misdemeanors and who is sentenced to a jail term or term of
imprisonment pursuant to the conviction or convictions shall serve
that term in a county, multicounty, municipal, municipal-county,
or multicounty-municipal jail or workhouse; in a community
alternative sentencing center or district community alternative
sentencing center when authorized by section 307.932 of the
Revised Code; or, if the misdemeanor or misdemeanors are not
offenses of violence, in a minimum security jail.

(D) Nothing in this section prohibits the commitment,
referral, or sentencing of a person who is convicted of or pleads
guilty to a felony to a community-based correctional facility.

Sec. 2953.25. (A) As used in this section:

(1) "Collateral sanction" means a penalty, disability, or
disadvantage that is related to employment or occupational
licensing, however denominated, as a result of the individual's

conviction of or plea of guilty to an offense and that applies by 26090
operation of law in this state whether or not the penalty, 26091
disability, or disadvantage is included in the sentence or 26092
judgment imposed. 26093

"Collateral sanction" does not include imprisonment, 26094
probation, parole, supervised release, forfeiture, restitution, 26095
fine, assessment, or costs of prosecution. 26096

(2) "Decision-maker" includes, but is not limited to, the 26097
state acting through a department, agency, board, commission, or 26098
instrumentality established by the law of this state for the 26099
exercise of any function of government, a political subdivision, 26100
an educational institution, or a government contractor or 26101
subcontractor made subject to this section by contract, law, or 26102
ordinance. 26103

(3) "Department-funded program" means a residential or 26104
nonresidential program that is not a term in a state correctional 26105
institution, that is funded in whole or part by the department of 26106
rehabilitation and correction, and that is imposed as a sanction 26107
for an offense, as part of a sanction that is imposed for an 26108
offense, or as a term or condition of any sanction that is imposed 26109
for an offense. 26110

(4) "Designee" means the person designated by the deputy 26111
director of the division of parole and community services to 26112
perform the duties designated in division (B) of this section. 26113

(5) "Division of parole and community services" means the 26114
division of parole and community services of the department of 26115
rehabilitation and correction. 26116

(6) "Offense" means any felony or misdemeanor under the laws 26117
of this state. 26118

(7) "Political subdivision" has the same meaning as in 26119
section 2969.21 of the Revised Code. 26120

(8) "Discretionary civil impact," "licensing agency," and 26121
"mandatory civil impact" have the same meanings as in section 26122
2961.21 of the Revised Code. 26123

(B) (1) An individual who is subject to one or more collateral 26124
sanctions as a result of being convicted of or pleading guilty to 26125
an offense and who either has served a term in a state 26126
correctional institution for any offense or has spent time in a 26127
department-funded program for any offense may file a petition with 26128
the designee of the deputy director of the division of parole and 26129
community services for a certificate of qualification for 26130
employment. 26131

(2) An individual who is subject to one or more collateral 26132
sanctions as a result of being convicted of or pleading guilty to 26133
an offense and who is not in a category described in division 26134
(B) (1) of this section may file for a certificate of qualification 26135
for employment by doing either of the following: 26136

(a) In the case of an individual who resides in this state, 26137
filing a petition with the court of common pleas of the county in 26138
which the person resides or with the designee of the deputy 26139
director of the division of parole and community services; 26140

(b) In the case of an individual who resides outside of this 26141
state, filing a petition with the court of common pleas of any 26142
county in which any conviction or plea of guilty from which the 26143
individual seeks relief was entered or with the designee of the 26144
deputy director of the division of parole and community services. 26145

(3) A petition under division (B) (1) or (2) of this section 26146
shall be made on a copy of the form prescribed by the division of 26147
parole and community services under division (J) of this section, 26148
shall contain all of the information described in division (F) of 26149
this section, and, except as provided in division (B) (6) of this 26150
section, shall be accompanied by an application fee of fifty 26151

dollars. 26152

(4) (a) Except as provided in division (B) (4) (b) of this 26153
section, an individual may file a petition under division (B) (1) 26154
or (2) of this section at any time after the expiration of 26155
whichever of the following is applicable: 26156

(i) If the offense that resulted in the collateral sanction 26157
from which the individual seeks relief is a felony, at any time 26158
after the expiration of one year from the date of release of the 26159
individual from any period of incarceration in a state or local 26160
correctional facility that was imposed for that offense and all 26161
periods of supervision imposed after release from the period of 26162
incarceration or, if the individual was not incarcerated for that 26163
offense, at any time after the expiration of one year from the 26164
date of the individual's final release from all other sanctions 26165
imposed for that offense. 26166

(ii) If the offense that resulted in the collateral sanction 26167
from which the individual seeks relief is a misdemeanor, at any 26168
time after the expiration of six months from the date of release 26169
of the individual from any period of incarceration in a local 26170
correctional facility that was imposed for that offense and all 26171
periods of supervision imposed after release from the period of 26172
incarceration or, if the individual was not incarcerated for that 26173
offense, at any time after the expiration of six months from the 26174
date of the final release of the individual from all sanctions 26175
imposed for that offense including any period of supervision. 26176

(b) The department of rehabilitation and correction may 26177
establish criteria by rule adopted under Chapter 119. of the 26178
Revised Code that, if satisfied by an individual, would allow the 26179
individual to file a petition before the expiration of six months 26180
or one year from the date of final release, whichever is 26181
applicable under division (B) (4) (a) of this section. 26182

(5) (a) A designee that receives a petition for a certificate of qualification for employment from an individual under division (B) (1) or (2) of this section shall review the petition to determine whether it is complete. If the petition is complete, the designee shall forward the petition, the application fee, and any other information the designee possesses that relates to the petition, to the court of common pleas of the county in which the individual resides if the individual submitting the petition resides in this state or, if the individual resides outside of this state, to the court of common pleas of the county in which the conviction or plea of guilty from which the individual seeks relief was entered.

(b) A court of common pleas that receives a petition for a certificate of qualification for employment from an individual under division (B) (2) of this section, or that is forwarded a petition for such a certificate under division (B) (5) (a) of this section, shall attempt to determine all other courts in this state in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief. The court that receives or is forwarded the petition shall notify all other courts in this state that it determines under this division were courts in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief that the individual has filed the petition and that the court may send comments regarding the possible issuance of the certificate.

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B) (2) of this section shall notify the county's prosecuting attorney that the individual has filed the petition.

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B) (2)

of this section, or that is forwarded a petition for qualification 26215
under division (B) (5) (a) of this section may direct the clerk of 26216
court to process and record all notices required in or under this 26217
section. Except as provided in division (B) (6) of this section, 26218
the court shall pay thirty dollars of the application fee into the 26219
state treasury and twenty dollars of the application fee into the 26220
county general revenue fund. 26221

(6) Upon receiving a petition for a certificate of 26222
qualification for employment filed by an individual under division 26223
(B) (1) or (2) of this section, a court of common pleas or the 26224
designee of the deputy director of the division of parole and 26225
community services who receives the petition may waive all or part 26226
of the fifty-dollar filing fee for an applicant who is indigent. 26227
If an application fee is partially waived, the first twenty 26228
dollars of the fee that is collected shall be paid into the county 26229
general revenue fund. Any partial fee collected in excess of 26230
twenty dollars shall be paid into the state treasury. 26231

(C) (1) Upon receiving a petition for a certificate of 26232
qualification for employment filed by an individual under division 26233
(B) (2) of this section or being forwarded a petition for such a 26234
certificate under division (B) (5) (a) of this section, the court 26235
shall review the individual's petition, the individual's criminal 26236
history, except for information contained in any record that has 26237
been sealed under section 2953.32 of the Revised Code, all filings 26238
submitted by the prosecutor or by the victim in accordance with 26239
rules adopted by the division of parole and community services, 26240
the applicant's military service record, if applicable, and 26241
whether the applicant has an emotional, mental, or physical 26242
condition that is traceable to the applicant's military service in 26243
the armed forces of the United States and that was a contributing 26244
factor in the commission of the offense or offenses, and all other 26245
relevant evidence. The court may order any report, investigation, 26246

or disclosure by the individual that the court believes is 26247
necessary for the court to reach a decision on whether to approve 26248
the individual's petition for a certificate of qualification for 26249
employment, except that the court shall not require an individual 26250
to disclose information about any record sealed under section 26251
2953.32 of the Revised Code. 26252

(2) Upon receiving a petition for a certificate of 26253
qualification for employment filed by an individual under division 26254
(B) (2) of this section or being forwarded a petition for such a 26255
certificate under division (B) (5) (a) of this section, except as 26256
otherwise provided in this division, the court shall decide 26257
whether to issue the certificate within sixty days after the court 26258
receives or is forwarded the completed petition and all 26259
information requested for the court to make that decision. Upon 26260
request of the individual who filed the petition, the court may 26261
extend the sixty-day period specified in this division. 26262

(3) Except as provided in division (C) (5) of this section and 26263
subject to division (C) (7) of this section, a court that receives 26264
an individual's petition for a certificate of qualification for 26265
employment under division (B) (2) of this section or that is 26266
forwarded a petition for such a certificate under division 26267
(B) (5) (a) of this section may issue a certificate of qualification 26268
for employment, at the court's discretion, if the court finds that 26269
the individual has established all of the following by a 26270
preponderance of the evidence: 26271

(a) Granting the petition will materially assist the 26272
individual in obtaining employment or occupational licensing. 26273

(b) The individual has a substantial need for the relief 26274
requested in order to live a law-abiding life. 26275

(c) Granting the petition would not pose an unreasonable risk 26276
to the safety of the public or any individual. 26277

(4) The submission of an incomplete petition by an individual 26278
shall not be grounds for the designee or court to deny the 26279
petition. 26280

(5) Subject to division (C) (6) of this section, an individual 26281
is rebuttably presumed to be eligible for a certificate of 26282
qualification for employment if the court that receives the 26283
individual's petition under division (B) (2) of this section or 26284
that is forwarded a petition under division (B) (5) (a) of this 26285
section finds all of the following: 26286

(a) The application was filed after the expiration of the 26287
applicable waiting period prescribed in division (B) (4) of this 26288
section; 26289

(b) If the offense that resulted in the collateral sanction 26290
from which the individual seeks relief is a felony, at least three 26291
years have elapsed since the date of release of the individual 26292
from any period of incarceration in a state or local correctional 26293
facility that was imposed for that offense and all periods of 26294
supervision imposed after release from the period of incarceration 26295
or, if the individual was not incarcerated for that offense, at 26296
least three years have elapsed since the date of the individual's 26297
final release from all other sanctions imposed for that offense; 26298

(c) If the offense that resulted in the collateral sanction 26299
from which the individual seeks relief is a misdemeanor, at least 26300
one year has elapsed since the date of release of the individual 26301
from any period of incarceration in a local correctional facility 26302
that was imposed for that offense and all periods of supervision 26303
imposed after release from the period of incarceration or, if the 26304
individual was not incarcerated for that offense, at least one 26305
year has elapsed since the date of the final release of the 26306
individual from all sanctions imposed for that offense including 26307
any period of supervision. 26308

(6) An application that meets all of the requirements for the 26309
presumption under division (C) (5) of this section shall be denied 26310
only if the court that receives the petition finds that the 26311
evidence reviewed under division (C) (1) of this section rebuts the 26312
presumption of eligibility for issuance by establishing, by clear 26313
and convincing evidence, that the applicant has not been 26314
rehabilitated. 26315

(7) A certificate of qualification for employment shall not 26316
create relief from any of the following collateral sanctions: 26317

(a) Requirements imposed by Chapter 2950. of the Revised Code 26318
and rules adopted under sections 2950.13 and 2950.132 of the 26319
Revised Code; 26320

(b) A driver's license, commercial driver's license, or 26321
probationary license suspension, cancellation, or revocation 26322
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the 26323
Revised Code if the relief sought is available pursuant to section 26324
4510.021 or division (B) of section 4510.13 of the Revised Code; 26325

(c) Restrictions on employment as a prosecutor or law 26326
enforcement officer; 26327

(d) The denial, ineligibility, or automatic suspension of a 26328
license that is imposed upon an individual applying for or holding 26329
a license as a health care professional under Title XLVII of the 26330
Revised Code if the individual is convicted of, pleads guilty to, 26331
is subject to a judicial finding of eligibility for intervention 26332
in lieu of conviction in this state under section 2951.041 of the 26333
Revised Code, or is subject to treatment or intervention in lieu 26334
of conviction for a violation of section 2903.01, 2903.02, 26335
2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 26336
2911.01, 2911.11, 2919.123, or 2919.124 of the Revised Code; 26337

(e) The immediate suspension of a license, certificate, or 26338
evidence of registration that is imposed upon an individual 26339

holding a license as a health care professional under Title XLVII 26340
of the Revised Code pursuant to division (C) of section 3719.121 26341
of the Revised Code; 26342

(f) The denial or ineligibility for employment in a pain 26343
clinic under division (B)(4) of section 4729.552 of the Revised 26344
Code; 26345

(g) The mandatory suspension of a license that is imposed on 26346
an individual applying for or holding a license as a health care 26347
professional under Title XLVII of the Revised Code pursuant to 26348
section 3123.43 of the Revised Code. 26349

(8) If a court that receives an individual's petition for a 26350
certificate of qualification for employment under division (B)(2) 26351
of this section or that is forwarded a petition for such a 26352
certificate under division (B)(5)(a) of this section denies the 26353
petition, the court shall provide written notice to the individual 26354
of the court's denial. The court may place conditions on the 26355
individual regarding the individual's filing of any subsequent 26356
petition for a certificate of qualification for employment. The 26357
written notice must notify the individual of any conditions placed 26358
on the individual's filing of a subsequent petition for a 26359
certificate of qualification for employment. 26360

If a court of common pleas that receives an individual's 26361
petition for a certificate of qualification for employment under 26362
division (B)(2) of this section or that is forwarded a petition 26363
for such a certificate under division (B)(5)(a) of this section 26364
denies the petition, the individual may appeal the decision to the 26365
court of appeals only if the individual alleges that the denial 26366
was an abuse of discretion on the part of the court of common 26367
pleas. 26368

(D)(1) A certificate of qualification for employment issued 26369
to an individual lifts the automatic bar of a collateral sanction, 26370

and a decision-maker shall consider on a case-by-case basis 26371
whether to grant or deny the issuance or restoration of an 26372
occupational license or an employment opportunity, notwithstanding 26373
the individual's possession of the certificate, without, however, 26374
reconsidering or rejecting any finding made by a designee or court 26375
under division (C) (3) of this section. 26376

(2) The certificate constitutes a rebuttable presumption that 26377
the person's criminal convictions are insufficient evidence that 26378
the person is unfit for the license, employment opportunity, or 26379
certification in question. Notwithstanding the presumption 26380
established under this division, the agency may deny the license 26381
or certification for the person if it determines that the person 26382
is unfit for issuance of the license. 26383

(3) If an employer that has hired a person who has been 26384
issued a certificate of qualification for employment applies to a 26385
licensing agency for a license or certification and the person has 26386
a conviction or guilty plea that otherwise would bar the person's 26387
employment with the employer or licensure for the employer because 26388
of a mandatory civil impact, the agency shall give the person 26389
individualized consideration, notwithstanding the mandatory civil 26390
impact, the mandatory civil impact shall be considered for all 26391
purposes to be a discretionary civil impact, and the certificate 26392
constitutes a rebuttable presumption that the person's criminal 26393
convictions are insufficient evidence that the person is unfit for 26394
the employment, or that the employer is unfit for the license or 26395
certification, in question. 26396

(E) A certificate of qualification for employment does not 26397
grant the individual to whom the certificate was issued relief 26398
from the mandatory civil impacts identified in division (A) (1) of 26399
section 2961.01 or division (B) of section 2961.02 of the Revised 26400
Code. 26401

(F) A petition for a certificate of qualification for 26402

employment filed by an individual under division (B)(1) or (2) of 26403
this section shall include all of the following: 26404

(1) The individual's name, date of birth, and social security 26405
number; 26406

(2) All aliases of the individual and all social security 26407
numbers associated with those aliases; 26408

(3) The individual's residence address, including the city, 26409
county, and state of residence and zip code; 26410

(4) The length of time that the individual has resided in the 26411
individual's current state of residence, expressed in years and 26412
months of residence; 26413

(5) A general statement as to why the individual has filed 26414
the petition and how the certificate of qualification for 26415
employment would assist the individual; 26416

(6) A summary of the individual's criminal history, except 26417
for information contained in any record that has been sealed under 26418
section 2953.32 of the Revised Code, with respect to each offense 26419
that is a disqualification from employment or licensing in an 26420
occupation or profession, including the years of each conviction 26421
or plea of guilty for each of those offenses; 26422

(7) A summary of the individual's employment history, 26423
specifying the name of, and dates of employment with, each 26424
employer; 26425

(8) Verifiable references and endorsements; 26426

(9) The name of one or more immediate family members of the 26427
individual, or other persons with whom the individual has a close 26428
relationship, who support the individual's reentry plan; 26429

(10) A summary of the reason the individual believes the 26430
certificate of qualification for employment should be granted; 26431

(11) Any other information required by rule by the department 26432

of rehabilitation and correction. 26433

(G) (1) In a judicial or administrative proceeding alleging 26434
negligence or other fault, a certificate of qualification for 26435
employment issued to an individual under this section may be 26436
introduced as evidence of a person's due care in hiring, 26437
retaining, licensing, leasing to, admitting to a school or 26438
program, or otherwise transacting business or engaging in activity 26439
with the individual to whom the certificate of qualification for 26440
employment was issued if the person knew of the certificate at the 26441
time of the alleged negligence or other fault. 26442

(2) In any proceeding on a claim against an employer for 26443
negligent hiring, a certificate of qualification for employment 26444
issued to an individual under this section shall provide immunity 26445
for the employer as to the claim if the employer knew of the 26446
certificate at the time of the alleged negligence. 26447

(3) If an employer hires an individual who has been issued a 26448
certificate of qualification for employment under this section, if 26449
the individual, after being hired, subsequently demonstrates 26450
dangerousness or is convicted of or pleads guilty to a felony, and 26451
if the employer retains the individual as an employee after the 26452
demonstration of dangerousness or the conviction or guilty plea, 26453
the employer may be held liable in a civil action that is based on 26454
or relates to the retention of the individual as an employee only 26455
if it is proved by a preponderance of the evidence that the person 26456
having hiring and firing responsibility for the employer had 26457
actual knowledge that the employee was dangerous or had been 26458
convicted of or pleaded guilty to the felony and was willful in 26459
retaining the individual as an employee after the demonstration of 26460
dangerousness or the conviction or guilty plea of which the person 26461
has actual knowledge. 26462

(H) A certificate of qualification for employment issued 26463
under this section shall be revoked if the individual to whom the 26464

certificate of qualification for employment was issued is 26465
convicted of or pleads guilty to a felony offense committed 26466
subsequent to the issuance of the certificate of qualification for 26467
employment. The department of rehabilitation and correction shall 26468
periodically review the certificates listed in the database 26469
described in division (K) of this section to identify those that 26470
are subject to revocation under this division. Upon identifying a 26471
certificate of qualification for employment that is subject to 26472
revocation, the department shall note in the database that the 26473
certificate has been revoked, the reason for revocation, and the 26474
effective date of revocation, which shall be the date of the 26475
conviction or plea of guilty subsequent to the issuance of the 26476
certificate. 26477

(I) A designee's forwarding, or failure to forward, a 26478
petition for a certificate of qualification for employment to a 26479
court or a court's issuance, or failure to issue, a petition for a 26480
certificate of qualification for employment to an individual under 26481
division (B) of this section does not give rise to a claim for 26482
damages against the department of rehabilitation and correction or 26483
court. 26484

(J) The division of parole and community services shall adopt 26485
rules in accordance with Chapter 119. of the Revised Code for the 26486
implementation and administration of this section and shall 26487
prescribe the form for the petition to be used under division 26488
(B) (1) or (2) of this section. The form for the petition shall 26489
include places for all of the information specified in division 26490
(F) of this section. 26491

(K) The department of rehabilitation and correction shall 26492
maintain a database that identifies granted certificates and 26493
revoked certificates and tracks the number of certificates granted 26494
and revoked, the industries, occupations, and professions with 26495
respect to which the certificates have been most applicable, and 26496

the types of employers that have accepted the certificates. The 26497
department shall annually create a report that summarizes the 26498
information maintained in the database and shall make the report 26499
available to the public on its internet web site. 26500

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of the 26501
Revised Code: 26502

(A) (1) "Eligible offender" means either of the following: 26503

(a) Anyone who has been convicted of one or more offenses in 26504
this state or any other jurisdiction, if all of the offenses in 26505
this state are felonies of the fourth or fifth degree or 26506
misdemeanors and none of those offenses are an offense of violence 26507
or a felony sex offense and all of the offenses in another 26508
jurisdiction, if committed in this state, would be felonies of the 26509
fourth or fifth degree or misdemeanors and none of those offenses 26510
would be an offense of violence or a felony sex offense; 26511

(b) Anyone who has been convicted of an offense in this state 26512
or any other jurisdiction, to whom division (A) (1) (a) of this 26513
section does not apply, and who has not more than two felony 26514
convictions, has not more than four misdemeanor convictions, or, 26515
if the person has exactly two felony convictions, has not more 26516
than those two felony convictions and two misdemeanor convictions 26517
in this state or any other jurisdiction. The conviction that is 26518
requested to be sealed shall be a conviction that is eligible for 26519
sealing as provided in section 2953.36 of the Revised Code. When 26520
two or more convictions result from or are connected with the same 26521
act or result from offenses committed at the same time, they shall 26522
be counted as one conviction. When two or three convictions result 26523
from the same indictment, information, or complaint, from the same 26524
plea of guilty, or from the same official proceeding, and result 26525
from related criminal acts that were committed within a 26526
three-month period but do not result from the same act or from 26527

offenses committed at the same time, they shall be counted as one 26528
conviction, provided that a court may decide as provided in 26529
division (C) (1) (a) of section 2953.32 of the Revised Code that it 26530
is not in the public interest for the two or three convictions to 26531
be counted as one conviction. 26532

(2) For purposes of, and except as otherwise provided in, 26533
division (A) (1) (b) of this section, a conviction for a minor 26534
misdemeanor, for a violation of any section in Chapter 4507., 26535
4510., 4511., 4513., or 4549. of the Revised Code, or for a 26536
violation of a municipal ordinance that is substantially similar 26537
to any section in those chapters is not a conviction. However, a 26538
conviction for a violation of section 4511.19, 4511.251, 4549.02, 26539
4549.021, 4549.03, 4549.042, or 4549.62 or sections 4549.41 to 26540
4549.46 of the Revised Code, for a violation of section 4510.11 or 26541
4510.14 of the Revised Code that is based upon the offender's 26542
operation of a vehicle during a suspension imposed under section 26543
4511.191 or 4511.196 of the Revised Code, for a violation of a 26544
substantially equivalent municipal ordinance, for a felony 26545
violation of Title XLV of the Revised Code, or for a violation of 26546
a substantially equivalent former law of this state or former 26547
municipal ordinance shall be considered a conviction. 26548

(B) "Prosecutor" means the county prosecuting attorney, city 26549
director of law, village solicitor, or similar chief legal 26550
officer, who has the authority to prosecute a criminal case in the 26551
court in which the case is filed. 26552

(C) "Bail forfeiture" means the forfeiture of bail by a 26553
defendant who is arrested for the commission of a misdemeanor, 26554
other than a defendant in a traffic case as defined in Traffic 26555
Rule 2, if the forfeiture is pursuant to an agreement with the 26556
court and prosecutor in the case. 26557

(D) "Official records" has the same meaning as in division 26558
(D) of section 2953.51 of the Revised Code, except that it also 26559

includes all records that are possessed by any public office or 26560
agency that relate to an application for, or the issuance or 26561
denial of, a certificate of qualification for employment under 26562
section 2953.25 of the Revised Code. 26563

(E) "Official proceeding" has the same meaning as in section 26564
2921.01 of the Revised Code. 26565

(F) "Community control sanction" has the same meaning as in 26566
section 2929.01 of the Revised Code. 26567

(G) "Post-release control" and "post-release control 26568
sanction" have the same meanings as in section 2967.01 of the 26569
Revised Code. 26570

(H) "DNA database," "DNA record," and "law enforcement 26571
agency" have the same meanings as in section 109.573 of the 26572
Revised Code. 26573

(I) "Fingerprints filed for record" means any fingerprints 26574
obtained by the superintendent of the bureau of criminal 26575
identification and investigation pursuant to sections 109.57 and 26576
109.571 of the Revised Code. 26577

Sec. 2953.33. (A) An order issued under section 2953.37 of 26578
the Revised Code to expunge the record of a person's conviction 26579
or, except as provided in division (G) of section 2953.32 of the 26580
Revised Code, an order issued under that section to seal the 26581
record of a person's conviction restores the person who is the 26582
subject of the order to all rights and privileges not otherwise 26583
restored by termination of the sentence or community control 26584
sanction or by final release on parole or post-release control. 26585

(B) (1) In any application for employment, license, or other 26586
right or privilege, any appearance as a witness, or any other 26587
inquiry, except as provided in division (E) of section 2953.32 and 26588
in section 3319.292 of the Revised Code and subject to division 26589

~~(B)(2)~~ (B)(3) of this section, a person may be questioned only with respect to convictions not sealed, bail forfeitures not expunged under section 2953.42 of the Revised Code as it existed prior to June 29, 1988, and bail forfeitures not sealed, unless the question bears a direct and substantial relationship to the position for which the person is being considered.

(2) In any application for a certificate of qualification for employment under section 2953.25 of the Revised Code, a person may be questioned only with respect to convictions not sealed and bail forfeitures not sealed.

(3) A person may not be questioned in any application, appearance, or inquiry of a type described in division (B)(1) of this section with respect to any conviction expunged under section 2953.37 of the Revised Code.

Sec. 2967.04. (A) A pardon or commutation may be granted upon such conditions precedent or subsequent as the governor may impose, which conditions shall be stated in the warrant. Such pardon or commutation shall not take effect until the conditions so imposed are accepted by the convict or prisoner so pardoned or having ~~his~~ a sentence commuted, and ~~his~~ the convict's or prisoner's acceptance is indorsed upon the warrant, signed by ~~him~~ the prisoner or convict, and attested by one witness. Such witness shall go before the clerk of the court of common pleas in whose office the sentence is recorded and prove the signature of the convict. The clerk shall thereupon record the warrant, indorsement, and proof in the journal of the court, which record, or a duly certified transcript thereof, shall be evidence of such pardon or commutation, the conditions thereof, and the acceptance of the conditions.

(B) An unconditional pardon relieves the person to whom it is granted of all disabilities arising out of the conviction or

convictions from which it is granted. For purposes of this 26621
section, "unconditional pardon" includes a conditional pardon with 26622
respect to which all conditions have been performed or have 26623
transpired. 26624

(C) In the case of an unconditional pardon, the governor may 26625
include as a condition of the pardon that records related to the 26626
conviction be sealed as if the records are related to an offense 26627
that is eligible to be sealed. The governor may issue a writ for 26628
the records related to the pardoned conviction or convictions to 26629
be sealed. However, such a writ shall not seal the records 26630
required to be kept under division (E) of section 107.10 of the 26631
Revised Code and shall not have any impact on the governor's 26632
office or on reports required to be made under law. Other than the 26633
records required to be kept under division (E) of section 107.10 26634
of the Revised Code, no records of the governor's office related 26635
to a pardon that have been sealed under this division are subject 26636
to public inspection unless directed by the governor. Inspection 26637
of the records or disclosure of information contained in the 26638
records may be made pursuant to division (D) of section 2953.32 of 26639
the Revised Code or as the governor may direct. A disclosure of 26640
records sealed under a writ issued by the governor is not a 26641
criminal offense. 26642

Sec. 2967.17. (A) The adult parole authority, in its 26643
discretion, may grant an administrative release to any of the 26644
following: 26645

(1) A parole violator ~~or~~, release violator, or releasee 26646
serving another felony sentence in a correctional institution 26647
within or without this state for the purpose of consolidation of 26648
the records or if justice would best be served; 26649

(2) A parole violator at large or release violator at large 26650
whose case has been inactive for at least ten years following the 26651

date of declaration of the parole violation or the violation of a 26652
post-release control sanction; 26653

(3) A parolee or releasee taken into custody by the 26654
immigration and naturalization service of the United States 26655
department of justice and deported from the United States. 26656

(B) (1) (a) As used in divisions (B) (2) and (3) of this 26657
section, "position of honor, trust, or profit" has the same 26658
meaning as in section 2929.192 of the Revised Code. 26659

(b) For purposes of divisions (B) (2) and (3) of this section, 26660
a violation of section 2923.32 of the Revised Code or any other 26661
violation or offense that includes as an element a course of 26662
conduct or the occurrence of multiple acts is "committed on or 26663
after ~~the effective date of this amendment~~ May 13, 2008," if the 26664
course of conduct continues, one or more of the multiple acts 26665
occurs, or the subject person's accountability for the course of 26666
conduct or for one or more of the multiple acts continues, on or 26667
after ~~the effective date of this amendment~~ May 13, 2008. 26668

(2) The adult parole authority shall not grant an 26669
administrative release except upon the concurrence of a majority 26670
of the parole board and approval of the chief of the adult parole 26671
authority. An administrative release does not restore for the 26672
person to whom it is granted the rights and privileges forfeited 26673
by conviction as provided in section 2961.01 of the Revised Code. 26674
Any person granted an administrative release under this section 26675
may subsequently apply for a commutation of sentence for the 26676
purpose of regaining the rights and privileges forfeited by 26677
conviction, except that the privilege of circulating or serving as 26678
a witness for the signing of any declaration of candidacy and 26679
petition, voter registration application, or nominating, 26680
initiative, referendum, or recall petition forfeited under section 26681
2961.01 of the Revised Code may not be restored under this section 26682
and except that the privilege of holding a position of honor, 26683

trust, or profit may not be restored under this section to a 26684
person in the circumstances described in division (B)(3) of this 26685
section. 26686

(3) The privilege of holding a position of honor, trust, or 26687
profit may not be restored under this section to a person who was 26688
convicted of or pleaded guilty to committing on or after ~~the~~ 26689
~~effective date of this amendment~~ May 13, 2008, any violation or 26690
offense listed in divisions (C)(2)(c)(i) to (vi) of section 26691
2967.16 of the Revised Code that is a felony. 26692

Sec. 2967.28. (A) As used in this section: 26693

(1) "Monitored time" means the monitored time sanction 26694
specified in section 2929.17 and defined in section 2929.01 of the 26695
Revised Code. 26696

(2) "Deadly weapon" and "dangerous ordnance" have the same 26697
meanings as in section 2923.11 of the Revised Code. 26698

(3) "Felony sex offense" means a violation of a section 26699
contained in Chapter 2907. of the Revised Code that is a felony. 26700

(4) "Risk reduction sentence" means a prison term imposed by 26701
a court, when the court recommends pursuant to section 2929.143 of 26702
the Revised Code that the offender serve the sentence under 26703
section 5120.036 of the Revised Code, and the offender may 26704
potentially be released from imprisonment prior to the expiration 26705
of the prison term if the offender successfully completes all 26706
assessment and treatment or programming required by the department 26707
of rehabilitation and correction under section 5120.036 of the 26708
Revised Code. 26709

(5) "Victim's immediate family" has the same meaning as in 26710
section 2967.12 of the Revised Code. 26711

(6) "Minor drug possession offense" has the same meaning as 26712
in section 2925.11 of the Revised Code. 26713

(7) "Single validated risk assessment tool" means the single 26714
validated risk assessment tool selected by the department of 26715
rehabilitation and correction under section 5120.114 of the 26716
Revised Code. 26717

(B) Each sentence to a prison term, other than a term of life 26718
imprisonment, for a felony of the first degree, for a felony of 26719
the second degree, for a felony sex offense, or for a felony of 26720
the third degree that is an offense of violence and is not a 26721
felony sex offense shall include a requirement that the offender 26722
be subject to a period of post-release control imposed by the 26723
parole board after the offender's release from imprisonment. This 26724
division applies with respect to all prison terms of a type 26725
described in this division, including a term of any such type that 26726
is a risk reduction sentence. If a court imposes a sentence 26727
including a prison term of a type described in this division on or 26728
after July 11, 2006, the failure of a sentencing court to notify 26729
the offender pursuant to division (B) (2) (d) of section 2929.19 of 26730
the Revised Code of this requirement or to include in the judgment 26731
of conviction entered on the journal a statement that the 26732
offender's sentence includes this requirement does not negate, 26733
limit, or otherwise affect the mandatory period of supervision 26734
that is required for the offender under this division. This 26735
division applies with respect to all prison terms of a type 26736
described in this division, including a non-life felony indefinite 26737
prison term. Section 2929.191 of the Revised Code applies if, 26738
prior to July 11, 2006, a court imposed a sentence including a 26739
prison term of a type described in this division and failed to 26740
notify the offender pursuant to division (B) (2) (d) of section 26741
2929.19 of the Revised Code regarding post-release control or to 26742
include in the judgment of conviction entered on the journal or in 26743
the sentence pursuant to division (D) (1) of section 2929.14 of the 26744
Revised Code a statement regarding post-release control. Unless 26745
reduced by the parole board pursuant to division (D) of this 26746

section when authorized under that division, a period of 26747
post-release control required by this division for an offender 26748
shall be of one of the following periods: 26749

(1) For a ~~felony of the first degree or for a~~ felony sex 26750
offense, five years; 26751

(2) For a felony of the first degree that is not a felony sex 26752
offense, up to five years, but not less than two years; 26753

(3) For a felony of the second degree that is not a felony 26754
sex offense, up to three years, but not less than eighteen months; 26755

~~(3)~~(4) For a felony of the third degree that is an offense of 26756
violence and is not a felony sex offense, up to three years, but 26757
not less than one year. 26758

(C) Any sentence to a prison term for a felony of the third, 26759
fourth, or fifth degree that is not subject to division (B) (1) or 26760
~~(3)~~(4) of this section shall include a requirement that the 26761
offender be subject to a period of post-release control of up to 26762
~~three~~ two years after the offender's release from imprisonment, if 26763
the parole board, in accordance with division (D) of this section, 26764
determines that a period of post-release control is necessary for 26765
that offender. This division applies with respect to all prison 26766
terms of a type described in this division, including a term of 26767
any such type that is a risk reduction sentence. Section 2929.191 26768
of the Revised Code applies if, prior to July 11, 2006, a court 26769
imposed a sentence including a prison term of a type described in 26770
this division and failed to notify the offender pursuant to 26771
division (B) (2) (e) of section 2929.19 of the Revised Code 26772
regarding post-release control or to include in the judgment of 26773
conviction entered on the journal or in the sentence pursuant to 26774
division (D) (2) of section 2929.14 of the Revised Code a statement 26775
regarding post-release control. Pursuant to an agreement entered 26776
into under section 2967.29 of the Revised Code, a court of common 26777

pleas or parole board may impose sanctions or conditions on an 26778
offender who is placed on post-release control under this 26779
division. 26780

(D) (1) Before the prisoner is released from imprisonment, the 26781
parole board or, pursuant to an agreement under section 2967.29 of 26782
the Revised Code, the court shall impose ~~upon~~ on a prisoner 26783
described in division (B) of this section, shall impose ~~upon~~ on a 26784
prisoner described in division (C) of this section who is to be 26785
released before the expiration of the prisoner's stated prison 26786
term under a risk reduction sentence, may impose ~~upon~~ on a 26787
prisoner described in division (C) of this section who is not to 26788
be released before the expiration of the prisoner's stated prison 26789
term under a risk reduction sentence, and shall impose ~~upon~~ on a 26790
prisoner described in division (B) (2) (b) of section 5120.031 or in 26791
division (B) (1) of section 5120.032 of the Revised Code, one or 26792
more post-release control sanctions to apply during the prisoner's 26793
period of post-release control. Whenever the board or court 26794
imposes one or more post-release control sanctions ~~upon~~ on a 26795
prisoner, the board or court, in addition to imposing the 26796
sanctions, also shall include as a condition of the post-release 26797
control that the offender not leave the state without permission 26798
of the court or the offender's parole or probation officer and 26799
that the offender abide by the law. The board or court may impose 26800
any other conditions of release under a post-release control 26801
sanction that the board or court considers appropriate, and the 26802
conditions of release may include any community residential 26803
sanction, community nonresidential sanction, or financial sanction 26804
that the sentencing court was authorized to impose pursuant to 26805
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior 26806
to the release of a prisoner for whom it will impose one or more 26807
post-release control sanctions under this division, the parole 26808
board or court shall review the prisoner's criminal history, 26809
results from the single validated risk assessment tool ~~selected by~~ 26810

~~the department of rehabilitation and correction under section 26811~~
~~5120.114 of the Revised Code, all juvenile court adjudications 26812~~
~~finding the prisoner, while a juvenile, to be a delinquent child, 26813~~
and the record of the prisoner's conduct while imprisoned. The 26814
parole board or court shall consider any recommendation regarding 26815
post-release control sanctions for the prisoner made by the office 26816
of victims' services. After considering those materials, the board 26817
or court shall determine, for a prisoner described in division (B) 26818
of this section, division (B) (2) (b) of section 5120.031, or 26819
division (B) (1) of section 5120.032 of the Revised Code and for a 26820
prisoner described in division (C) of this section who is to be 26821
released before the expiration of the prisoner's stated prison 26822
term under a risk reduction sentence, which post-release control 26823
sanction or combination of post-release control sanctions is 26824
reasonable under the circumstances or, for a prisoner described in 26825
division (C) of this section who is not to be released before the 26826
expiration of the prisoner's stated prison term under a risk 26827
reduction sentence, whether a post-release control sanction is 26828
necessary and, if so, which post-release control sanction or 26829
combination of post-release control sanctions is reasonable under 26830
the circumstances. In the case of a prisoner convicted of a felony 26831
of the fourth or fifth degree other than a felony sex offense, the 26832
board or court shall presume that monitored time is the 26833
appropriate post-release control sanction unless the board or 26834
court determines that a more restrictive sanction is warranted. A 26835
post-release control sanction imposed under this division takes 26836
effect upon the prisoner's release from imprisonment. 26837

Regardless of whether the prisoner was sentenced to the 26838
prison term prior to, on, or after July 11, 2006, prior to the 26839
release of a prisoner for whom it will impose one or more 26840
post-release control sanctions under this division, the parole 26841
board shall notify the prisoner that, if the prisoner violates any 26842
sanction so imposed or any condition of post-release control 26843

described in division (B) of section 2967.131 of the Revised Code 26844
that is imposed on the prisoner, the parole board may impose a 26845
prison term of up to one-half of the stated prison term originally 26846
imposed ~~upon~~ on the prisoner. 26847

At least thirty days before the prisoner is released from 26848
imprisonment under post-release control, except as otherwise 26849
provided in this paragraph, the department of rehabilitation and 26850
correction shall notify the victim and the victim's immediate 26851
family of the date on which the prisoner will be released, the 26852
period for which the prisoner will be under post-release control 26853
supervision, and the terms and conditions of the prisoner's 26854
post-release control regardless of whether the victim or victim's 26855
immediate family has requested the notification. The notice 26856
described in this paragraph shall not be given to a victim or 26857
victim's immediate family if the victim or the victim's immediate 26858
family has requested pursuant to division (B)(2) of section 26859
2930.03 of the Revised Code that the notice not be provided to the 26860
victim or the victim's immediate family. At least thirty days 26861
before the prisoner is released from imprisonment and regardless 26862
of whether the victim or victim's immediate family has requested 26863
that the notice described in this paragraph be provided or not be 26864
provided to the victim or the victim's immediate family, the 26865
department also shall provide notice of that nature to the 26866
prosecuting attorney in the case and the law enforcement agency 26867
that arrested the prisoner if any officer of that agency was a 26868
victim of the offense. 26869

If the notice given under the preceding paragraph to the 26870
victim or the victim's immediate family is based on an offense 26871
committed prior to March 22, 2013, and if the department of 26872
rehabilitation and correction has not previously successfully 26873
provided any notice to the victim or the victim's immediate family 26874
under division (B), (C), or (D) of section 2930.16 of the Revised 26875

Code with respect to that offense and the offender who committed 26876
it, the notice also shall inform the victim or the victim's 26877
immediate family that the victim or the victim's immediate family 26878
may request that the victim or the victim's immediate family not 26879
be provided any further notices with respect to that offense and 26880
the offender who committed it and shall describe the procedure for 26881
making that request. The department may give the notices to which 26882
the preceding paragraph applies by any reasonable means, including 26883
regular mail, telephone, and electronic mail. If the department 26884
attempts to provide notice to any specified person under the 26885
preceding paragraph but the attempt is unsuccessful because the 26886
department is unable to locate the specified person, is unable to 26887
provide the notice by its chosen method because it cannot 26888
determine the mailing address, electronic mail address, or 26889
telephone number at which to provide the notice, or, if the notice 26890
is sent by mail, the notice is returned, the department shall make 26891
another attempt to provide the notice to the specified person. If 26892
the second attempt is unsuccessful, the department shall make at 26893
least one more attempt to provide the notice. If the notice is 26894
based on an offense committed prior to March 22, 2013, in each 26895
attempt to provide the notice to the victim or victim's immediate 26896
family, the notice shall include the opt-out information described 26897
in this paragraph. The department, in the manner described in 26898
division (D)(2) of section 2930.16 of the Revised Code, shall keep 26899
a record of all attempts to provide the notice, and of all notices 26900
provided, under this paragraph and the preceding paragraph. The 26901
record shall be considered as if it was kept under division (D)(2) 26902
of section 2930.16 of the Revised Code. This paragraph, the 26903
preceding paragraph, and the notice-related provisions of 26904
divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 26905
section 2930.16, division (H) of section 2967.12, division 26906
(E)(1)(b) of section 2967.19, division (A)(3)(b) of section 26907
2967.26, and division (A)(2) of section 5149.101 of the Revised 26908

Code enacted in the act in which this paragraph and the preceding 26909
paragraph were enacted, shall be known as "Roberta's Law." 26910

(2) If a prisoner who is placed on post-release control under 26911
this section is released before the expiration of the definite 26912
term that is the prisoner's stated prison term or the expiration 26913
of the minimum term that is part of the prisoner's indefinite 26914
prison term imposed under a non-life felony indefinite prison term 26915
by reason of credit earned under section 2967.193 or a reduction 26916
under division (F) of section 2967.271 of the Revised Code and if 26917
the prisoner earned sixty or more days of credit, the adult parole 26918
authority ~~shall~~ may supervise the offender with an active global 26919
positioning system device for the first fourteen days after the 26920
offender's release from imprisonment. This division does not 26921
prohibit or limit the imposition of any post-release control 26922
sanction otherwise authorized by this section. 26923

(3) ~~At any time after~~ After a prisoner is released from 26924
imprisonment and during the period of post-release control 26925
applicable to the releasee, the adult parole authority or, 26926
pursuant to an agreement under section 2967.29 of the Revised 26927
Code, the court may review the releasee's behavior under the 26928
post-release control sanctions imposed upon the releasee under 26929
this section. The authority or court may determine, based upon the 26930
review and in accordance with the standards established under 26931
division (E) of this section, that a ~~more restrictive or a less~~ 26932
~~restrictive sanction is appropriate and may impose a different~~ 26933
~~sanction. The authority also may recommend that the parole board~~ 26934
~~or court increase or reduce the duration of the period of~~ 26935
~~post release control imposed by the court. If the authority~~ 26936
~~recommends that the board or court increase the duration of~~ 26937
~~post release control, the board or court shall review the~~ 26938
~~releasee's behavior and may increase the duration of the period of~~ 26939
~~post release control imposed by the court up to eight years. If~~ 26940

~~the authority recommends that the board or court reduce the~~ 26941
~~duration of control for an offense described in division (B) or~~ 26942
~~(C) of this section, the board or court shall review the~~ 26943
~~releasee's behavior and, subject to divisions (D) (3) (a) to (e) of~~ 26944
~~this section, may reduce the duration of the period of control~~ 26945
~~imposed by the court or, if the period of control was imposed for~~ 26946
~~a non life felony indefinite prison term, reduce the duration of~~ 26947
~~or terminate the period of control imposed by the court the~~ 26948
~~releasee has satisfactorily complied with the sanctions imposed,~~ 26949
~~and if such a determination is made, the authority may recommend a~~ 26950
~~less restrictive sanction, reduce the period of post-release~~ 26951
~~control, or, no sooner than the minimum period of time required~~ 26952
~~under section 2967.16 of the Revised Code, recommend that the~~ 26953
~~parole board or court terminate the duration of the period of~~ 26954
~~post-release control. In no case shall the board or court ~~do any~~~~ 26955
~~of the following:~~ 26956

~~(a) Reduce reduce the duration of the period of control~~ 26957
~~imposed for ~~an~~ a felony sex offense described in division (B) (1)~~ 26958
~~of this section to a period less than the length of the definite~~ 26959
~~prison term included in the stated prison term originally imposed~~ 26960
~~on the offender as part of the sentence or, with respect to a~~ 26961
~~stated non life felony indefinite prison term, to a period less~~ 26962
~~than the length of the minimum prison term imposed as part of that~~ 26963
~~stated prison term;~~ 26964

~~(b) Consider any reduction or termination of the duration of~~ 26965
~~the period of control imposed on a releasee prior to the~~ 26966
~~expiration of one year after the commencement of the period of~~ 26967
~~control, if the period of control was imposed for a non life~~ 26968
~~felony indefinite prison term and the releasee's minimum prison~~ 26969
~~term or presumptive earned early release date under that term was~~ 26970
~~extended for any length of time under division (C) or (D) of~~ 26971
~~section 2967.271 of the Revised Code.~~ 26972

~~(c) Permit the releasee to leave the state without permission of the court or the releasee's parole or probation officer.~~ 26973
26974

(4) The department of rehabilitation and correction shall develop factors that the parole board or court shall consider in determining under division (D) (3) of this section whether to terminate the period of control imposed on a releasee ~~for a non-life felony indefinite prison term.~~ 26975
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(E) The department of rehabilitation and correction, in accordance with Chapter 119. of the Revised Code, shall adopt rules that do all of the following: 26980
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(1) Establish standards for the imposition by the parole board of post-release control sanctions under this section that are consistent with the overriding purposes and sentencing principles set forth in section 2929.11 of the Revised Code and that are appropriate to the needs of releasees; 26983
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(2) Establish standards that provide for a period of post-release control of up to ~~three~~ two years for all prisoners described in division (C) of this section who are to be released before the expiration of their stated prison term under a risk reduction sentence and standards by which the parole board can determine which prisoners described in division (C) of this section who are not to be released before the expiration of their stated prison term under a risk reduction sentence should be placed under a period of post-release control; 26988
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(3) Establish standards to be used by the parole board in reducing or terminating the duration of the period of post-release control imposed by the court when authorized under division (D) of this section, in imposing a more restrictive post-release control sanction than monitored time ~~upon~~ on a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, or in imposing a less restrictive control sanction ~~upon~~ 26997
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on a releasee based on results from the single validated risk assessment tool and on the releasee's activities including, but not limited to, remaining free from criminal activity and from the abuse of alcohol or other drugs, successfully participating in approved rehabilitation programs, maintaining employment, and paying restitution to the victim or meeting the terms of other financial sanctions;

(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D)(2) of this section;

(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following:

(a) Classify violations according to the degree of seriousness;

(b) Define the circumstances under which formal action by the parole board is warranted;

(c) Govern the use of evidence at violation hearings;

(d) Ensure procedural due process to an alleged violator;

(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;

(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.

(F)(1) Whenever the parole board imposes one or more post-release control sanctions ~~upon~~ on an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in

section 5149.04 of the Revised Code, as if the offender had been 27034
placed on parole. If the offender upon release from imprisonment 27035
violates the post-release control sanction or any conditions 27036
described in division (A) of section 2967.131 of the Revised Code 27037
that are imposed on the offender, the public or private person or 27038
entity that operates or administers the sanction or the program or 27039
activity that comprises the sanction shall report the violation 27040
directly to the adult parole authority or to the officer of the 27041
authority who supervises the offender. The authority's officers 27042
may treat the offender as if the offender were on parole and in 27043
violation of the parole, and otherwise shall comply with this 27044
section. 27045

(2) If the adult parole authority or, pursuant to an 27046
agreement under section 2967.29 of the Revised Code, the court 27047
determines that a releasee has violated a post-release control 27048
sanction or any conditions described in division (A) of section 27049
2967.131 of the Revised Code imposed ~~upon~~ on the releasee and that 27050
a more restrictive sanction is appropriate, the authority or court 27051
may impose a more restrictive sanction ~~upon~~ on the releasee, in 27052
accordance with the standards established under division (E) of 27053
this section or in accordance with the agreement made under 27054
section 2967.29 of the Revised Code, or may report the violation 27055
to the parole board for a hearing pursuant to division (F)(3) of 27056
this section. The authority or court may not, pursuant to this 27057
division, increase the duration of the releasee's post-release 27058
control or impose as a post-release control sanction a residential 27059
sanction that includes a prison term, but the authority or court 27060
may impose on the releasee any other residential sanction, 27061
nonresidential sanction, or financial sanction that the sentencing 27062
court was authorized to impose pursuant to sections 2929.16, 27063
2929.17, and 2929.18 of the Revised Code. 27064

(3) The parole board or, pursuant to an agreement under 27065

section 2967.29 of the Revised Code, the court may hold a hearing 27066
on any alleged violation by a releasee of a post-release control 27067
sanction or any conditions described in division (A) of section 27068
2967.131 of the Revised Code that are imposed upon the releasee. 27069
If after the hearing the board or court finds that the releasee 27070
violated the sanction or condition, the board or court may 27071
increase the duration of the releasee's post-release control up to 27072
the maximum duration authorized by division (B) or (C) of this 27073
section or impose a more restrictive post-release control 27074
sanction. If a releasee was acting pursuant to division (B) (2) (b) 27075
of section 2925.11 of the Revised Code and in so doing violated 27076
the conditions of a post-release control sanction based on a minor 27077
drug possession offense as defined in that section, the board or 27078
the court may consider the releasee's conduct in seeking or 27079
obtaining medical assistance for another in good faith or for self 27080
or may consider the releasee being the subject of another person 27081
seeking or obtaining medical assistance in accordance with that 27082
division as a mitigating factor before imposing any of the 27083
penalties described in this division. When appropriate, the board 27084
or court may impose as a post-release control sanction a 27085
residential sanction that includes a prison term. The board or 27086
court shall consider a prison term as a post-release control 27087
sanction imposed for a violation of post-release control when the 27088
violation involves a deadly weapon or dangerous ordnance, physical 27089
harm or attempted serious physical harm to a person, or sexual 27090
misconduct. Unless a releasee's stated prison term was reduced 27091
pursuant to section 5120.032 of the Revised Code, the period of a 27092
prison term that is imposed as a post-release control sanction 27093
under this division shall not exceed nine months, and the maximum 27094
cumulative prison term for all violations under this division 27095
shall not exceed one-half of the definite prison term that was the 27096
stated prison term originally imposed ~~upon~~ on the offender as part 27097
of this sentence or, with respect to a stated non-life felony 27098

indefinite prison term, one-half of the minimum prison term that 27099
was imposed as part of that stated prison term originally imposed 27100
~~upon~~ on the offender. If a releasee's stated prison term was 27101
reduced pursuant to section 5120.032 of the Revised Code, the 27102
period of a prison term that is imposed as a post-release control 27103
sanction under this division and the maximum cumulative prison 27104
term for all violations under this division shall not exceed the 27105
period of time not served in prison under the sentence imposed by 27106
the court. The period of a prison term that is imposed as a 27107
post-release control sanction under this division shall not count 27108
as, or be credited toward, the remaining period of post-release 27109
control. If, during the period of the releasee's post-release 27110
control, the releasee serves as a post-release control sanction 27111
the maximum prison time available as a sanction, the post-release 27112
control shall terminate. 27113

If an offender is imprisoned for a felony committed while 27114
under post-release control supervision and is again released on 27115
post-release control for a period of time ~~determined by division~~ 27116
~~(F) (4) (d) of this section~~, the maximum cumulative prison term for 27117
all violations under this division shall not exceed one-half of 27118
the total stated prison terms of the earlier felony, reduced by 27119
any prison term administratively imposed by the parole board or 27120
court, plus one-half of the total stated prison term of the new 27121
felony. 27122

~~(4) Any period of post release control shall commence upon an~~ 27123
~~offender's actual release from prison. If an offender is serving~~ 27124
~~an indefinite prison term or a life sentence in addition to a~~ 27125
~~stated prison term, the offender shall serve the period of~~ 27126
~~post release control in the following manner:~~ 27127

~~(a) If a period of post release control is imposed upon the~~ 27128
~~offender and if the offender also is subject to a period of parole~~ 27129
~~under a life sentence or an indefinite sentence, and if the period~~ 27130

~~of post release control ends prior to the period of parole, the 27131
offender shall be supervised on parole. The offender shall receive 27132
credit for post release control supervision during the period of 27133
parole. The offender is not eligible for final release under 27134
section 2967.16 of the Revised Code until the post release control 27135
period otherwise would have ended. 27136~~

~~(b) If a period of post release control is imposed upon the 27137
offender and if the offender also is subject to a period of parole 27138
under an indefinite sentence, and if the period of parole ends 27139
prior to the period of post release control, the offender shall be 27140
supervised on post release control. The requirements of parole 27141
supervision shall be satisfied during the post release control 27142
period. 27143~~

~~(c) If an offender is subject to more than one period of 27144
post release control, the period of post release control for all 27145
of the sentences shall be the period of post release control that 27146
expires last, as determined by the parole board or court. Periods 27147
of post release control shall be served concurrently and shall not 27148
be imposed consecutively to each other. 27149~~

~~(d)(G) (1) If an offender is simultaneously subject to a 27150
period of parole under an indefinite or life sentence and a period 27151
of post-release control, or is simultaneously subject to two 27152
periods of post-release control, the period of supervision that 27153
expires last shall determine the length and form of supervision 27154
for all the periods and the related sentences. 27155~~

~~(2) An offender shall receive credit for post-release control 27156
supervision during the period of parole, and shall not be eligible 27157
for final release under section 2967.16 of the Revised Code until 27158
the post-release control period otherwise would have ended. 27159~~

~~(3) If the period of parole ends prior to the end of the 27160
period of post-release control, the requirements of parole 27161~~

supervision shall be satisfied during the post-release control 27162
period. 27163

(H) (1) A period of post-release control shall not be imposed 27164
consecutively to any other post-release control period. 27165

(2) The period of post-release control for a releasee who 27166
commits a felony while under post-release control for an earlier 27167
felony shall be the longer of the period of post-release control 27168
specified for the new felony under division (B) or (C) of this 27169
section or the time remaining under the period of post-release 27170
control imposed for the earlier felony as determined by the parole 27171
board or court. 27172

Sec. 2981.13. (A) Except as otherwise provided in this 27173
section, property ordered forfeited as contraband, proceeds, or an 27174
instrumentality pursuant to this chapter shall be disposed of, 27175
used, or sold pursuant to section 2981.12 of the Revised Code. If 27176
the property is to be sold under that section, the prosecutor 27177
shall cause notice of the proposed sale to be given in accordance 27178
with law. 27179

(B) If the contraband or instrumentality forfeited under this 27180
chapter is sold, any moneys acquired from a sale and any proceeds 27181
forfeited under this chapter shall be applied in the following 27182
order: 27183

(1) First, to pay costs incurred in the seizure, storage, 27184
maintenance, security, and sale of the property and in the 27185
forfeiture proceeding; 27186

(2) Second, in a criminal forfeiture case, to satisfy any 27187
restitution ordered to the victim of the offense or, in a civil 27188
forfeiture case, to satisfy any recovery ordered for the person 27189
harmed, unless paid from other assets; 27190

(3) Third, to pay the balance due on any security interest 27191

preserved under this chapter;	27192
(4) Fourth, apply the remaining amounts as follows:	27193
(a) If the forfeiture was ordered by a juvenile court, ten	27194
per cent to one or more community addiction services providers as	27195
specified in division (D) of section 2981.12 of the Revised Code;	27196
(b) If the forfeiture was ordered in a juvenile court, ninety	27197
per cent, and if the forfeiture was ordered in a court other than	27198
a juvenile court, one hundred per cent to the law enforcement	27199
trust fund of the prosecutor and to the following fund supporting	27200
the law enforcement agency that substantially conducted the	27201
investigation:	27202
(i) The law enforcement trust fund of the county sheriff,	27203
municipal corporation, township, or park district created under	27204
section 511.18 or 1545.01 of the Revised Code;	27205
(ii) The state highway patrol contraband, forfeiture, and	27206
other fund;	27207
(iii) The department of public safety investigative unit	27208
contraband, forfeiture, and other fund;	27209
(iv) The department of taxation enforcement fund;	27210
(v) The board of pharmacy drug law enforcement fund created	27211
by division (B) (1) of section 4729.65 of the Revised Code;	27212
(vi) The medicaid fraud investigation and prosecution fund;	27213
(vii) The bureau of criminal identification and investigation	27214
asset forfeiture and cost reimbursement fund created by section	27215
109.521 of the Revised Code;	27216
(viii) The casino control commission enforcement fund created	27217
by section 3772.36 of the Revised Code;	27218
(ix) The auditor of state investigation and forfeiture trust	27219
fund established under section 117.54 of the Revised Code;	27220

(x) The treasurer of state for deposit into the ~~peace officer~~ 27221
Ohio law enforcement training ~~commission~~ fund if any other state 27222
law enforcement agency substantially conducted the investigation. 27223

In the case of property forfeited for medicaid fraud, any 27224
remaining amount shall be used by the attorney general to 27225
investigate and prosecute medicaid fraud offenses. 27226

If the prosecutor declines to accept any of the remaining 27227
amounts, the amounts shall be applied to the fund of the agency 27228
that substantially conducted the investigation. 27229

(c) If more than one law enforcement agency is substantially 27230
involved in the seizure of property forfeited under this chapter, 27231
the court ordering the forfeiture shall equitably divide the 27232
amounts, after calculating any distribution to the law enforcement 27233
trust fund of the prosecutor pursuant to division (B) (4) of this 27234
section, among the entities that the court determines were 27235
substantially involved in the seizure. 27236

(C) (1) A law enforcement trust fund shall be established by 27237
the prosecutor of each county who intends to receive any remaining 27238
amounts pursuant to this section, by the sheriff of each county, 27239
by the legislative authority of each municipal corporation, by the 27240
board of township trustees of each township that has a township 27241
police department, township or joint police district police force, 27242
or office of the constable, and by the board of park commissioners 27243
of each park district created pursuant to section 511.18 or 27244
1545.01 of the Revised Code that has a park district police force 27245
or law enforcement department, for the purposes of this section. 27246

There is hereby created in the state treasury the state 27247
highway patrol contraband, forfeiture, and other fund, the 27248
department of public safety investigative unit contraband, 27249
forfeiture, and other fund, the medicaid fraud investigation and 27250
prosecution fund, and the department of taxation enforcement fund, 27251

~~and the peace officer training commission fund, for the purposes~~ 27252
of this section. 27253

Amounts distributed to any municipal corporation, township, 27254
or park district law enforcement trust fund shall be allocated 27255
from the fund by the legislative authority only to the police 27256
department of the municipal corporation, by the board of township 27257
trustees only to the township police department, township police 27258
district police force, or office of the constable, by the joint 27259
police district board only to the joint police district, and by 27260
the board of park commissioners only to the park district police 27261
force or law enforcement department. 27262

(2) (a) No amounts shall be allocated to a fund under this 27263
section or used by an agency unless the agency has adopted a 27264
written internal control policy that addresses the use of moneys 27265
received from the appropriate fund. The appropriate fund shall be 27266
expended only in accordance with that policy and, subject to the 27267
requirements specified in this section, only for the following 27268
purposes: 27269

(i) To pay the costs of protracted or complex investigations 27270
or prosecutions; 27271

(ii) To provide reasonable technical training or expertise; 27272

(iii) To provide matching funds to obtain federal grants to 27273
aid law enforcement, in the support of DARE programs or other 27274
programs designed to educate adults or children with respect to 27275
the dangers associated with the use of drugs of abuse; 27276

(iv) To pay the costs of emergency action taken under section 27277
3745.13 of the Revised Code relative to the operation of an 27278
illegal methamphetamine laboratory if the forfeited property or 27279
money involved was that of a person responsible for the operation 27280
of the laboratory; 27281

(v) For other law enforcement purposes that the 27282

superintendent of the state highway patrol, department of public 27283
safety, attorney general, auditor of state, prosecutor, county 27284
sheriff, legislative authority, department of taxation, Ohio 27285
casino control commission, board of township trustees, or board of 27286
park commissioners determines to be appropriate. 27287

(b) The board of pharmacy drug law enforcement fund shall be 27288
expended only in accordance with the written internal control 27289
policy so adopted by the board and only in accordance with section 27290
4729.65 of the Revised Code, except that it also may be expended 27291
to pay the costs of emergency action taken under section 3745.13 27292
of the Revised Code relative to the operation of an illegal 27293
methamphetamine laboratory if the forfeited property or money 27294
involved was that of a person responsible for the operation of the 27295
laboratory. 27296

(c) A fund listed in division (B) (4) (b) of this section, 27297
other than the Medicaid fraud investigation and prosecution fund, 27298
shall not be used to meet the operating costs of the agency, 27299
office, or political subdivision that are unrelated to law 27300
enforcement. 27301

(d) Forfeited moneys that are paid into the state treasury to 27302
be deposited into the ~~peace officer~~ Ohio law enforcement training 27303
~~commission~~ fund pursuant to this section shall be used by the 27304
commission only to pay the costs of peace officer training. 27305

(3) Any of the following offices or agencies that receive 27306
amounts under this section during any calendar year shall file a 27307
report with the specified entity, not later than the thirty-first 27308
day of January of the next calendar year, verifying that the 27309
moneys were expended only for the purposes authorized by this 27310
section or other relevant statute and specifying the amounts 27311
expended for each authorized purpose: 27312

(a) Any sheriff or prosecutor shall file the report with the 27313

county auditor. 27314

(b) Any municipal corporation police department shall file 27315
the report with the legislative authority of the municipal 27316
corporation. 27317

(c) Any township police department, township or joint police 27318
district police force, or office of the constable shall file the 27319
report with the board of township trustees of the township. 27320

(d) Any park district police force or law enforcement 27321
department shall file the report with the board of park 27322
commissioners of the park district. 27323

(e) The superintendent of the state highway patrol, the 27324
auditor of state, and the tax commissioner shall file the report 27325
with the attorney general. 27326

(f) The executive director of the state board of pharmacy 27327
shall file the report with the attorney general, verifying that 27328
cash and forfeited proceeds paid into the board of pharmacy drug 27329
law enforcement fund were used only in accordance with section 27330
4729.65 of the Revised Code. 27331

(g) The peace officer training commission shall file a report 27332
with the attorney general, verifying that cash and forfeited 27333
proceeds paid into the ~~peace officer~~ Ohio law enforcement training 27334
~~commission~~ fund pursuant to this section during the prior calendar 27335
year were used by the commission during the prior calendar year 27336
only to pay the costs of peace officer training. 27337

(h) The executive director of the Ohio casino control 27338
commission shall file the report with the attorney general, 27339
verifying that cash and forfeited proceeds paid into the casino 27340
control commission enforcement fund were used only in accordance 27341
with section 3772.36 of the Revised Code. 27342

(D) The written internal control policy of a county sheriff, 27343

prosecutor, municipal corporation police department, township 27344
police department, township or joint police district police force, 27345
office of the constable, or park district police force or law 27346
enforcement department shall provide that at least ten per cent of 27347
the first one hundred thousand dollars of amounts deposited during 27348
each calendar year in the agency's law enforcement trust fund 27349
under this section, and at least twenty per cent of the amounts 27350
exceeding one hundred thousand dollars that are so deposited, 27351
shall be used in connection with community preventive education 27352
programs. The manner of use shall be determined by the sheriff, 27353
prosecutor, department, police force, or office of the constable 27354
after receiving and considering advice on appropriate community 27355
preventive education programs from the county's board of alcohol, 27356
drug addiction, and mental health services, from the county's 27357
alcohol and drug addiction services board, or through appropriate 27358
community dialogue. 27359

The financial records kept under the internal control policy 27360
shall specify the amount deposited during each calendar year in 27361
the portion of that amount that was used pursuant to this 27362
division, and the programs in connection with which the portion of 27363
that amount was so used. 27364

As used in this division, "community preventive education 27365
programs" include, but are not limited to, DARE programs and other 27366
programs designed to educate adults or children with respect to 27367
the dangers associated with using drugs of abuse. 27368

(E) Upon the sale, under this section or section 2981.12 of 27369
the Revised Code, of any property that is required by law to be 27370
titled or registered, the state shall issue an appropriate 27371
certificate of title or registration to the purchaser. If the 27372
state is vested with title and elects to retain property that is 27373
required to be titled or registered under law, the state shall 27374
issue an appropriate certificate of title or registration. 27375

(F) Any failure of a law enforcement officer or agency, 27376
prosecutor, court, or the attorney general to comply with this 27377
section in relation to any property seized does not affect the 27378
validity of the seizure and shall not be considered to be the 27379
basis for suppressing any evidence resulting from the seizure, 27380
provided the seizure itself was lawful. 27381

(G) As used in this section, "Ohio law enforcement training 27382
fund" means the state law enforcement training fund described in 27383
division (C)(3)(f) of Section 6 of Article XV, Ohio Constitution. 27384

Sec. 3107.014. (A) Except as provided in division (B) of this 27385
section, only an individual who meets all of the following 27386
requirements may perform the duties of an assessor under sections 27387
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 27388
5103.0324, and 5103.152 of the Revised Code: 27389

(1) The individual must be in the employ of, appointed by, or 27390
under contract with a court, public children services agency, 27391
private child placing agency, or private noncustodial agency; 27392

(2) The individual must be one of the following: 27393

(a) A licensed professional clinical counselor, licensed 27394
professional counselor, independent social worker, social worker, 27395
independent marriage and family therapist, or marriage and family 27396
therapist licensed under Chapter 4757. of the Revised Code; 27397

(b) A psychologist licensed under Chapter 4732. of the 27398
Revised Code; 27399

(c) A student working to earn a four-year, post-secondary 27400
degree, or higher, in a social or behavior science, or both, who 27401
conducts assessor's duties under the supervision of a licensed 27402
professional clinical counselor, licensed professional counselor, 27403
independent social worker, social worker, independent marriage and 27404
family therapist, or marriage and family therapist licensed under 27405

Chapter 4757. of the Revised Code or a psychologist licensed under 27406
Chapter 4732. of the Revised Code. Beginning July 1, 2009, a 27407
student is eligible under this division only if the supervising 27408
licensed professional clinical counselor, licensed professional 27409
counselor, independent social worker, social worker, independent 27410
marriage and family therapist, marriage and family therapist, or 27411
psychologist has completed training in accordance with rules 27412
adopted under section 3107.015 of the Revised Code. 27413

(d) A civil service employee engaging in social work without 27414
a license under Chapter 4757. of the Revised Code, as permitted by 27415
division (A) (5) of section 4757.41 of the Revised Code; 27416

(e) A former employee of a public children services agency 27417
who, while so employed, conducted the duties of an assessor; 27418

(f) An employee of a court or public children services agency 27419
who is employed to conduct the duties of an assessor; 27420

(g) A person who holds at least a bachelor's degree in any of 27421
the following human services fields: 27422

(i) Social work; 27423

(ii) Sociology; 27424

(iii) Psychology; 27425

(iv) Guidance and counseling; 27426

(v) Education; 27427

(vi) Religious education; 27428

(vii) Business administration; 27429

(viii) Criminal justice; 27430

(ix) Public administration; 27431

(x) Child-care administration; 27432

(xi) Nursing; 27433

<u>(xii) Family studies;</u>	27434
<u>(xiii) Any other human services field related to working with children and families.</u>	27435 27436
(3) The individual must complete training in accordance with rules adopted under section 3107.015 of the Revised Code.	27437 27438
(B) An individual in the employ of, appointed by, or under contract with a court prior to September 18, 1996, to conduct adoption investigations of prospective adoptive parents may perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 5103.152 of the Revised Code if the individual complies with division (A) (3) of this section regardless of whether the individual meets the requirement of division (A) (2) of this section.	27439 27440 27441 27442 27443 27444 27445 27446 27447
(C) A court, public children services agency, private child placing agency, or private noncustodial agency may employ, appoint, or contract with an assessor in the county in which a petition for adoption is filed and in any other county or location outside this state where information needed to complete or supplement the assessor's duties may be obtained. More than one assessor may be utilized for an adoption.	27448 27449 27450 27451 27452 27453 27454
(D) Not later than January 1, 2008, the department of job and family services shall develop and maintain an assessor registry. The registry shall list all individuals who are employed, appointed by, or under contract with a court, public children services agency, private child placing agency, or private noncustodial agency and meet the requirements of an assessor as described in this section. A public children services agency, private child placing agency, private noncustodial agency, court, or any other person may contact the department to determine if an individual is listed in the assessor registry. An individual	27455 27456 27457 27458 27459 27460 27461 27462 27463 27464

listed in the assessor registry shall immediately inform the 27465
department when that individual is no longer employed, appointed 27466
by, or under contract with a court, public children services 27467
agency, private child placing agency, or private noncustodial 27468
agency to perform the duties of an assessor as described in this 27469
section. The director of job and family services shall adopt rules 27470
in accordance with Chapter 119. of the Revised Code necessary for 27471
the implementation, contents, and maintenance of the registry, and 27472
any sanctions related to the provision of information, or the 27473
failure to provide information, that is needed for the proper 27474
operation of the assessor registry. 27475

Sec. 3107.019. (A) Because adoption proceedings under this 27476
chapter and custody proceedings under Chapter 2151. of the Revised 27477
Code are significantly different, parents in an adoption 27478
proceeding and parents in a custody proceeding are not similarly 27479
situated and do not have to be covered by the same rules and 27480
procedures in the proceedings. 27481

(B) Notwithstanding any other provision of law, in any 27482
proceeding under this chapter that is initiated by any private 27483
party or parties, no party in the proceeding, even if indigent, is 27484
entitled to have counsel appointed for the person pursuant to 27485
Chapter 120. of the Revised Code or pursuant to any other 27486
provision of law. 27487

Sec. 3107.11. (A) After the filing of a petition to adopt an 27488
adult or a minor, the court shall fix a time and place for hearing 27489
the petition. The hearing may take place at any time more than 27490
thirty days after the date on which the minor is placed in the 27491
home of the petitioner. At least twenty days before the date of 27492
hearing, notice of the filing of the petition and of the time and 27493
place of hearing shall be given by the court to all of the 27494
following: 27495

(1) Any juvenile court, agency, or person whose consent to the adoption is required by this chapter but who has not consented;

(2) A person whose consent is not required as provided by division (A), (G), (H), or (I) of section 3107.07 of the Revised Code and has not consented;

(3) Any guardian, custodian, or other party who has temporary custody or permanent custody of the child.

Notice shall not be given to a person whose consent is not required as provided by division (B), (C), (D), (E), (F), or (J) of section 3107.07, or section 3107.071, of the Revised Code. Second notice shall not be given to a juvenile court, agency, or person whose consent is not required as provided by division (K) of section 3107.07 of the Revised Code because the court, agency, or person failed to file an objection to the petition within fourteen days after proof was filed pursuant to division (B) of this section that a first notice was given to the court, agency, or person pursuant to division (A)(1) of this section.

(B) Upon the filing of a petition for adoption that alleges that a parent has failed without justifiable cause to provide more than de minimis contact with the minor or to provide for the maintenance and support of the minor, the clerk of courts shall send a notice to that parent with the following language in boldface type and in all capital letters:

"A FINAL DECREE OF ADOPTION, IF GRANTED, WILL RELIEVE YOU OF ALL PARENTAL RIGHTS AND RESPONSIBILITIES, INCLUDING THE RIGHT TO CONTACT THE MINOR, AND, EXCEPT WITH RESPECT TO A SPOUSE OF THE ADOPTION PETITIONER AND RELATIVES OF THAT SPOUSE, TERMINATE ALL LEGAL RELATIONSHIPS BETWEEN THE MINOR AND YOU AND THE MINOR'S OTHER RELATIVES, SO THAT THE MINOR THEREAFTER IS A STRANGER TO YOU AND THE MINOR'S FORMER RELATIVES FOR ALL PURPOSES, WITH THE

EXCEPTION OF DIVISION (A) (1) (b) OF SECTION 3107.15 OF THE REVISED 27527
CODE. IF YOU WISH TO CONTEST THE ADOPTION, YOU MUST FILE AN 27528
OBJECTION TO THE PETITION WITHIN FOURTEEN DAYS AFTER PROOF OF 27529
SERVICE OF NOTICE OF THE FILING OF THE PETITION AND OF THE TIME 27530
AND PLACE OF HEARING IS GIVEN TO YOU. IF YOU WISH TO CONTEST THE 27531
ADOPTION, YOU MUST ALSO APPEAR AT THE HEARING. A FINAL DECREE OF 27532
ADOPTION MAY BE ENTERED IF YOU FAIL TO FILE AN OBJECTION TO THE 27533
ADOPTION PETITION OR APPEAR AT THE HEARING." 27534

(C) All notices required under this section shall be given as 27535
specified in the Rules of Civil Procedure. Proof of the giving of 27536
notice shall be filed with the court before the petition is heard. 27537

Sec. 3107.15. (A) A final decree of adoption and an 27538
interlocutory order of adoption that has become final as issued by 27539
a court of this state, or a decree issued by a jurisdiction 27540
outside this state as recognized pursuant to section 3107.18 of 27541
the Revised Code, shall have the following effects as to all 27542
matters within the jurisdiction or before a court of this state, 27543
whether issued before or after May 30, 1996: 27544

(1) (a) Except with respect to a spouse of the petitioner and 27545
relatives of the spouse, to relieve the biological or other legal 27546
parents of the adopted person of all parental rights and 27547
responsibilities, and to terminate all legal relationships between 27548
the adopted person and the adopted person's relatives, including 27549
the adopted person's biological or other legal parents, so that, 27550
except as provided under division (A) (1) (b) of this section, the 27551
adopted person thereafter is a stranger to the adopted person's 27552
former relatives for all purposes including inheritance and the 27553
interpretation or construction of documents, statutes, and 27554
instruments, whether executed before or after the adoption is 27555
decreed, which do not expressly include the person by name or by 27556
some designation not based on a parent and child or blood 27557

relationship; 27558

(b) The legal parents of an adopted person may be notified 27559
that a sibling of the adopted person has been placed into 27560
out-of-home care. For the purposes of this division, "sibling" 27561
means a former biological sibling, former legal sibling, or any 27562
person who would have been considered a sibling if not for a 27563
termination or other disruption of parental rights. 27564

(2) To create the relationship of parent and child between 27565
petitioner and the adopted person, as if the adopted person were a 27566
legitimate blood descendant of the petitioner, for all purposes 27567
including inheritance and applicability of statutes, documents, 27568
and instruments, whether executed before or after the adoption is 27569
decreed, and whether executed or created before or after May 30, 27570
1996, which do not expressly exclude an adopted person from their 27571
operation or effect; 27572

(3) Notwithstanding division (A) (2) of this section, a person 27573
who is eighteen years of age or older at the time the person is 27574
adopted, and the adopted person's lineal descendants, are not 27575
included as recipients of gifts, devises, bequests, or other 27576
transfers of property, including transfers in trust made to a 27577
class of persons including, but not limited to, children, 27578
grandchildren, heirs, issue, lineal descendants, and next of kin, 27579
for purposes of inheritance and applicability of statutes, 27580
documents, and instruments, whether executed or created before or 27581
after May 30, 1996, unless the document or instrument expressly 27582
includes the adopted person by name or expressly states that it 27583
includes a person who is eighteen years of age or older at the 27584
time the person is adopted. 27585

(B) Notwithstanding division (A) of this section, if a parent 27586
of a child dies without the relationship of parent and child 27587
having been previously terminated and a spouse of the living 27588
parent thereafter adopts the child, the child's rights from or 27589

through the deceased parent for all purposes, including 27590
inheritance and applicability or construction of documents, 27591
statutes, and instruments, are not restricted or curtailed by the 27592
adoption. 27593

(C) Notwithstanding division (A) of this section, if the 27594
relationship of parent and child has not been terminated between a 27595
parent and that parent's child and a spouse of the other parent of 27596
the child adopts the child, a grandparent's or relative's right to 27597
companionship or visitation pursuant to section 3109.11 of the 27598
Revised Code is not restricted or curtailed by the adoption. 27599

(D) An interlocutory order of adoption, while it is in force, 27600
has the same legal effect as a final decree of adoption. If an 27601
interlocutory order of adoption is vacated, it shall be as though 27602
void from its issuance, and the rights, liabilities, and status of 27603
all affected persons that have not become vested are governed 27604
accordingly. 27605

Sec. 3119.01. (A) As used in the Revised Code, "child support 27606
enforcement agency" means a child support enforcement agency 27607
designated under former section 2301.35 of the Revised Code prior 27608
to October 1, 1997, or a private or government entity designated 27609
as a child support enforcement agency under section 307.981 of the 27610
Revised Code. 27611

(B) As used in this chapter and Chapters 3121., 3123., and 27612
3125. of the Revised Code: 27613

(1) "Administrative child support order" means any order 27614
issued by a child support enforcement agency for the support of a 27615
child pursuant to section 3109.19 or 3111.81 of the Revised Code 27616
or former section 3111.211 of the Revised Code, section 3111.21 of 27617
the Revised Code as that section existed prior to January 1, 1998, 27618
or section 3111.20 or 3111.22 of the Revised Code as those 27619
sections existed prior to March 22, 2001. 27620

(2) "Child support order" means either a court child support order or an administrative child support order.	27621 27622
(3) "Obligee" means the person who is entitled to receive the support payments under a support order.	27623 27624
(4) "Obligor" means the person who is required to pay support under a support order.	27625 27626
(5) "Support order" means either an administrative child support order or a court support order.	27627 27628
(C) As used in this chapter:	27629
(1) "Cash medical support" means an amount ordered to be paid in a child support order toward the ordinary medical expenses incurred during a calendar year.	27630 27631 27632
(2) "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training.	27633 27634 27635
(3) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	27636 27637 27638 27639 27640 27641 27642
(4) "Court-ordered parenting time" means the amount of parenting time a parent is to have under a parenting time order or the amount of time the children are to be in the physical custody of a parent under a shared parenting order.	27643 27644 27645 27646
(5) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B)	27647 27648 27649 27650

of former section 3113.21 of the Revised Code. 27651

(6) "CPI-U" means the consumer price index for all urban 27652
consumers, published by the United States department of labor, 27653
bureau of labor statistics. 27654

(7) "Extraordinary medical expenses" means any uninsured 27655
medical expenses incurred for a child during a calendar year that 27656
exceed the total cash medical support amount owed by the parents 27657
during that year. 27658

(8) "Federal poverty level" has the same meaning as in 27659
section 5121.30 of the Revised Code. 27660

(9) "Income" means either of the following: 27661

(a) For a parent who is employed to full capacity, the gross 27662
income of the parent; 27663

(b) For a parent who is unemployed or underemployed, the sum 27664
of the gross income of the parent and any potential income of the 27665
parent. 27666

(10) "Income share" means the percentage derived from a 27667
comparison of each parent's annual income after allowable 27668
deductions and credits as indicated on the worksheet to the total 27669
annual income of both parents. 27670

(11) "Insurer" means any person authorized under Title XXXIX 27671
of the Revised Code to engage in the business of insurance in this 27672
state, any health insuring corporation, and any legal entity that 27673
is self-insured and provides benefits to its employees or members. 27674

(12) "Gross income" means, except as excluded in division 27675
(C) (12) of this section, the total of all earned and unearned 27676
income from all sources during a calendar year, whether or not the 27677
income is taxable, and includes income from salaries, wages, 27678
overtime pay, and bonuses to the extent described in division (D) 27679
of section 3119.05 of the Revised Code; commissions; royalties; 27680

tips; rents; dividends; severance pay; pensions; interest; trust 27681
income; annuities; social security benefits, including retirement, 27682
disability, and survivor benefits that are not means-tested; 27683
workers' compensation benefits; unemployment insurance benefits; 27684
disability insurance benefits; benefits that are not means-tested 27685
and that are received by and in the possession of the veteran who 27686
is the beneficiary for any service-connected disability under a 27687
program or law administered by the United States department of 27688
veterans' affairs or veterans' administration; spousal support 27689
actually received; and all other sources of income. "Gross income" 27690
includes income of members of any branch of the United States 27691
armed services or national guard, including, amounts representing 27692
base pay, basic allowance for quarters, basic allowance for 27693
subsistence, supplemental subsistence allowance, cost of living 27694
adjustment, specialty pay, variable housing allowance, and pay for 27695
training or other types of required drills; self-generated income; 27696
and potential cash flow from any source. 27697

"Gross income" does not include any of the following: 27698

(a) Benefits received from means-tested government 27699
administered programs, including Ohio works first; prevention, 27700
retention, and contingency; means-tested veterans' benefits; 27701
supplemental security income; supplemental nutrition assistance 27702
program; disability financial assistance; or other assistance for 27703
which eligibility is determined on the basis of income or assets; 27704

(b) Benefits for any service-connected disability under a 27705
program or law administered by the United States department of 27706
veterans' affairs or veterans' administration that are not 27707
means-tested, that have not been distributed to the veteran who is 27708
the beneficiary of the benefits, and that are in the possession of 27709
the United States department of veterans' affairs or veterans' 27710
administration; 27711

(c) Child support amounts received for children who are not 27712

included in the current calculation;	27713
(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;	27714 27715 27716
(e) Nonrecurring or unsustainable income or cash flow items;	27717
(f) Adoption assistance, <u>kinship guardianship assistance</u> , and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended;	27718 27719 27720 27721
<u>(g) State kinship guardianship assistance described in section 5153.163 of the Revised Code and payment from the kinship support program described in section 5101.881 of the Revised Code.</u>	27722 27723 27724
(13) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.	27725 27726 27727 27728 27729 27730 27731 27732 27733 27734
(14) "Ordinary medical expenses" includes copayments and deductibles, and uninsured medical-related costs for the children of the order.	27735 27736 27737
(15) (a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.	27738 27739 27740 27741
(b) Except as specifically included in "ordinary and	27742

necessary expenses incurred in generating gross receipts" by 27743
division (C) (15) (a) of this section, "ordinary and necessary 27744
expenses incurred in generating gross receipts" does not include 27745
depreciation expenses and other noncash items that are allowed as 27746
deductions on any federal tax return of the parent or the parent's 27747
business. 27748

(16) "Personal earnings" means compensation paid or payable 27749
for personal services, however denominated, and includes wages, 27750
salary, commissions, bonuses, draws against commissions, profit 27751
sharing, vacation pay, or any other compensation. 27752

(17) "Potential income" means both of the following for a 27753
parent who the court pursuant to a court support order, or a child 27754
support enforcement agency pursuant to an administrative child 27755
support order, determines is voluntarily unemployed or voluntarily 27756
underemployed: 27757

(a) Imputed income that the court or agency determines the 27758
parent would have earned if fully employed as determined from the 27759
following criteria: 27760

(i) The parent's prior employment experience; 27761

(ii) The parent's education; 27762

(iii) The parent's physical and mental disabilities, if any; 27763

(iv) The availability of employment in the geographic area in 27764
which the parent resides; 27765

(v) The prevailing wage and salary levels in the geographic 27766
area in which the parent resides; 27767

(vi) The parent's special skills and training; 27768

(vii) Whether there is evidence that the parent has the 27769
ability to earn the imputed income; 27770

(viii) The age and special needs of the child for whom child 27771
support is being calculated under this section; 27772

(ix) The parent's increased earning capacity because of experience;	27773 27774
(x) The parent's decreased earning capacity because of a felony conviction;	27775 27776
(xi) Any other relevant factor.	27777
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	27778 27779 27780 27781 27782
(18) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.	27783 27784
(19) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.	27785 27786 27787 27788 27789 27790 27791 27792 27793 27794
(20) "Self-sufficiency reserve" means the minimal amount necessary for an obligor to adequately subsist upon, as determined under section 3119.021 of the Revised Code.	27795 27796 27797
(21) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least one of those children.	27798 27799 27800 27801 27802

(22) "Worksheet" means the applicable worksheet created in 27803
rules adopted under section 3119.022 of the Revised Code that is 27804
used to calculate a parent's child support obligation. 27805

Sec. 3301.079. (A) (1) The state board of education 27806
periodically shall adopt statewide academic standards with 27807
emphasis on coherence, focus, and essential knowledge and that are 27808
more challenging and demanding when compared to international 27809
standards for each of grades kindergarten through twelve in 27810
English language arts, mathematics, science, and social studies. 27811

(a) The state board shall ensure that the standards do all of 27812
the following: 27813

(i) Include the essential academic content and skills that 27814
students are expected to know and be able to do at each grade 27815
level that will allow each student to be prepared for 27816
postsecondary instruction and the workplace for success in the 27817
twenty-first century; 27818

(ii) Include the development of skill sets that promote 27819
information, media, and technological literacy; 27820

(iii) Include interdisciplinary, project-based, real-world 27821
learning opportunities; 27822

(iv) Instill life-long learning by providing essential 27823
knowledge and skills based in the liberal arts tradition, as well 27824
as science, technology, engineering, mathematics, and 27825
career-technical education; 27826

(v) Be clearly written, transparent, and understandable by 27827
parents, educators, and the general public. 27828

(b) Not later than July 1, 2012, the state board shall 27829
incorporate into the social studies standards for grades four to 27830
twelve academic content regarding the original texts of the 27831
Declaration of Independence, the Northwest Ordinance, the 27832

Constitution of the United States and its amendments, with 27833
emphasis on the Bill of Rights, and the Ohio Constitution, and 27834
their original context. The state board shall revise the model 27835
curricula and achievement assessments adopted under divisions (B) 27836
and (C) of this section as necessary to reflect the additional 27837
American history and American government content. The state board 27838
shall make available a list of suggested grade-appropriate 27839
supplemental readings that place the documents prescribed by this 27840
division in their historical context, which teachers may use as a 27841
resource to assist students in reading the documents within that 27842
context. 27843

(c) When the state board adopts or revises academic content 27844
standards in social studies, American history, American 27845
government, or science under division (A) (1) of this section, the 27846
state board shall develop such standards independently and not as 27847
part of a multistate consortium. 27848

(2) After completing the standards required by division 27849
(A) (1) of this section, the state board shall adopt standards and 27850
model curricula for instruction in technology, financial literacy 27851
and entrepreneurship, fine arts, and foreign language for grades 27852
kindergarten through twelve. The standards shall meet the same 27853
requirements prescribed in division (A) (1) (a) of this section. 27854

(3) The state board shall adopt the most recent standards 27855
developed by the national association for sport and physical 27856
education for physical education in grades kindergarten through 27857
twelve or shall adopt its own standards for physical education in 27858
those grades and revise and update them periodically. 27859

The department of education shall employ a full-time physical 27860
education coordinator to provide guidance and technical assistance 27861
to districts, community schools, and STEM schools in implementing 27862
the physical education standards adopted under this division. The 27863
superintendent of public instruction shall determine that the 27864

person employed as coordinator is qualified for the position, as 27865
demonstrated by possessing an adequate combination of education, 27866
license, and experience. 27867

(4) Not later than ~~December 31, 2018~~ one year after the 27868
effective date of this amendment, the state board shall ~~adopt~~ 27869
update the standards and a model curriculum for instruction in 27870
computer science in grades kindergarten through twelve, which 27871
shall include standards for introductory and advanced computer 27872
science courses in grades nine through twelve. When developing the 27873
standards and curriculum, the state board shall consider 27874
recommendations from computer science education stakeholder 27875
groups, including teachers and representatives from higher 27876
education, industry, computer science organizations in Ohio, and 27877
national computer science organizations. 27878

Any district or school may utilize the computer science 27879
standards or model curriculum or any part thereof adopted pursuant 27880
to division (A) (4) of this section. However, no district or school 27881
shall be required to utilize all or any part of the standards or 27882
curriculum. 27883

(5) When academic standards have been completed for any 27884
subject area required by this section, the state board shall 27885
inform all school districts, all community schools established 27886
under Chapter 3314. of the Revised Code, all STEM schools 27887
established under Chapter 3326. of the Revised Code, and all 27888
nonpublic schools required to administer the assessments 27889
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 27890
of the content of those standards. Additionally, upon completion 27891
of any academic standards under this section, the department shall 27892
post those standards on the department's web site. 27893

(B) (1) The state board shall adopt a model curriculum for 27894
instruction in each subject area for which updated academic 27895
standards are required by division (A) (1) of this section and for 27896

each of grades kindergarten through twelve that is sufficient to 27897
meet the needs of students in every community. The model 27898
curriculum shall be aligned with the standards, to ensure that the 27899
academic content and skills specified for each grade level are 27900
taught to students, and shall demonstrate vertical articulation 27901
and emphasize coherence, focus, and rigor. When any model 27902
curriculum has been completed, the state board shall inform all 27903
school districts, community schools, and STEM schools of the 27904
content of that model curriculum. 27905

(2) Not later than June 30, 2013, the state board, in 27906
consultation with any office housed in the governor's office that 27907
deals with workforce development, shall adopt model curricula for 27908
grades kindergarten through twelve that embed career connection 27909
learning strategies into regular classroom instruction. 27910

(3) All school districts, community schools, and STEM schools 27911
may utilize the state standards and the model curriculum 27912
established by the state board, together with other relevant 27913
resources, examples, or models to ensure that students have the 27914
opportunity to attain the academic standards. Upon request, the 27915
department shall provide technical assistance to any district, 27916
community school, or STEM school in implementing the model 27917
curriculum. 27918

Nothing in this section requires any school district to 27919
utilize all or any part of a model curriculum developed under this 27920
section. 27921

(C) The state board shall develop achievement assessments 27922
aligned with the academic standards and model curriculum for each 27923
of the subject areas and grade levels required by divisions (A) (1) 27924
and (B) (1) of section 3301.0710 of the Revised Code. 27925

When any achievement assessment has been completed, the state 27926
board shall inform all school districts, community schools, STEM 27927

schools, and nonpublic schools required to administer the 27928
assessment of its completion, and the department shall make the 27929
achievement assessment available to the districts and schools. 27930

~~(D)(1)~~ (D)(1)(a) The state board shall adopt a diagnostic 27931
assessment aligned with the academic standards and model 27932
curriculum for each of grades kindergarten through two in reading, 27933
writing, and mathematics and for grade three in reading and 27934
writing. The diagnostic assessment shall be designed to measure 27935
student comprehension of academic content and mastery of related 27936
skills for the relevant subject area and grade level. ~~Any~~ 27937

(b) Except for the kindergarten readiness assessment 27938
described in section 3301.0715 of the Revised Code, the state 27939
board shall not adopt any diagnostic assessment for grades 27940
kindergarten through three in reading that does not include a 27941
sufficient number of items related to phonological awareness, 27942
phonemic awareness, rapid naming skills, nonsense word fluency, 27943
and correspondence between sounds and letters to identify students 27944
who may need further measures to determine if the students have 27945
dyslexia, as defined in section 3319.80 of the Revised Code. 27946

(c) For each assessment adopted under this section, the 27947
department of education shall require that the test vendor share 27948
information with the school regarding student performance on 27949
identification items related to dyslexia described under division 27950
(D)(1)(b) of this section. The department also shall require the 27951
vendor to provide a summary of such information to the department, 27952
in the manner prescribed by the department. 27953

(d) Any diagnostic assessment shall not include components to 27954
identify gifted students. Blank copies of diagnostic assessments 27955
shall be public records. 27956

(e) Any diagnostic assessment adopted by the state board 27957
under division (D) of this section, other than the kindergarten 27958

readiness assessment, may be used to meet the requirement to 27959
administer a tier one dyslexia screening to students under section 27960
3323.251 of the Revised Code. 27961

(2) When each diagnostic assessment has been completed, the 27962
state board shall inform all school districts of its completion 27963
and the department shall make the diagnostic assessment available 27964
to the districts at no cost to the district. 27965

(3) School districts shall administer the diagnostic 27966
assessment pursuant to section 3301.0715 of the Revised Code 27967
beginning the first school year following the development of the 27968
assessment. 27969

However, beginning with the 2017-2018 school year, both of 27970
the following shall apply: 27971

(a) In the case of the diagnostic assessments for grades one 27972
or two in writing or mathematics or for grade three in writing, a 27973
school district shall not be required to administer any such 27974
assessment, but may do so at the discretion of the district board; 27975

(b) In the case of any diagnostic assessment that is not for 27976
the grade levels and subject areas specified in division (D) (3) (a) 27977
of this section, each school district shall administer the 27978
assessment in the manner prescribed by section 3301.0715 of the 27979
Revised Code. 27980

(E) The state board shall not adopt a diagnostic or 27981
achievement assessment for any grade level or subject area other 27982
than those specified in this section. 27983

(F) Whenever the state board or the department consults with 27984
persons for the purpose of drafting or reviewing any standards, 27985
diagnostic assessments, achievement assessments, or model 27986
curriculum required under this section, the state board or the 27987
department shall first consult with parents of students in 27988
kindergarten through twelfth grade and with active Ohio classroom 27989

teachers, other school personnel, and administrators with 27990
expertise in the appropriate subject area. Whenever practicable, 27991
the state board and department shall consult with teachers 27992
recognized as outstanding in their fields. 27993

If the department contracts with more than one outside entity 27994
for the development of the achievement assessments required by 27995
this section, the department shall ensure the interchangeability 27996
of those assessments. 27997

(G) Whenever the state board adopts standards or model 27998
curricula under this section, the department also shall provide 27999
information on the use of blended, online, or digital learning in 28000
the delivery of the standards or curricula to students in 28001
accordance with division (A) (5) of this section. 28002

(H) The fairness sensitivity review committee, established by 28003
rule of the state board of education, shall not allow any question 28004
on any achievement or diagnostic assessment developed under this 28005
section or any proficiency test prescribed by former section 28006
3301.0710 of the Revised Code, as it existed prior to September 28007
11, 2001, to include, be written to promote, or inquire as to 28008
individual moral or social values or beliefs. The decision of the 28009
committee shall be final. This section does not create a private 28010
cause of action. 28011

(I) Not later than sixty days prior to the adoption by the 28012
state board of updated academic standards under division (A) (1) of 28013
this section or updated model curricula under division (B) (1) of 28014
this section, the superintendent of public instruction shall 28015
present the academic standards or model curricula, as applicable, 28016
in person at a public hearing of the respective committees of the 28017
house of representatives and senate that consider education 28018
legislation. 28019

(J) As used in this section: 28020

(1) "Blended learning" means the delivery of instruction in a combination of time primarily in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning.

(2) ~~"Coherence"~~ "Online learning" means students work primarily from their residences on assignments delivered via an internet- or other computer-based instructional method.

(3) "Coherence" means a reflection of the structure of the discipline being taught.

~~(3)~~(4) "Digital learning" means learning facilitated by technology that gives students some element of control over time, place, path, or pace of learning.

~~(4)~~(5) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter.

~~(5)~~(6) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.

Sec. 3301.0712. (A) The state board of education, the superintendent of public instruction, and the chancellor of higher education shall develop a system of college and work ready assessments as described in division (B) of this section to assess whether each student upon graduating from high school is ready to enter college or the workforce. Beginning with students who enter the ninth grade for the first time on or after July 1, 2014, the system shall replace the Ohio graduation tests prescribed in division (B) (1) of section 3301.0710 of the Revised Code as a

measure of student academic performance and one determinant of 28051
eligibility for a high school diploma in the manner prescribed by 28052
rule of the state board adopted under division (D) of this 28053
section. 28054

(B) The college and work ready assessment system shall 28055
consist of the following: 28056

(1) ~~Nationally~~(a) Except as provided in division (B) (1) (b) of 28057
this section, nationally standardized assessments that measure 28058
college and career readiness and are used for college admission. 28059
The assessments shall be selected jointly by the state 28060
superintendent and the chancellor, and one of which shall be 28061
selected by each school district or school to administer to its 28062
students. The assessments prescribed under division (B) (1) of this 28063
section shall be administered to all eleventh-grade students in 28064
the spring of the school year. 28065

(b) Beginning with students who enter the ninth grade for the 28066
first time on or after the first day of July immediately following 28067
the effective date of this amendment, the parent or guardian of a 28068
student may elect not to have a nationally standardized assessment 28069
administered to that student. In that event, the student's school 28070
district or school shall not administer the nationally 28071
standardized assessment to that student. 28072

(2) (a) Except as provided in division (B) (2) (b) of this 28073
section, seven end-of-course examinations, one in each of the 28074
areas of English language arts I, English language arts II, 28075
science, Algebra I, geometry, American history, and American 28076
government. The end-of-course examinations shall be selected 28077
jointly by the state superintendent and the chancellor in 28078
consultation with faculty in the appropriate subject areas at 28079
institutions of higher education of the university system of Ohio. 28080
Advanced placement examinations and international baccalaureate 28081

examinations, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used as end-of-course examinations in accordance with division (B)(4)(a)(i) of this section. Final course grades for courses taken under any other advanced standing program, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used in lieu of end-of-course examinations in accordance with division (B)(4)(a)(ii) of this section.

(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2019, five end-of-course examinations, one in each areas of English language arts II, science, Algebra I, American history, and American government. However, only the end-of-course examinations in English language arts II and Algebra I shall be required for graduation.

The department of education shall, as necessary to implement division (B)(2)(b) of this section, seek a waiver from the United States secretary of education for testing requirements prescribed under federal law to allow for the use and implementation of Algebra I as the primary assessment of high school mathematics. If the department does not receive a waiver under this division, the end-of-course examinations for students described in division (B)(2)(b) of this section also shall include an end-of-course examination in the area of geometry. However, the geometry end-of-course examination shall not be required for graduation.

(3)(a) Not later than July 1, 2013, each school district board of education shall adopt interim end-of-course examinations that comply with the requirements of divisions (B)(3)(b)(i) and (ii) of this section to assess mastery of American history and American government standards adopted under division (A)(1)(b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. Each high

school of the district shall use the interim examinations until 28114
the state superintendent and chancellor select end-of-course 28115
examinations in American history and American government under 28116
division (B) (2) of this section. 28117

(b) Not later than July 1, 2014, the state superintendent and 28118
the chancellor shall select the end-of-course examinations in 28119
American history and American government. 28120

(i) The end-of-course examinations in American history and 28121
American government shall require demonstration of mastery of the 28122
American history and American government content for social 28123
studies standards adopted under division (A) (1) (b) of section 28124
3301.079 of the Revised Code and the topics required under 28125
division (M) of section 3313.603 of the Revised Code. 28126

(ii) At least twenty per cent of the end-of-course 28127
examination in American government shall address the topics on 28128
American history and American government described in division (M) 28129
of section 3313.603 of the Revised Code. 28130

(4) (a) Notwithstanding anything to the contrary in this 28131
section, beginning with the 2014-2015 school year, both of the 28132
following shall apply: 28133

(i) If a student is enrolled in an appropriate advanced 28134
placement or international baccalaureate course, that student 28135
shall take the advanced placement or international baccalaureate 28136
examination in lieu of the science, American history, or American 28137
government end-of-course examinations prescribed under division 28138
(B) (2) of this section. The state board shall specify the score 28139
levels for each advanced placement examination and international 28140
baccalaureate examination for purposes of calculating the minimum 28141
cumulative performance score that demonstrates the level of 28142
academic achievement necessary to earn a high school diploma. 28143

(ii) If a student is enrolled in an appropriate course under 28144

any other advanced standing program, as described in section 28145
3313.6013 of the Revised Code, that student shall not be required 28146
to take the science, American history, or American government 28147
end-of-course examination, whichever is applicable, prescribed 28148
under division (B) (2) of this section. Instead, that student's 28149
final course grade shall be used in lieu of the applicable 28150
end-of-course examination prescribed under that section. The state 28151
superintendent, in consultation with the chancellor, shall adopt 28152
guidelines for purposes of calculating the corresponding final 28153
course grades that demonstrate the level of academic achievement 28154
necessary to earn a high school diploma. 28155

Division (B) (4) (a) (ii) of this section shall apply only to 28156
courses for which students receive transcribed credit, as defined 28157
in section 3365.01 of the Revised Code. It shall not apply to 28158
remedial or developmental courses. 28159

(b) No student shall take a substitute examination or 28160
examination prescribed under division (B) (4) (a) of this section in 28161
place of the end-of-course examinations in English language arts 28162
I, English language arts II, Algebra I, or geometry prescribed 28163
under division (B) (2) of this section. 28164

(c) The state board shall consider additional assessments 28165
that may be used, beginning with the 2016-2017 school year, as 28166
substitute examinations in lieu of the end-of-course examinations 28167
prescribed under division (B) (2) of this section. 28168

(5) The state board shall do all of the following: 28169

(a) Determine and designate at least five ranges of scores on 28170
each of the end-of-course examinations prescribed under division 28171
(B) (2) of this section, and substitute examinations prescribed 28172
under division (B) (4) of this section. Not later than sixty days 28173
after the designation of ranges of scores, the state 28174
superintendent, or the state superintendent's designee, shall 28175

conduct a public presentation before the standing committees of 28176
the house of representatives and the senate that consider primary 28177
and secondary education legislation regarding the designated range 28178
of scores. Each range of scores shall be considered to demonstrate 28179
a level of achievement so that any student attaining a score 28180
within such range has achieved one of the following: 28181

(i) An advanced level of skill; 28182

(ii) An accelerated level of skill; 28183

(iii) A proficient level of skill; 28184

(iv) A basic level of skill; 28185

(v) A limited level of skill. 28186

(b) Determine a method by which to calculate a cumulative 28187
performance score based on the results of a student's 28188
end-of-course examinations or substitute examinations; 28189

(c) Determine the minimum cumulative performance score that 28190
demonstrates the level of academic achievement necessary to earn a 28191
high school diploma under division (A) (2) of section 3313.618 of 28192
the Revised Code. However, the state board shall not determine a 28193
new minimum cumulative performance score after ~~the effective date~~ 28194
~~of this amendment~~ October 17, 2019. 28195

(d) Develop a table of corresponding score equivalents for 28196
the end-of-course examinations and substitute examinations in 28197
order to calculate student performance consistently across the 28198
different examinations. 28199

A score of two on an advanced placement examination or a 28200
score of two or three on an international baccalaureate 28201
examination shall be considered equivalent to a proficient level 28202
of skill as specified under division (B) (5) (a) (iii) of this 28203
section. 28204

(6) (a) A student who meets both of the following conditions 28205

shall not be required to take an end-of-course examination:	28206
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	28207 28208 28209
(ii) The examination was not available for administration prior to July 1, 2015.	28210 28211
Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end-of-course examination at a later date.	28212 28213 28214 28215 28216
(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B) (6) (a) of this section has attained the cumulative score prescribed by division (B) (5) (c) of this section, such student shall select either of the following:	28217 28218 28219 28220 28221
(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;	28222 28223 28224
(ii) The student's final course grade shall be used in lieu of a score on the end-of-course examination from which the student is exempt.	28225 28226 28227
The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.	28228 28229 28230 28231 28232
(7) (a) Notwithstanding anything to the contrary in this section, the state board may replace the algebra I end-of-course examination prescribed under division (B) (2) of this section with	28233 28234 28235

an algebra II end-of-course examination, beginning with the 28236
2016-2017 school year for students who enter ninth grade on or 28237
after July 1, 2016. 28238

(b) If the state board replaces the algebra I end-of-course 28239
examination with an algebra II end-of-course examination as 28240
authorized under division (B)(7)(a) of this section, both of the 28241
following shall apply: 28242

(i) A student who is enrolled in an advanced placement or 28243
international baccalaureate course in algebra II shall take the 28244
advanced placement or international baccalaureate examination in 28245
lieu of the algebra II end-of-course examination. 28246

(ii) A student who is enrolled in an algebra II course under 28247
any other advanced standing program, as described in section 28248
3313.6013 of the Revised Code, shall not be required to take the 28249
algebra II end-of-course examination. Instead, that student's 28250
final course grade shall be used in lieu of the examination. 28251

(c) If a school district or school utilizes an integrated 28252
approach to mathematics instruction, the district or school may do 28253
either or both of the following: 28254

(i) Administer an integrated mathematics I end-of-course 28255
examination in lieu of the prescribed algebra I end-of-course 28256
examination; 28257

(ii) Administer an integrated mathematics II end-of-course 28258
examination in lieu of the prescribed geometry end-of-course 28259
examination. 28260

(8)(a) For students entering the ninth grade for the first 28261
time on or after July 1, 2014, but prior to July 1, 2015, the 28262
assessment in the area of science shall be physical science or 28263
biology. For students entering the ninth grade for the first time 28264
on or after July 1, 2015, the assessment in the area of science 28265
shall be biology. 28266

(b) Until July 1, 2019, the department shall make available 28267
the end-of-course examination in physical science for students who 28268
entered the ninth grade for the first time on or after July 1, 28269
2014, but prior to July 1, 2015, and who wish to retake the 28270
examination. 28271

(c) Not later than July 1, 2016, the state board shall adopt 28272
rules prescribing the requirements for the end-of-course 28273
examination in science for students who entered the ninth grade 28274
for the first time on or after July 1, 2014, but prior to July 1, 28275
2015, and who have not met the requirement prescribed by section 28276
3313.618 of the Revised Code by July 1, 2019, due to a student's 28277
failure to satisfy division (A)(2) of section 3313.618 of the 28278
Revised Code. 28279

(9) Neither the state board nor the department of education 28280
shall develop or administer an end-of-course examination in the 28281
area of world history. 28282

(10) Not later than March 1, 2020, the department, in 28283
consultation with the chancellor and the governor's office of 28284
workforce transformation, shall determine a competency score for 28285
both of the Algebra I and English language arts II end-of-course 28286
examinations for the purpose of graduation eligibility. 28287

(C) The state board shall convene a group of national 28288
experts, state experts, and local practitioners to provide advice, 28289
guidance, and recommendations for the alignment of standards and 28290
model curricula to the assessments and in the design of the 28291
end-of-course examinations prescribed by this section. 28292

(D) Upon completion of the development of the assessment 28293
system, the state board shall adopt rules prescribing all of the 28294
following: 28295

(1) A timeline and plan for implementation of the assessment 28296
system, including a phased implementation if the state board 28297

determines such a phase-in is warranted; 28298

(2) The date after which a person shall meet the requirements 28299
of the entire assessment system as a prerequisite for a diploma of 28300
adult education under section 3313.611 of the Revised Code; 28301

(3) Whether and the extent to which a person may be excused 28302
from an American history end-of-course examination and an American 28303
government end-of-course examination under division (H) of section 28304
3313.61 and division (B)(3) of section 3313.612 of the Revised 28305
Code; 28306

(4) The date after which a person who has fulfilled the 28307
curriculum requirement for a diploma but has not passed one or 28308
more of the required assessments at the time the person fulfilled 28309
the curriculum requirement shall meet the requirements of the 28310
entire assessment system as a prerequisite for a high school 28311
diploma under division (B) of section 3313.614 of the Revised 28312
Code; 28313

(5) The extent to which the assessment system applies to 28314
students enrolled in a dropout recovery and prevention program for 28315
purposes of division (F) of section 3313.603 and section 3314.36 28316
of the Revised Code. 28317

(E) Not later than forty-five days prior to the state board's 28318
adoption of a resolution directing the department to file the 28319
rules prescribed by division (D) of this section in final form 28320
under section 119.04 of the Revised Code, the superintendent of 28321
public instruction shall present the assessment system developed 28322
under this section to the respective committees of the house of 28323
representatives and senate that consider education legislation. 28324

(F)(1) Any person enrolled in a nonchartered nonpublic school 28325
or any person who has been excused from attendance at school for 28326
the purpose of home instruction under section 3321.04 of the 28327
Revised Code may choose to participate in the system of 28328

assessments administered under divisions (B)(1) and (2) of this 28329
section. However, no such person shall be required to participate 28330
in the system of assessments. 28331

(2) The department shall adopt rules for the administration 28332
and scoring of any assessments under division (F)(1) of this 28333
section. 28334

(G) Not later than December 31, 2014, the state board shall 28335
select at least one nationally recognized job skills assessment. 28336
Each school district shall administer that assessment to those 28337
students who opt to take it. The state shall reimburse a school 28338
district for the costs of administering that assessment. The state 28339
board shall establish the minimum score a student must attain on 28340
the job skills assessment in order to demonstrate a student's 28341
workforce readiness and employability. The administration of the 28342
job skills assessment to a student under this division shall not 28343
exempt a school district from administering the assessments 28344
prescribed in division (B) of this section to that student. 28345

Sec. 3301.0714. (A) The state board of education shall adopt 28346
rules for a statewide education management information system. The 28347
rules shall require the state board to establish guidelines for 28348
the establishment and maintenance of the system in accordance with 28349
this section and the rules adopted under this section. The 28350
guidelines shall include: 28351

(1) Standards identifying and defining the types of data in 28352
the system in accordance with divisions (B) and (C) of this 28353
section; 28354

(2) Procedures for annually collecting and reporting the data 28355
to the state board in accordance with division (D) of this 28356
section; 28357

(3) Procedures for annually compiling the data in accordance 28358

with division (G) of this section;	28359
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	28360 28361
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	28362 28363
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	28364 28365 28366
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	28367 28368 28369
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C) (3) of this section.	28370 28371 28372 28373 28374 28375 28376 28377 28378 28379 28380 28381 28382 28383 28384 28385 28386 28387
(b) The numbers of students receiving support or extracurricular services for each of the support services or	28388 28389

extracurricular programs offered by the school district, such as	28390
counseling services, health services, and extracurricular sports	28391
and fine arts programs. The categories of services required by the	28392
guidelines under this division shall be the same as the categories	28393
of services used in determining cost units pursuant to division	28394
(C) (4) (a) of this section.	28395
(c) Average student grades in each subject in grades nine	28396
through twelve;	28397
(d) Academic achievement levels as assessed under sections	28398
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	28399
(e) The number of students designated as having a disabling	28400
condition pursuant to division (C) (1) of section 3301.0711 of the	28401
Revised Code;	28402
(f) The numbers of students reported to the state board	28403
pursuant to division (C) (2) of section 3301.0711 of the Revised	28404
Code;	28405
(g) Attendance rates and the average daily attendance for the	28406
year. For purposes of this division, a student shall be counted as	28407
present for any field trip that is approved by the school	28408
administration.	28409
(h) Expulsion rates;	28410
(i) Suspension rates;	28411
(j) Dropout rates;	28412
(k) Rates of retention in grade;	28413
(l) For pupils in grades nine through twelve, the average	28414
number of carnegie units, as calculated in accordance with state	28415
board of education rules;	28416
(m) Graduation rates, to be calculated in a manner specified	28417
by the department of education that reflects the rate at which	28418
students who were in the ninth grade three years prior to the	28419

current year complete school and that is consistent with 28420
nationally accepted reporting requirements; 28421

(n) Results of diagnostic assessments administered to 28422
kindergarten students as required under section 3301.0715 of the 28423
Revised Code to permit a comparison of the academic readiness of 28424
kindergarten students. However, no district shall be required to 28425
report to the department the results of any diagnostic assessment 28426
administered to a kindergarten student, except for the language 28427
and reading assessment described in division (A) (2) of section 28428
3301.0715 of the Revised Code, if the parent of that student 28429
requests the district not to report those results. 28430

(o) Beginning on July 1, 2018, for each disciplinary action 28431
which is required to be reported under division (B) (4) of this 28432
section, districts and schools also shall include an 28433
identification of the person or persons, if any, at whom the 28434
student's violent behavior that resulted in discipline was 28435
directed. The person or persons shall be identified by the 28436
respective classification at the district or school, such as 28437
student, teacher, or nonteaching employee, but shall not be 28438
identified by name. 28439

Division (B) (1) (o) of this section does not apply after the 28440
date that is two years following the submission of the report 28441
required by Section 733.13 of H.B. 49 of the 132nd general 28442
assembly. 28443

(p) The number of students earning each state diploma seal 28444
included in the system prescribed under division (A) of section 28445
3313.6114 of the Revised Code; 28446

(q) The number of students demonstrating competency for 28447
graduation using each option described in divisions (B) (1) (a) to 28448
~~(e)~~ (d) of section 3313.618 of the Revised Code; 28449

(r) The number of students completing each foundational and 28450

supporting option as part of the demonstration of competency for 28451
graduation pursuant to division (B) (1) (b) of section 3313.618 of 28452
the Revised Code. 28453

(2) Personnel and classroom enrollment data for each school 28454
district, including: 28455

(a) The total numbers of licensed employees and nonlicensed 28456
employees and the numbers of full-time equivalent licensed 28457
employees and nonlicensed employees providing each category of 28458
instructional service, instructional support service, and 28459
administrative support service used pursuant to division (C) (3) of 28460
this section. The guidelines adopted under this section shall 28461
require these categories of data to be maintained for the school 28462
district as a whole and, wherever applicable, for each grade in 28463
the school district as a whole, for each school building as a 28464
whole, and for each grade in each school building. 28465

(b) The total number of employees and the number of full-time 28466
equivalent employees providing each category of service used 28467
pursuant to divisions (C) (4) (a) and (b) of this section, and the 28468
total numbers of licensed employees and nonlicensed employees and 28469
the numbers of full-time equivalent licensed employees and 28470
nonlicensed employees providing each category used pursuant to 28471
division (C) (4) (c) of this section. The guidelines adopted under 28472
this section shall require these categories of data to be 28473
maintained for the school district as a whole and, wherever 28474
applicable, for each grade in the school district as a whole, for 28475
each school building as a whole, and for each grade in each school 28476
building. 28477

(c) The total number of regular classroom teachers teaching 28478
classes of regular education and the average number of pupils 28479
enrolled in each such class, in each of grades kindergarten 28480
through five in the district as a whole and in each school 28481
building in the school district. 28482

(d) The number of lead teachers employed by each school district and each school building. 28483
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(3) (a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of English learners in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B) (1) of this section. Categories for data collected pursuant to division (B) (3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government. 28485
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(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs. 28496
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(4) Any data required to be collected pursuant to federal law. 28501
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(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following: 28503
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(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division 28512
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(C) (1) to be designed so that each of them may be compiled and 28514
reported in terms of average expenditure per pupil in ~~formula~~ 28515
enrolled ADM in the school district, as determined pursuant to 28516
section 3317.03 of the Revised Code. 28517

(2) Administrative costs for each school building in the 28518
school district. The guidelines shall require the cost units under 28519
this division (C) (2) to be designed so that each of them may be 28520
compiled and reported in terms of average expenditure per 28521
full-time equivalent pupil receiving instructional or support 28522
services in each building. 28523

(3) Instructional services costs for each category of 28524
instructional service provided directly to students and required 28525
by guidelines adopted pursuant to division (B) (1) (a) of this 28526
section. The guidelines shall require the cost units under 28527
division (C) (3) of this section to be designed so that each of 28528
them may be compiled and reported in terms of average expenditure 28529
per pupil receiving the service in the school district as a whole 28530
and average expenditure per pupil receiving the service in each 28531
building in the school district and in terms of a total cost for 28532
each category of service and, as a breakdown of the total cost, a 28533
cost for each of the following components: 28534

(a) The cost of each instructional services category required 28535
by guidelines adopted under division (B) (1) (a) of this section 28536
that is provided directly to students by a classroom teacher; 28537

(b) The cost of the instructional support services, such as 28538
services provided by a speech-language pathologist, classroom 28539
aide, multimedia aide, or librarian, provided directly to students 28540
in conjunction with each instructional services category; 28541

(c) The cost of the administrative support services related 28542
to each instructional services category, such as the cost of 28543
personnel that develop the curriculum for the instructional 28544

services category and the cost of personnel supervising or 28545
coordinating the delivery of the instructional services category. 28546

(4) Support or extracurricular services costs for each 28547
category of service directly provided to students and required by 28548
guidelines adopted pursuant to division (B)(1)(b) of this section. 28549
The guidelines shall require the cost units under division (C)(4) 28550
of this section to be designed so that each of them may be 28551
compiled and reported in terms of average expenditure per pupil 28552
receiving the service in the school district as a whole and 28553
average expenditure per pupil receiving the service in each 28554
building in the school district and in terms of a total cost for 28555
each category of service and, as a breakdown of the total cost, a 28556
cost for each of the following components: 28557

(a) The cost of each support or extracurricular services 28558
category required by guidelines adopted under division (B)(1)(b) 28559
of this section that is provided directly to students by a 28560
licensed employee, such as services provided by a guidance 28561
counselor or any services provided by a licensed employee under a 28562
supplemental contract; 28563

(b) The cost of each such services category provided directly 28564
to students by a nonlicensed employee, such as janitorial 28565
services, cafeteria services, or services of a sports trainer; 28566

(c) The cost of the administrative services related to each 28567
services category in division (C)(4)(a) or (b) of this section, 28568
such as the cost of any licensed or nonlicensed employees that 28569
develop, supervise, coordinate, or otherwise are involved in 28570
administering or aiding the delivery of each services category. 28571

(D)(1) The guidelines adopted under this section shall 28572
require school districts to collect information about individual 28573
students, staff members, or both in connection with any data 28574
required by division (B) or (C) of this section or other reporting 28575

requirements established in the Revised Code. The guidelines may 28576
also require school districts to report information about 28577
individual staff members in connection with any data required by 28578
division (B) or (C) of this section or other reporting 28579
requirements established in the Revised Code. The guidelines shall 28580
not authorize school districts to request social security numbers 28581
of individual students. The guidelines shall prohibit the 28582
reporting under this section of a student's name, address, and 28583
social security number to the state board of education or the 28584
department of education. The guidelines shall also prohibit the 28585
reporting under this section of any personally identifiable 28586
information about any student, except for the purpose of assigning 28587
the data verification code required by division (D) (2) of this 28588
section, to any other person unless such person is employed by the 28589
school district or the information technology center operated 28590
under section 3301.075 of the Revised Code and is authorized by 28591
the district or technology center to have access to such 28592
information or is employed by an entity with which the department 28593
contracts for the scoring or the development of state assessments. 28594
The guidelines may require school districts to provide the social 28595
security numbers of individual staff members and the county of 28596
residence for a student. Nothing in this section prohibits the 28597
state board of education or department of education from providing 28598
a student's county of residence to the department of taxation to 28599
facilitate the distribution of tax revenue. 28600

(2) (a) The guidelines shall provide for each school district 28601
or community school to assign a data verification code that is 28602
unique on a statewide basis over time to each student whose 28603
initial Ohio enrollment is in that district or school and to 28604
report all required individual student data for that student 28605
utilizing such code. The guidelines shall also provide for 28606
assigning data verification codes to all students enrolled in 28607
districts or community schools on the effective date of the 28608

guidelines established under this section. The assignment of data 28609
verification codes for other entities, as described in division 28610
(D) (2) (d) of this section, the use of those codes, and the 28611
reporting and use of associated individual student data shall be 28612
coordinated by the department in accordance with state and federal 28613
law. 28614

School districts shall report individual student data to the 28615
department through the information technology centers utilizing 28616
the code. The entities described in division (D) (2) (d) of this 28617
section shall report individual student data to the department in 28618
the manner prescribed by the department. 28619

(b) (i) Except as provided in sections 3301.941, 3310.11, 28620
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 28621
in division (D) (2) (b) (ii) of this section, at no time shall the 28622
state board or the department have access to information that 28623
would enable any data verification code to be matched to 28624
personally identifiable student data. 28625

(ii) For the purpose of making per-pupil payments to 28626
community schools under ~~division (C) of section 3314.08~~ 3317.022 28627
of the Revised Code, the department shall have access to 28628
information that would enable any data verification code to be 28629
matched to personally identifiable student data. 28630

(c) Each school district and community school shall ensure 28631
that the data verification code is included in the student's 28632
records reported to any subsequent school district, community 28633
school, or state institution of higher education, as defined in 28634
section 3345.011 of the Revised Code, in which the student 28635
enrolls. Any such subsequent district or school shall utilize the 28636
same identifier in its reporting of data under this section. 28637

(d) The director of any state agency that administers a 28638
publicly funded program providing services to children who are 28639

younger than compulsory school age, as defined in section 3321.01 28640
of the Revised Code, including the directors of health, job and 28641
family services, mental health and addiction services, and 28642
developmental disabilities, shall request and receive, pursuant to 28643
sections 3301.0723 and 5123.0423 of the Revised Code, a data 28644
verification code for a child who is receiving those services. 28645

(E) The guidelines adopted under this section may require 28646
school districts to collect and report data, information, or 28647
reports other than that described in divisions (A), (B), and (C) 28648
of this section for the purpose of complying with other reporting 28649
requirements established in the Revised Code. The other data, 28650
information, or reports may be maintained in the education 28651
management information system but are not required to be compiled 28652
as part of the profile formats required under division (G) of this 28653
section or the annual statewide report required under division (H) 28654
of this section. 28655

(F) Beginning with the school year that begins July 1, 1991, 28656
the board of education of each school district shall annually 28657
collect and report to the state board, in accordance with the 28658
guidelines established by the board, the data required pursuant to 28659
this section. A school district may collect and report these data 28660
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 28661

(G) The state board shall, in accordance with the procedures 28662
it adopts, annually compile the data reported by each school 28663
district pursuant to division (D) of this section. The state board 28664
shall design formats for profiling each school district as a whole 28665
and each school building within each district and shall compile 28666
the data in accordance with these formats. These profile formats 28667
shall: 28668

(1) Include all of the data gathered under this section in a 28669
manner that facilitates comparison among school districts and 28670
among school buildings within each school district; 28671

(2) Present the data on academic achievement levels as 28672
assessed by the testing of student achievement maintained pursuant 28673
to division (B) (1) (d) of this section. 28674

(H) (1) The state board shall, in accordance with the 28675
procedures it adopts, annually prepare a statewide report for all 28676
school districts and the general public that includes the profile 28677
of each of the school districts developed pursuant to division (G) 28678
of this section. Copies of the report shall be sent to each school 28679
district. 28680

(2) The state board shall, in accordance with the procedures 28681
it adopts, annually prepare an individual report for each school 28682
district and the general public that includes the profiles of each 28683
of the school buildings in that school district developed pursuant 28684
to division (G) of this section. Copies of the report shall be 28685
sent to the superintendent of the district and to each member of 28686
the district board of education. 28687

(3) Copies of the reports received from the state board under 28688
divisions (H) (1) and (2) of this section shall be made available 28689
to the general public at each school district's offices. Each 28690
district board of education shall make copies of each report 28691
available to any person upon request and payment of a reasonable 28692
fee for the cost of reproducing the report. The board shall 28693
annually publish in a newspaper of general circulation in the 28694
school district, at least twice during the two weeks prior to the 28695
week in which the reports will first be available, a notice 28696
containing the address where the reports are available and the 28697
date on which the reports will be available. 28698

(I) Any data that is collected or maintained pursuant to this 28699
section and that identifies an individual pupil is not a public 28700
record for the purposes of section 149.43 of the Revised Code. 28701

(J) As used in this section: 28702

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section.

(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.

(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.

(L) (1) In accordance with division (L) (2) of this section and the rules adopted under division (L) (10) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and

submit corrected data by a deadline established by the department. 28734
The department also may require the district to develop a 28735
corrective action plan, which shall include provisions for the 28736
district to provide mandatory staff training on data reporting 28737
procedures. 28738

(b) Withhold up to ten per cent of the total amount of state 28739
funds due to the district for the current fiscal year and, if not 28740
previously required under division (L)(2)(a) of this section, 28741
require the district to develop a corrective action plan in 28742
accordance with that division; 28743

(c) Withhold an additional amount of up to twenty per cent of 28744
the total amount of state funds due to the district for the 28745
current fiscal year; 28746

(d) Direct department staff or an outside entity to 28747
investigate the district's data reporting practices and make 28748
recommendations for subsequent actions. The recommendations may 28749
include one or more of the following actions: 28750

(i) Arrange for an audit of the district's data reporting 28751
practices by department staff or an outside entity; 28752

(ii) Conduct a site visit and evaluation of the district; 28753

(iii) Withhold an additional amount of up to thirty per cent 28754
of the total amount of state funds due to the district for the 28755
current fiscal year; 28756

(iv) Continue monitoring the district's data reporting; 28757

(v) Assign department staff to supervise the district's data 28758
management system; 28759

(vi) Conduct an investigation to determine whether to suspend 28760
or revoke the license of any district employee in accordance with 28761
division (N) of this section; 28762

(vii) If the district is issued a report card under section 28763

3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;

(ix) Any other action designed to correct the district's data reporting problems.

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices

any time the department has reason to believe the district has not 28795
made a good faith effort to report data as required by this 28796
section. If any audit conducted by an outside entity under 28797
division (L) (2) (d) (i) or (5) of this section confirms that a 28798
district has not made a good faith effort to report data as 28799
required by this section, the district shall reimburse the 28800
department for the full cost of the audit. The department may 28801
withhold state funds due to the district for this purpose. 28802

(6) Prior to issuing a revised report card for a school 28803
district under division (L) (2) (d) (viii) of this section, the 28804
department may hold a hearing to provide the district with an 28805
opportunity to demonstrate that it made a good faith effort to 28806
report data as required by this section. The hearing shall be 28807
conducted by a referee appointed by the department. Based on the 28808
information provided in the hearing, the referee shall recommend 28809
whether the department should issue a revised report card for the 28810
district. If the referee affirms the department's contention that 28811
the district did not make a good faith effort to report data as 28812
required by this section, the district shall bear the full cost of 28813
conducting the hearing and of issuing any revised report card. 28814

(7) If the department determines that any inaccurate data 28815
reported under this section caused a school district to receive 28816
excess state funds in any fiscal year, the district shall 28817
reimburse the department an amount equal to the excess funds, in 28818
accordance with a payment schedule determined by the department. 28819
The department may withhold state funds due to the district for 28820
this purpose. 28821

(8) Any school district that has funds withheld under 28822
division (L) (2) of this section may appeal the withholding in 28823
accordance with Chapter 119. of the Revised Code. 28824

(9) In all cases of a disagreement between the department and 28825
a school district regarding the appropriateness of an action taken 28826

under division (L) (2) of this section, the burden of proof shall 28827
be on the district to demonstrate that it made a good faith effort 28828
to report data as required by this section. 28829

(10) The state board of education shall adopt rules under 28830
Chapter 119. of the Revised Code to implement division (L) of this 28831
section. 28832

(M) No information technology center or school district shall 28833
acquire, change, or update its student administration software 28834
package to manage and report data required to be reported to the 28835
department unless it converts to a student software package that 28836
is certified by the department. 28837

(N) The state board of education, in accordance with sections 28838
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 28839
license as defined under division (A) of section 3319.31 of the 28840
Revised Code that has been issued to any school district employee 28841
found to have willfully reported erroneous, inaccurate, or 28842
incomplete data to the education management information system. 28843

(O) No person shall release or maintain any information about 28844
any student in violation of this section. Whoever violates this 28845
division is guilty of a misdemeanor of the fourth degree. 28846

(P) The department shall disaggregate the data collected 28847
under division (B) (1) (n) of this section according to the race and 28848
socioeconomic status of the students assessed. 28849

(Q) If the department cannot compile any of the information 28850
required by division (H) of section 3302.03 of the Revised Code 28851
based upon the data collected under this section, the department 28852
shall develop a plan and a reasonable timeline for the collection 28853
of any data necessary to comply with that division. 28854

Sec. 3301.0715. (A) Except as required under division (B) (1) 28855
of section 3313.608 or as specified in division (D) (3) of section 28856

3301.079 of the Revised Code, the board of education of each city, 28857
local, and exempted village school district shall administer each 28858
applicable diagnostic assessment developed and provided to the 28859
district in accordance with section 3301.079 of the Revised Code 28860
to the following: 28861

(1) Any student who transfers into the district or to a 28862
different school within the district if each applicable diagnostic 28863
assessment was not administered by the district or school the 28864
student previously attended in the current school year, within 28865
thirty days after the date of transfer. If the district or school 28866
into which the student transfers cannot determine whether the 28867
student has taken any applicable diagnostic assessment in the 28868
current school year, the district or school may administer the 28869
diagnostic assessment to the student. However, if a student 28870
transfers into the district prior to the administration of the 28871
diagnostic assessments to all students under division (B) of this 28872
section, the district may administer the diagnostic assessments to 28873
that student on the date or dates determined under that division. 28874

(2) Each kindergarten student, not earlier than the first day 28875
of July of the school year and not later than the ~~first day of~~ 28876
~~November twentieth day of instruction of that school year.~~ 28877
~~However, a board of education may administer the selected response~~ 28878
~~and performance task items portion of the diagnostic assessment up~~ 28879
~~to two weeks prior to the first day of the school year.~~ 28880

For the purpose of division (A) (2) of this section, the 28881
district shall administer the kindergarten readiness assessment 28882
provided by the department of education. In no case shall the 28883
results of the readiness assessment be used to prohibit a student 28884
from enrolling in kindergarten. 28885

(3) Each student enrolled in first, second, or third grade. 28886

Division (A) of this section does not apply to students with 28887

significant cognitive disabilities, as defined by the department 28888
of education. 28889

(B) Each district board shall administer each diagnostic 28890
assessment when the board deems appropriate, provided the 28891
administration complies with section 3313.608 of the Revised Code. 28892
However, the board shall administer any diagnostic assessment at 28893
least once annually to all students in the appropriate grade 28894
level. A district board may administer any diagnostic assessment 28895
in the fall and spring of a school year to measure the amount of 28896
academic growth attributable to the instruction received by 28897
students during that school year. 28898

(C) Any district that received a grade of "A" or "B" for the 28899
performance index score under division (A) (1) (b), (B) (1) (b), or 28900
(C) (1) (b) of section 3302.03 of the Revised Code or for the 28901
value-added progress dimension under division (A) (1) (e), 28902
(B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code for 28903
the immediately preceding school year may use different diagnostic 28904
assessments from those adopted under division (D) of section 28905
3301.079 of the Revised Code in order to satisfy the requirements 28906
of division (A) (3) of this section. 28907

(D) Each district board shall utilize and score any 28908
diagnostic assessment administered under division (A) of this 28909
section in accordance with rules established by the department. 28910
After the administration of any diagnostic assessment, each 28911
district shall provide a student's completed diagnostic 28912
assessment, the results of such assessment, and any other 28913
accompanying documents used during the administration of the 28914
assessment to the parent of that student, and shall include all 28915
such documents and information in any plan developed for the 28916
student under division (C) of section 3313.608 of the Revised 28917
Code. Each district shall submit to the department, in the manner 28918
the department prescribes, the results of the diagnostic 28919

assessments administered under this section, regardless of the 28920
type of assessment used under section 3313.608 of the Revised 28921
Code. The department may issue reports with respect to the data 28922
collected. The department may report school and district level 28923
kindergarten diagnostic assessment data and use diagnostic 28924
assessment data to calculate the measure prescribed by divisions 28925
(B) (1) (g) and (C) (1) (g) of section 3302.03 of the Revised Code. 28926

(E) Each district board shall provide intervention services 28927
to students whose diagnostic assessments show that they are 28928
failing to make satisfactory progress toward attaining the 28929
academic standards for their grade level. 28930

(F) Beginning in the 2018-2019 school year, any chartered 28931
nonpublic school may elect to administer the kindergarten 28932
readiness assessment to all kindergarten students enrolled in the 28933
school. If the school so elects, the chief administrator of the 28934
school shall notify the superintendent of public instruction not 28935
later than the thirty-first day of March prior to any school year 28936
in which the school will administer the assessment. The department 28937
shall furnish the assessment to the school at no cost to the 28938
school. In administering the assessment, the school shall do all 28939
of the following: 28940

(1) Enter into a written agreement with the department 28941
specifying that the school will share each participating student's 28942
assessment data with the department and, that for the purpose of 28943
reporting the data to the department, each participating student 28944
will be assigned a data verification code as described in division 28945
(D) (2) of section 3301.0714 of the Revised Code; 28946

(2) Require the assessment to be administered by a teacher 28947
certified under section 3301.071 of the Revised Code who either 28948
has completed training on administering the kindergarten readiness 28949
assessment provided by the department or has been trained by 28950
another person who has completed such training; 28951

(3) Administer the assessment in the same manner as school districts are required to do under this section and the rules established under division (D) of this section.

(G) Beginning in the 2019-2020 school year, a school district in which less than eighty per cent of its students score at the proficient level or higher on the third-grade English language arts assessment prescribed under section 3301.0710 of the Revised Code shall establish a reading improvement plan supported by reading specialists. Prior to implementation, the plan shall be approved by the school district board of education.

Sec. 3301.23. (A) Not later than thirty days after the effective date of this section, the department of education, in consultation with the chancellor of higher education, shall establish a committee to develop a state plan for computer science education for the purposes of primary and secondary education.

(B) When developing the plan, the committee established under this section shall consider the following:

(1) Best practices and challenges associated with the implementation of primary and secondary computer science curriculum in this state;

(2) Demographic data for students who receive instruction in computer science;

(3) Benchmarks to create a sustainable supply of teachers certified to provide instruction in computer science;

(4) Best practices to form public and private partnerships for funding, mentoring, and internships for teachers providing instruction in computer science;

(5) Requiring all students to complete a computer science course prior to high school graduation;

(6) Establishing a work-based learning pilot program that

<u>includes high schools, universities, and local industry and</u>	28982
<u>permits the department and the chancellor to develop pathways to</u>	28983
<u>align computer science education in the state with the state's</u>	28984
<u>workforce needs;</u>	28985
<u>(7) Any other topic determined appropriate by the committee.</u>	28986
<u>(C) The committee established under this section shall</u>	28987
<u>consist of all of the following:</u>	28988
<u>(1) The superintendent of public instruction, or designee;</u>	28989
<u>(2) The chancellor, or designee;</u>	28990
<u>(3) Representatives of computer science education</u>	28991
<u>stakeholders appointed by the state superintendent, in</u>	28992
<u>consultation with the chancellor. Computer science education</u>	28993
<u>stakeholders represented on the committee shall include all of the</u>	28994
<u>following:</u>	28995
<u>(a) Career-technical education;</u>	28996
<u>(b) Teachers;</u>	28997
<u>(c) Institutions of higher education;</u>	28998
<u>(d) Businesses;</u>	28999
<u>(e) State and national computer science organizations.</u>	29000
<u>(D) Within the plan, the committee established under this</u>	29001
<u>section shall include all of the following:</u>	29002
<u>(1) An examination of the challenges that prevent school</u>	29003
<u>districts from offering computer science courses;</u>	29004
<u>(2) A requirement that the department of education collect</u>	29005
<u>any data regarding computer science courses offered by school</u>	29006
<u>districts and school buildings operated by school districts,</u>	29007
<u>including the names of the courses and whether the courses were</u>	29008
<u>developed using the standards and model curriculum adopted under</u>	29009
<u>division (A) (4) of section 3301.079 of the Revised Code, and post</u>	29010

the collected data on its web site. 29011

(3) A requirement that the committee determine the best ways 29012
to compile data on computer science courses, teachers, and 29013
undergraduate students studying computer science in universities. 29014

(4) Any findings the committee determines appropriate based 29015
on its consideration of the topics described in division (B) of 29016
this section. 29017

(E) The committee shall complete the plan not later than one 29018
year after the effective date of this section and the department 29019
shall post the completed plan in a prominent location on its web 29020
site. 29021

Sec. 3301.85. (A) Beginning on the effective date of this 29022
section, the department of education shall submit to the joint 29023
committee on agency rule review, created in section 101.35 of the 29024
Revised Code, any proposed changes to either the education 29025
management information system established under section 3301.0714 29026
of the Revised Code or the department's business rules and 29027
policies that may affect community schools established under 29028
Chapter 3314. of the Revised Code. 29029

(B) When the department submits the proposed changes to the 29030
education management information system or the department's 29031
business rules and policies that affect community schools, the 29032
joint committee on agency rule review shall hold one or more 29033
public hearings at which community schools may present testimony 29034
on their ability and capacity to comply with the proposed changes. 29035

(C) The joint committee on agency rule review shall consider 29036
any testimonies provided at the public hearings required under 29037
division (B) of this section and vote to determine whether 29038
community schools can reasonably comply with the proposed changes. 29039

(D) The department shall not implement any changes to the 29040

education management information system or the department's 29041
business rules and policies that may affect community schools 29042
without the joint committee on agency rule review's determination 29043
that community schools can reasonably comply with those changes. 29044

Sec. 3302.036. (A) Notwithstanding anything in the Revised 29045
Code to the contrary, the department of education shall not assign 29046
an overall letter grade under division (C)(3) of section 3302.03 29047
of the Revised Code for any school district or building for the 29048
2014-2015, 2015-2016, or 2016-2017 school years, may, at the 29049
discretion of the state board of education, not assign an 29050
individual grade to any component prescribed under division (C)(3) 29051
of section 3302.03 of the Revised Code, and shall not rank school 29052
districts, community schools established under Chapter 3314. of 29053
the Revised Code, or STEM schools established under Chapter 3326. 29054
of the Revised Code under section 3302.21 of the Revised Code for 29055
those school years. The report card ratings issued for the 29056
2014-2015, 2015-2016, or 2016-2017 school years shall not be 29057
considered in determining whether a school district or a school is 29058
subject to sanctions or penalties. However, the report card 29059
ratings of any previous or subsequent years shall be considered in 29060
determining whether a school district or building is subject to 29061
sanctions or penalties. Accordingly, the report card ratings for 29062
the 2014-2015, 2015-2016, or 2016-2017 school years shall have no 29063
effect in determining sanctions or penalties, but shall not create 29064
a new starting point for determinations that are based on ratings 29065
over multiple years. 29066

(B) The provisions from which a district or school is exempt 29067
under division (A) of this section shall be the following: 29068

(1) Any restructuring provisions established under this 29069
chapter, except as required under the "No Child Left Behind Act of 29070
2001"; 29071

(2) Provisions for the Columbus city school pilot project	29072
under section 3302.042 of the Revised Code;	29073
(3) Provisions for academic distress commissions under former	29074
section 3302.10 of the Revised Code as it existed prior to the	29075
effective date of this amendment <u>October 15, 2015</u> . The provisions	29076
of this section do not apply to academic distress commissions	29077
under the version of that section as it exists on or after the	29078
effective date of this amendment <u>October 15, 2015</u> .	29079
(4) Provisions prescribing new buildings where students are	29080
eligible for the educational choice scholarships under section	29081
3310.03 of the Revised Code;	29082
(5) Provisions defining "challenged school districts" in	29083
which new start-up community schools may <u>were required to be</u>	29084
located, as prescribed in section 3314.02 of the Revised Code <u>as</u>	29085
<u>it existed prior to the effective date of this amendment</u> ;	29086
(6) Provisions prescribing community school closure	29087
requirements under section 3314.35 or 3314.351 of the Revised	29088
Code.	29089
(C) Notwithstanding anything in the Revised Code to the	29090
contrary and except as provided in Section 3 of H.B. 7 of the	29091
131st general assembly, no school district, community school, or	29092
STEM school shall utilize at any time during a student's academic	29093
career a student's score on any assessment administered under	29094
division (A) of section 3301.0710 or division (B) (2) of section	29095
3301.0712 of the Revised Code in the 2014-2015, 2015-2016, or	29096
2016-2017 school year <u>years</u> as a factor in any decision to promote	29097
or to deny the student promotion to a higher grade level or in any	29098
decision to grant course credit. No individual student score	29099
reports on such assessments administered in the 2014-2015,	29100
2015-2016, or 2016-2017 school years shall be released, except to	29101
a student's school district or school or to the student or the	29102

student's parent or guardian. 29103

Sec. 3302.04. As used in divisions (A), (C), and (D) of this 29104
section, for the 2014-2015 school year, and for each school year 29105
thereafter, when a provision refers to a school district or school 29106
building in a state of academic emergency, it shall mean a 29107
district or building rated "F"; when a provision refers to a 29108
school district or school building under an academic watch, it 29109
shall mean a district or building rated "D"; and when a provision 29110
refers to a school district or school building in need of 29111
continuous improvement, it shall mean a district or building rated 29112
"C" as those letter grade ratings for overall performance are 29113
assigned under division (C) (3) of section 3302.03 of the Revised 29114
Code, as it exists on or after March 22, 2013. 29115

(A) The department of education shall establish a system of 29116
intensive, ongoing support for the improvement of school districts 29117
and school buildings. In accordance with the model of 29118
differentiated accountability described in section 3302.041 of the 29119
Revised Code, the system shall give priority to the following: 29120

(1) For any school year prior to the 2012-2013 school year, 29121
districts and buildings that have been declared to be under an 29122
academic watch or in a state of academic emergency under section 29123
3302.03 of the Revised Code; 29124

(2) For the 2012-2013 school year, and for each school year 29125
thereafter, districts and buildings in the manner prescribed by 29126
any agreement currently in force between the department and the 29127
United States department of education. The department shall 29128
endeavor to include schools and buildings that receive grades 29129
under section 3302.03 of the Revised Code that the department 29130
considers to be low performing. 29131

The system shall include services provided to districts and 29132
buildings through regional service providers, such as educational 29133

service centers. The system may include the appointment of an 29134
improvement coordinator for any of the lowest performing 29135
districts, as determined by the department, to coordinate the 29136
district's academic improvement efforts and to build support among 29137
the community for those efforts. 29138

(B) This division does not apply to any school district after 29139
June 30, 2008. 29140

When a school district has been notified by the department 29141
pursuant to section 3302.03 of the Revised Code that the district 29142
or a building within the district has failed to make adequate 29143
yearly progress for two consecutive school years, the district 29144
shall develop a three-year continuous improvement plan for the 29145
district or building containing each of the following: 29146

(1) An analysis of the reasons for the failure of the 29147
district or building to meet any of the applicable performance 29148
indicators established under section 3302.02 of the Revised Code 29149
that it did not meet and an analysis of the reasons for its 29150
failure to make adequate yearly progress; 29151

(2) Specific strategies that the district or building will 29152
use to address the problems in academic achievement identified in 29153
division (B)(1) of this section; 29154

(3) Identification of the resources that the district will 29155
allocate toward improving the academic achievement of the district 29156
or building; 29157

(4) A description of any progress that the district or 29158
building made in the preceding year toward improving its academic 29159
achievement; 29160

(5) An analysis of how the district is utilizing the 29161
professional development standards adopted by the state board 29162
pursuant to section 3319.61 of the Revised Code; 29163

(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.

(C) (1) For any school year prior to the school year that begins on July 1, 2012, when a school district or building has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.

(2) For the 2012-2013 school year, and for each school year thereafter, a district or building that meets the conditions for intervention prescribed by the agreement described in division (A) (2) of this section shall be subject to any rules establishing such intervention.

(D) (1) For any school year prior to the 2012-2013 school year, within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.

(2) For the 2012-2013 school year, and for each school year thereafter, the department may initiate a site evaluation of a building or school district that meets the conditions for a site

evaluation prescribed by the agreement described in division	29195
(A) (2) of this section.	29196
(3) Division (D) (3) of this section does not apply to any	29197
school district after June 30, 2008.	29198
If any school district that is declared to be in a state of	29199
academic emergency or in a state of academic watch under section	29200
3302.03 of the Revised Code or encompasses a building that is	29201
declared to be in a state of academic emergency or in a state of	29202
academic watch fails to demonstrate to the department satisfactory	29203
improvement of the district or applicable buildings or fails to	29204
submit to the department any information required under rules	29205
established by the state board of education, prior to approving a	29206
three-year continuous improvement plan under rules established by	29207
the state board of education, the department shall conduct a site	29208
evaluation of the school district or applicable buildings to	29209
determine whether the school district is in compliance with	29210
minimum standards established by law or rule.	29211
(4) Division (D) (4) of this section does not apply to any	29212
school district after June 30, 2008. Site evaluations conducted	29213
under divisions (D) (1), (2), and (3) of this section shall	29214
include, but not be limited to, the following:	29215
(a) Determining whether teachers are assigned to subject	29216
areas for which they are licensed or certified;	29217
(b) Determining pupil-teacher ratios;	29218
(c) Examination of compliance with minimum instruction time	29219
requirements for each school day and for each school year;	29220
(d) Determining whether materials and equipment necessary to	29221
implement the curriculum approved by the school district board are	29222
available;	29223
(e) Examination of whether the teacher and principal	29224

evaluation systems comply with sections 3311.80, 3311.84, 3319.02, 29225
and 3319.111 of the Revised Code; 29226

(f) Examination of the adequacy of efforts to improve the 29227
cultural competency, as defined pursuant to section 3319.61 of the 29228
Revised Code, of teachers and other educators. 29229

(E) This division applies only to school districts that 29230
operate a school building that fails to make adequate yearly 29231
progress for two or more consecutive school years. It does not 29232
apply to any such district after June 30, 2008, except as provided 29233
in division (D) (2) of section 3313.97 of the Revised Code. 29234

(1) For any school building that fails to make adequate 29235
yearly progress for two consecutive school years, the district 29236
shall do all of the following: 29237

(a) Provide written notification of the academic issues that 29238
resulted in the building's failure to make adequate yearly 29239
progress to the parent or guardian of each student enrolled in the 29240
building. The notification shall also describe the actions being 29241
taken by the district or building to improve the academic 29242
performance of the building and any progress achieved toward that 29243
goal in the immediately preceding school year. 29244

(b) If the building receives funds under Title I, Part A of 29245
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 29246
6311 to 6339, from the district, in accordance with section 29247
3313.97 of the Revised Code, offer all students enrolled in the 29248
building the opportunity to enroll in an alternative building 29249
within the district that is not in school improvement status as 29250
defined by the "No Child Left Behind Act of 2001." Notwithstanding 29251
Chapter 3327. of the Revised Code, the district shall spend an 29252
amount equal to twenty per cent of the funds it receives under 29253
Title I, Part A of the "Elementary and Secondary Education Act of 29254
1965," 20 U.S.C. 6311 to 6339, to provide transportation for 29255

students who enroll in alternative buildings under this division, 29256
unless the district can satisfy all demand for transportation with 29257
a lesser amount. If an amount equal to twenty per cent of the 29258
funds the district receives under Title I, Part A of the 29259
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 29260
to 6339, is insufficient to satisfy all demand for transportation, 29261
the district shall grant priority over all other students to the 29262
lowest achieving students among the subgroup described in division 29263
(B) (3) of section 3302.01 of the Revised Code in providing 29264
transportation. Any district that does not receive funds under 29265
Title I, Part A of the "Elementary and Secondary Education Act of 29266
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 29267
transportation to any student who enrolls in an alternative 29268
building under this division. 29269

(2) For any school building that fails to make adequate 29270
yearly progress for three consecutive school years, the district 29271
shall do both of the following: 29272

(a) If the building receives funds under Title I, Part A of 29273
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 29274
6311 to 6339, from the district, in accordance with section 29275
3313.97 of the Revised Code, provide all students enrolled in the 29276
building the opportunity to enroll in an alternative building 29277
within the district that is not in school improvement status as 29278
defined by the "No Child Left Behind Act of 2001." Notwithstanding 29279
Chapter 3327. of the Revised Code, the district shall provide 29280
transportation for students who enroll in alternative buildings 29281
under this division to the extent required under division (E) (2) 29282
of this section. 29283

(b) If the building receives funds under Title I, Part A of 29284
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 29285
6311 to 6339, from the district, offer supplemental educational 29286
services to students who are enrolled in the building and who are 29287

in the subgroup described in division (B) (3) of section 3302.01 of 29288
the Revised Code. 29289

The district shall spend a combined total of an amount equal 29290
to twenty per cent of the funds it receives under Title I, Part A 29291
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 29292
6311 to 6339, to provide transportation for students who enroll in 29293
alternative buildings under division (E) (1) (b) or (E) (2) (a) of 29294
this section and to pay the costs of the supplemental educational 29295
services provided to students under division (E) (2) (b) of this 29296
section, unless the district can satisfy all demand for 29297
transportation and pay the costs of supplemental educational 29298
services for those students who request them with a lesser amount. 29299
In allocating funds between the requirements of divisions 29300
(E) (1) (b) and (E) (2) (a) and (b) of this section, the district 29301
shall spend at least an amount equal to five per cent of the funds 29302
it receives under Title I, Part A of the "Elementary and Secondary 29303
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 29304
transportation for students who enroll in alternative buildings 29305
under division (E) (1) (b) or (E) (2) (a) of this section, unless the 29306
district can satisfy all demand for transportation with a lesser 29307
amount, and at least an amount equal to five per cent of the funds 29308
it receives under Title I, Part A of the "Elementary and Secondary 29309
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 29310
of the supplemental educational services provided to students 29311
under division (E) (2) (b) of this section, unless the district can 29312
pay the costs of such services for all students requesting them 29313
with a lesser amount. If an amount equal to twenty per cent of the 29314
funds the district receives under Title I, Part A of the 29315
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 29316
to 6339, is insufficient to satisfy all demand for transportation 29317
under divisions (E) (1) (b) and (E) (2) (a) of this section and to pay 29318
the costs of all of the supplemental educational services provided 29319
to students under division (E) (2) (b) of this section, the district 29320

shall grant priority over all other students in providing 29321
transportation and in paying the costs of supplemental educational 29322
services to the lowest achieving students among the subgroup 29323
described in division (B) (3) of section 3302.01 of the Revised 29324
Code. 29325

Any district that does not receive funds under Title I, Part 29326
A of the "Elementary and Secondary Education Act of 1965," 20 29327
U.S.C. 6311 to 6339, shall not be required to provide 29328
transportation to any student who enrolls in an alternative 29329
building under division (E) (2) (a) of this section or to pay the 29330
costs of supplemental educational services provided to any student 29331
under division (E) (2) (b) of this section. 29332

No student who enrolls in an alternative building under 29333
division (E) (2) (a) of this section shall be eligible for 29334
supplemental educational services under division (E) (2) (b) of this 29335
section. 29336

(3) For any school building that fails to make adequate 29337
yearly progress for four consecutive school years, the district 29338
shall continue to comply with division (E) (2) of this section and 29339
shall implement at least one of the following options with respect 29340
to the building: 29341

(a) Institute a new curriculum that is consistent with the 29342
statewide academic standards adopted pursuant to division (A) of 29343
section 3301.079 of the Revised Code; 29344

(b) Decrease the degree of authority the building has to 29345
manage its internal operations; 29346

(c) Appoint an outside expert to make recommendations for 29347
improving the academic performance of the building. The district 29348
may request the department to establish a state intervention team 29349
for this purpose pursuant to division (G) of this section. 29350

(d) Extend the length of the school day or year; 29351

(e) Replace the building principal or other key personnel;	29352
(f) Reorganize the administrative structure of the building.	29353
(4) For any school building that fails to make adequate	29354
yearly progress for five consecutive school years, the district	29355
shall continue to comply with division (E)(2) of this section and	29356
shall develop a plan during the next succeeding school year to	29357
improve the academic performance of the building, which shall	29358
include at least one of the following options:	29359
(a) Reopen the school as a community school under Chapter	29360
3314. of the Revised Code;	29361
(b) Replace personnel;	29362
(c) Contract with a nonprofit or for-profit entity to operate	29363
the building;	29364
(d) Turn operation of the building over to the department;	29365
(e) Other significant restructuring of the building's	29366
governance.	29367
(5) For any school building that fails to make adequate	29368
yearly progress for six consecutive school years, the district	29369
shall continue to comply with division (E)(2) of this section and	29370
shall implement the plan developed pursuant to division (E)(4) of	29371
this section.	29372
(6) A district shall continue to comply with division	29373
(E)(1)(b) or (E)(2) of this section, whichever was most recently	29374
applicable, with respect to any building formerly subject to one	29375
of those divisions until the building makes adequate yearly	29376
progress for two consecutive school years.	29377
(F) This division applies only to school districts that have	29378
been identified for improvement by the department pursuant to the	29379
"No Child Left Behind Act of 2001." It does not apply to any such	29380
district after June 30, 2008.	29381

(1) If a school district has been identified for improvement 29382
for one school year, the district shall provide a written 29383
description of the continuous improvement plan developed by the 29384
district pursuant to division (B) of this section to the parent or 29385
guardian of each student enrolled in the district. If the district 29386
does not have a continuous improvement plan, the district shall 29387
develop such a plan in accordance with division (B) of this 29388
section and provide a written description of the plan to the 29389
parent or guardian of each student enrolled in the district. 29390

(2) If a school district has been identified for improvement 29391
for two consecutive school years, the district shall continue to 29392
implement the continuous improvement plan developed by the 29393
district pursuant to division (B) or (F)(1) of this section. 29394

(3) If a school district has been identified for improvement 29395
for three consecutive school years, the department shall take at 29396
least one of the following corrective actions with respect to the 29397
district: 29398

(a) Withhold a portion of the funds the district is entitled 29399
to receive under Title I, Part A of the "Elementary and Secondary 29400
Education Act of 1965," 20 U.S.C. 6311 to 6339; 29401

(b) Direct the district to replace key district personnel; 29402

(c) Institute a new curriculum that is consistent with the 29403
statewide academic standards adopted pursuant to division (A) of 29404
section 3301.079 of the Revised Code; 29405

(d) Establish alternative forms of governance for individual 29406
school buildings within the district; 29407

(e) Appoint a trustee to manage the district in place of the 29408
district superintendent and board of education. 29409

The department shall conduct individual audits of a sampling 29410
of districts subject to this division to determine compliance with 29411

the corrective actions taken by the department. 29412

(4) If a school district has been identified for improvement 29413
for four consecutive school years, the department shall continue 29414
to monitor implementation of the corrective action taken under 29415
division (F) (3) of this section with respect to the district. 29416

(5) If a school district has been identified for improvement 29417
for five consecutive school years, the department shall take at 29418
least one of the corrective actions identified in division (F) (3) 29419
of this section with respect to the district, provided that the 29420
corrective action the department takes is different from the 29421
corrective action previously taken under division (F) (3) of this 29422
section with respect to the district. 29423

(G) The department may establish a state intervention team to 29424
evaluate all aspects of a school district or building, including 29425
management, curriculum, instructional methods, resource 29426
allocation, and scheduling. Any such intervention team shall be 29427
appointed by the department and shall include teachers and 29428
administrators recognized as outstanding in their fields. The 29429
intervention team shall make recommendations regarding methods for 29430
improving the performance of the district or building. 29431

The department shall not approve a district's request for an 29432
intervention team under division (E) (3) of this section if the 29433
department cannot adequately fund the work of the team, unless the 29434
district agrees to pay for the expenses of the team. 29435

(H) The department shall conduct individual audits of a 29436
sampling of community schools established under Chapter 3314. of 29437
the Revised Code to determine compliance with this section. 29438

(I) A school district in which the pilot project scholarship 29439
program is operating under sections 3313.974 to 3313.979 of the 29440
Revised Code shall report the use of funding for tutorial 29441
assistance grants under that program in the district's three-year 29442

continuous improvement plan under this section in a manner 29443
approved by the department. 29444

(J) The state board shall adopt rules for implementing this 29445
section. 29446

Sec. 3302.103. (A) This section applies to any school 29447
district that meets one of the following conditions: 29448

(1) An academic distress commission was established for the 29449
district in 2013 by the superintendent of public instruction under 29450
former section 3302.10 of the Revised Code, as it existed prior to 29451
October 15, 2015, and a new academic distress commission was 29452
established for the district by the state superintendent under 29453
division (A) (2) of section 3302.10 of the Revised Code. 29454

(2) An academic distress commission was established for the 29455
district in 2010 by the state superintendent under former section 29456
3302.10 of the Revised Code, as it existed prior to October 15, 29457
2015, and a new academic distress commission was established for 29458
the district under division (A) (2) of section 3302.10 of the 29459
Revised Code. 29460

(3) An academic distress commission was established for the 29461
district by the state superintendent in 2018 under division (A) (1) 29462
of section 3302.10 of the Revised Code. 29463

(B) The auditor of state shall complete a performance audit 29464
of a school district to which this section applies one time during 29465
the three-year period of the plan implemented under division 29466
(D) (2) of this section and submit the results of the audit to the 29467
board of education of the school district and the academic 29468
distress commission established for the district. The performance 29469
audit shall be conducted in the same manner as prescribed by 29470
section 3316.042 of the Revised Code. 29471

(C) Notwithstanding anything to the contrary in the Revised 29472

Code, not later than ninety days after the effective date of this 29473
section, the district board of a school district to which this 29474
section applies, in consultation with the appropriate 29475
stakeholders, the academic distress commission, and the chief 29476
executive officer appointed by that commission under section 29477
3302.10 of the Revised Code, shall develop and submit an academic 29478
improvement plan for the district to the state superintendent. 29479

The plan developed under division (C) of this section shall 29480
operate for a period of three school years and shall include 29481
annual and overall academic improvement benchmarks for the 29482
district and strategies for achieving those benchmarks. 29483

(D) (1) The state superintendent shall review the plan 29484
submitted under division (C) of this section. Not later than 29485
thirty days after receiving the plan for review, the state 29486
superintendent shall approve the plan or suggest modifications to 29487
the plan. If the state superintendent suggests modifications, the 29488
district board shall revise the plan and resubmit it within 29489
fifteen days after receiving the suggested modifications. The 29490
state superintendent shall review and approve the plan within 29491
thirty days after receiving it. 29492

(2) Upon approval of the plan by the state superintendent, 29493
the district board may begin to prepare to implement the plan, 29494
which shall be in effect from July 1, 2022, to June 30, 2025. The 29495
district's academic distress commission and chief executive 29496
officer shall work with the district in preparing to implement the 29497
plan. 29498

(3) If the district board determines it necessary, it may 29499
submit a request to the state superintendent to modify the 29500
improvement plan during the period of time specified in division 29501
(D) (2) of this section. The improvement plan shall not be modified 29502
without the state superintendent's approval. 29503

(E) During the school years that the district is implementing the plan approved by the state superintendent, the following apply: 29504
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(1) The district shall not be subject to section 3302.10 of the Revised Code. 29507
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(2) The district board shall reassume all powers granted to it under the Revised Code. 29509
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(3) The district's academic distress commission shall continue to exist and provide assistance to the district but shall not have any operational or managerial control of the district. 29511
29512
29513

(4) The chief executive officer appointed by the academic distress commission shall relinquish all operational, managerial, and instructional control of the district and be removed from that position. 29514
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The district board may employ as district superintendent the individual who previously served as chief executive officer. If the district board enters into a contract for district superintendent with that individual while the district is implementing the improvement plan, the department of education shall continue compensating the individual under the terms of the individual's chief executive officer contract until the district meets either of the conditions prescribed in division (F)(1)(b) or (F)(2) of this section. In either event, the district board shall begin compensating the individual under the terms of the district board's employment contract with the individual for district superintendent. 29518
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(5) The district board shall provide annual reports to the state board of education on the district's progress toward achieving the academic benchmarks established in the district's improvement plan. 29530
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(F) At the end of three school years under the plan, the 29534

district shall be evaluated by the state board based on the 29535
academic improvement benchmarks established in the plan. 29536

(1) (a) If the district improves but does not meet at least a 29537
majority of the academic improvement benchmarks established in the 29538
improvement plan, the district board may apply to the state 29539
superintendent for an extension of one school year to continue 29540
implementing the plan, pending approval by the state 29541
superintendent. If the district does not meet at least a majority 29542
of the established benchmarks at the end of the extension, the 29543
district again may apply to the state superintendent for an 29544
extension of one school year to continue implementing the plan. 29545
The district shall not apply for an extension more than twice. 29546

(b) If the district does not meet at least a majority of the 29547
academic improvement benchmarks at the end of five school years 29548
under the plan or if the state superintendent does not approve a 29549
district's application for an extension submitted under division 29550
(F) (1) (a) of this section, the district shall be subject to 29551
section 3302.10 of the Revised Code. The academic distress 29552
commission shall appoint a new chief executive officer for the 29553
district as prescribed in division (C) of that section, and the 29554
chief executive officer shall reassume the powers that were being 29555
exercised under that section prior to July 1, 2022. 29556

(2) If the district meets at least a majority of the academic 29557
improvement benchmarks established in its improvement plan at the 29558
end of the initial evaluation or, if applicable, after an 29559
extension granted by the state superintendent under division 29560
(F) (1) (a) of this section, the academic distress commission shall 29561
be dissolved, and the district board shall continue exercising all 29562
powers granted to it under the Revised Code. 29563

Sec. 3302.20. (A) The department of education shall develop 29564
standards for determining, from the existing data reported in 29565

accordance with sections 3301.0714 and 3314.17 of the Revised Code, the amount of annual operating expenditures for classroom instructional purposes and for nonclassroom purposes for each city, exempted village, local, and joint vocational school district, each community school established under Chapter 3314. that is not an internet- or computer-based community school, each internet- or computer-based community school, and each STEM school established under Chapter 3326. of the Revised Code. The department shall present those standards to the state board of education for consideration. In developing the standards, the department shall adapt existing standards used by professional organizations, research organizations, and other state governments. The department also shall align the expenditure categories required for reporting under the standards with the categories that are required for reporting to the United States department of education under federal law.

The state board shall consider the proposed standards and adopt a final set of standards not later than December 31, 2012. School districts, community schools, and STEM schools shall begin reporting data in accordance with the standards on June 30, 2013.

(B) (1) The department shall categorize all city, exempted village, and local school districts into not less than three nor more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each district under section 3302.03 of the Revised Code.

(2) The department shall categorize all joint vocational school districts into not less than three nor more than five groups based primarily on formula ADM as that term is defined in section 3317.02 of the Revised Code rounded to the nearest whole number.

(3) The department shall categorize all community schools

that are not internet- or computer-based community schools into 29597
not less than three nor more than five groups based primarily on 29598
average daily student enrollment as reported on the most recent 29599
report card issued for each community school under sections 29600
3302.03 and 3314.012 of the Revised Code or, in the case of a 29601
school to which section 3314.017 of the Revised Code applies, on 29602
the total number of students reported under divisions ~~(B)(2)(a)~~ 29603
and ~~(b)~~ (B)(1) and (2) of section 3314.08 of the Revised Code. 29604

(4) The department shall categorize all internet- or 29605
computer-based community schools into a single category. 29606

(5) The department shall categorize all STEM schools into a 29607
single category. 29608

(C) Using the standards adopted under division (A) of this 29609
section and the data reported under sections 3301.0714 and 3314.17 29610
of the Revised Code, the department shall compute annually for 29611
each fiscal year, the following: 29612

(1) The percentage of each district's, community school's, or 29613
STEM school's total operating budget spent for classroom 29614
instructional purposes; 29615

(2) The statewide average percentage for all districts, 29616
community schools, and STEM schools combined spent for classroom 29617
instructional purposes; 29618

(3) The average percentage for each of the categories of 29619
districts and schools established under division (B) of this 29620
section spent for classroom instructional purposes; 29621

(4) The ranking of each district, community school, or STEM 29622
school within its respective category established under division 29623
(B) of this section according to the following: 29624

(a) From highest to lowest percentage spent for classroom 29625
instructional purposes; 29626

(b) From lowest to highest percentage spent for noninstructional purposes.	29627 29628
(5) The total operating expenditures per pupil for each district, community school, and STEM school;	29629 29630
(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.	29631 29632
(D) In its display of rankings within each category under division (C) (4) of this section, the department shall make the following notations:	29633 29634 29635
(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:	29636 29637 29638
(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditure per equivalent pupils;	29639 29640 29641
(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.	29642 29643 29644
(2) Within each category of joint vocational school districts, the department shall denote each district that is:	29645 29646
(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure per equivalent pupils;	29647 29648 29649
(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code.	29650 29651 29652
(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:	29653 29654 29655
(a) Among the twenty per cent of all such community schools	29656

statewide with the lowest total operating expenditure per 29657
equivalent pupils; 29658

(b) Among the twenty per cent of all such community schools 29659
statewide with the highest performance index scores, excluding 29660
such community schools to which section 3314.017 of the Revised 29661
Code applies. 29662

(4) Within the category of internet- or computer-based 29663
community schools, the department shall denote each school that 29664
is: 29665

(a) Among the twenty per cent of all such community schools 29666
statewide with the lowest total operating expenditure per 29667
equivalent pupils; 29668

(b) Among the twenty per cent of all such community schools 29669
statewide with the highest performance index scores, excluding 29670
such community schools to which section 3314.017 of the Revised 29671
Code applies. 29672

(5) Within the category of STEM schools, the department shall 29673
denote each school that is: 29674

(a) Among the twenty per cent of all STEM schools statewide 29675
with the lowest total operating expenditure per equivalent pupils; 29676

(b) Among the twenty per cent of all STEM schools statewide 29677
with the highest performance index scores. 29678

For purposes of divisions (D) (3) (b) and (4) (b) of this 29679
section, the display shall note that, in accordance with section 29680
3314.017 of the Revised Code, a performance index score is not 29681
reported for some community schools that serve primarily students 29682
enrolled in dropout prevention and recovery programs. 29683

(E) The department shall post in a prominent location on its 29684
web site the information prescribed by divisions (C) and (D) of 29685
this section. The department also shall include on each 29686

district's, community school's, and STEM school's annual report 29687
card issued under section 3302.03 or 3314.017 of the Revised Code 29688
the respective information computed for the district or school 29689
under divisions (C) (1) and (4) of this section, the statewide 29690
information computed under division (C) (2) of this section, and 29691
the information computed for the district's or school's category 29692
under division (C) (3) of this section. 29693

(F) As used in this section: 29694

(1) "Internet- or computer-based community school" has the 29695
same meaning as in section 3314.02 of the Revised Code. 29696

(2) A school district's, community school's, or STEM school's 29697
performance index score rank is its performance index score rank 29698
as computed under section 3302.21 of the Revised Code. 29699

(3) "Expenditure per equivalent pupils" has the same meaning 29700
as in section 3302.26 of the Revised Code. 29701

Sec. 3302.41. As used in this section, "blended learning" has 29702
the same meaning as in section 3301.079 of the Revised Code. 29703

(A) Any local, city, exempted village, or joint vocational 29704
school district, community school established under Chapter 3314. 29705
of the Revised Code, STEM school established under Chapter 3326. 29706
of the Revised Code, college-preparatory boarding school 29707
established under Chapter 3328. of the Revised Code, or chartered 29708
nonpublic school may operate all or part of a school using a 29709
blended learning model. If a school is operated using a blended 29710
learning model or is to cease operating using a blended learning 29711
model, the superintendent of the school or district or director of 29712
the school shall notify the department of education of that fact 29713
not later than the first day of July of the school year for which 29714
the change is effective. If any school district school, community 29715
school, or STEM school is already operated using a blended 29716

learning model on ~~the effective date of this section~~ September 24, 29717
2012, the superintendent of the school or district may notify the 29718
department within ninety days after ~~the effective date of this~~ 29719
~~section~~ September 24, 2012, of that fact and request that the 29720
school be classified as a blended learning school. 29721

(B) The state board of education shall revise any operating 29722
standards for school districts and chartered nonpublic schools 29723
adopted under section 3301.07 of the Revised Code to include 29724
standards for the operation of blended learning under this 29725
section. The blended learning operation standards shall provide 29726
for all of the following: 29727

(1) Student-to-teacher ratios whereby no school or classroom 29728
is required to have more than one teacher for every one hundred 29729
twenty-five students in blended learning classrooms; 29730

(2) The extent to which the school is or is not obligated to 29731
provide students with access to digital learning tools; 29732

(3) The ability of all students, at any grade level, to earn 29733
credits or advance grade levels upon demonstrating mastery of 29734
knowledge or skills through competency-based learning models. 29735
Credits or grade level advancement shall not be based on a minimum 29736
number of days or hours in a classroom. 29737

(4) ~~An exemption from minimum school year or school day~~ 29738
~~requirements in sections 3313.48 and 3313.481 of the Revised Code~~ 29739
Notwithstanding anything to the contrary in section 3313.48 of the 29740
Revised Code, a requirement that the school have an annual 29741
instructional calendar of not less than nine hundred ten hours; 29742

(5) Adequate provisions for: the licensing of teachers, 29743
administrators, and other professional personnel and their 29744
assignment according to training and qualifications; efficient and 29745
effective instructional materials and equipment, including library 29746
facilities; the proper organization, administration, and 29747

supervision of each school, including regulations for preparing 29748
all necessary records and reports and the preparation of a 29749
statement of policies and objectives for each school; buildings, 29750
grounds, and health and sanitary facilities and services; 29751
admission of pupils, and such requirements for their promotion 29752
from grade to grade as will ensure that they are capable and 29753
prepared for the level of study to which they are certified; 29754
requirements for graduation; and such other factors as the board 29755
finds necessary. 29756

(C) An internet- or computer-based community school, as 29757
defined in section 3314.02 of the Revised Code, is not a blended 29758
learning school authorized under this section. Nor does this 29759
section affect any provisions for the operation of and payments to 29760
an internet- or computer-based community school prescribed in 29761
Chapter 3314. of the Revised Code. 29762

Sec. 3302.42. As used in this section, "online learning" has 29763
the same meaning as in section 3301.079 of the Revised Code. 29764

(A) Any local, city, exempted village, or joint vocational 29765
school district, with approval of the superintendent of public 29766
instruction, may operate a school using an online learning model. 29767
If a school is operated using an online learning model or is to 29768
cease operating using an online learning model, the superintendent 29769
of the district shall notify the department of education of that 29770
fact not later than the first day of July of the school year for 29771
which the change is effective. If any school district school is 29772
currently operated using an online learning model on the effective 29773
date of this section, the superintendent of the district shall 29774
notify the department within sixty days after the effective date 29775
of this section of that fact and request that the school be 29776
classified as an online learning school. 29777

(1) Districts shall assign all students engaged in online 29778

learning to a single school which the department shall designate 29779
as a district online school. 29780

(2) Districts shall provide all students engaged in online 29781
learning a computer, at no cost, for instructional use. Districts 29782
shall provide a filtering device or install filtering software 29783
that protects against internet access to materials that are 29784
obscene or harmful to juveniles on each computer provided to 29785
students for instructional use. 29786

(3) Districts shall provide all students engaged in online 29787
learning access to the internet, at no cost, for instructional 29788
use. 29789

(4) Districts that operate an online learning school shall 29790
provide a comprehensive orientation for students and their parents 29791
or guardians prior to enrollment or within thirty days for 29792
students enrolled as of the effective date of this section. 29793

(5) Online learning schools operated by a district shall 29794
implement a learning management system that tracks the time 29795
students participate in online learning activities. All student 29796
learning activities completed while off-line shall be documented 29797
with all participation records checked and approved by the teacher 29798
of record. 29799

(B) The state board of education shall revise any operating 29800
standards for school districts adopted under section 3301.07 of 29801
the Revised Code to include standards for the operation of online 29802
learning under this section. The online learning operation 29803
standards shall provide for all of the following: 29804

(1) Student-to-teacher ratios whereby no school or classroom 29805
is required to have more than one teacher for every one hundred 29806
twenty-five students in online learning classrooms; 29807

(2) The ability of all students, at any grade level, to earn 29808
credits or advance grade levels upon demonstrating mastery of 29809

knowledge or skills through competency-based learning models. 29810

Credits or grade level advancement shall not be based on a minimum 29811

number of days or hours in a classroom. 29812

(3) Notwithstanding anything to the contrary in section 29813

3313.48 of the Revised Code, a requirement that schools operating 29814

using an online learning model have an annual instructional 29815

calendar of not less than nine hundred ten hours. 29816

(a) For funding purposes, the department shall reduce the 29817

full-time equivalence proportionally for any student in an online 29818

learning school who participates in less than nine hundred ten 29819

hours per school year. The department shall reduce state funding 29820

for students assigned to an online learning school operated by a 29821

district commensurate with such adjustments to enrollment. 29822

(b) The department shall develop a review process and make 29823

all adjustments of state funding to districts to reflect any 29824

participation of students in online learning schools for less than 29825

the equivalent of a full school year. 29826

(4) Adequate provisions for: the licensing of teachers, 29827

administrators, and other professional personnel and their 29828

assignment according to training and qualifications; efficient and 29829

effective instructional materials and equipment, including library 29830

facilities; the proper organization, administration, and 29831

supervision of each school, including regulations for preparing 29832

all necessary records and reports and the preparation of a 29833

statement of policies and objectives for each school; buildings, 29834

grounds, and health and sanitary facilities and services; 29835

admission of pupils, and such requirements for their promotion 29836

from grade to grade as will ensure that they are capable and 29837

prepared for the level of study to which they are certified; 29838

requirements for graduation; and such other factors as the board 29839

finds necessary. 29840

(C) This section does not affect any provisions for the 29841
operation of and payments to an internet- or computer-based 29842
community school prescribed in Chapter 3314. of the Revised Code. 29843

Sec. 3304.24. Each October during national disability 29844
employment awareness month, the governor shall present an award to 29845
employers who meet the criteria for having a workplace inclusive 29846
of individuals with disabilities. The opportunities for Ohioans 29847
with disabilities agency shall determine the inclusive workplace 29848
criteria to be used to recommend employers for the award. 29849

Sec. 3307.31. (A) Payments by boards of education and 29850
governing authorities of community schools to the state teachers 29851
retirement system, as provided in sections 3307.29 and 3307.291 of 29852
the Revised Code, shall be made from the amount allocated under 29853
~~section 3314.08~~ or Chapter 3317. of the Revised Code prior to its 29854
distribution to the individual school districts or community 29855
schools. The amount due from each school district or community 29856
school shall be certified by the secretary of the system to the 29857
superintendent of public instruction monthly, or at such times as 29858
may be determined by the state teachers retirement board. 29859

The superintendent shall deduct, from the amount allocated to 29860
each district or community school under ~~section 3314.08~~ or Chapter 29861
3317. of the Revised Code, the entire amounts due to the system 29862
from such district or school upon the certification to the 29863
superintendent by the secretary thereof. 29864

The superintendent shall certify to the director of budget 29865
and management the amounts thus due the system for payment. 29866

(B) Payments to the state teachers retirement system by a 29867
science, technology, engineering, and mathematics school shall be 29868
deducted from the amount allocated under ~~section 3326.33~~ 3317.022 29869
of the Revised Code and shall be made in the same manner as 29870

payments by boards of education under this section. 29871

Sec. 3309.51. (A) Each employer shall pay into the employers' 29872
trust fund, monthly or at such times as the school employees 29873
retirement board requires, an amount certified by the school 29874
employees retirement board, which shall be as required by Chapter 29875
3309. of the Revised Code. 29876

Payments by school district boards of education to the 29877
employers' trust fund of the school employees retirement system 29878
may be made from the amounts allocated under Chapter 3317. of the 29879
Revised Code prior to their distribution to the individual school 29880
districts. The amount due from each school district may be 29881
certified by the secretary of the system to the superintendent of 29882
public instruction monthly, or at such times as is determined by 29883
the school employees retirement board. 29884

Payments by governing authorities of community schools to the 29885
employers' trust fund of the school employees retirement system 29886
shall be made from the amounts allocated under section ~~3314.08~~ 29887
3317.022 of the Revised Code prior to their distribution to the 29888
individual community schools. The amount due from each community 29889
school shall be certified by the secretary of the system to the 29890
superintendent of public instruction monthly, or at such times as 29891
determined by the school employees retirement board. 29892

Payments by a science, technology, engineering, and 29893
mathematics school to the employers' trust fund of the school 29894
employees retirement system shall be made from the amounts 29895
allocated under section ~~3326.33~~ 3317.022 of the Revised Code prior 29896
to their distribution to the school. The amount due from a 29897
science, technology, engineering, and mathematics school shall be 29898
certified by the secretary of the school employees retirement 29899
system to the superintendent of public instruction monthly, or at 29900
such times as determined by the school employees retirement board. 29901

(B) The superintendent shall deduct from the amount allocated 29902
to each community school ~~under section 3314.08 of the Revised~~ 29903
~~Code~~, to each school district ~~under Chapter 3317. of the Revised~~ 29904
~~Code~~, or to each science, technology, engineering, and mathematics 29905
school under ~~section 3326.33~~ Chapter 3317. of the Revised Code the 29906
entire amounts due to the school employees retirement system from 29907
such school or school district upon the certification to the 29908
superintendent by the secretary thereof. 29909

(C) Where an employer fails or has failed or refuses to make 29910
payments to the employers' trust fund, as provided for under 29911
Chapter 3309. of the Revised Code, or fails to pay any penalty 29912
imposed under section 3309.571 of the Revised Code the secretary 29913
of the school employees retirement system may certify to the state 29914
superintendent of public instruction, monthly or at such times as 29915
is determined by the school employees retirement board, the amount 29916
due from such employer, and the superintendent shall deduct from 29917
the amount allocated to the employer under ~~section 3314.08 or~~ 29918
~~3326.33 or~~ Chapter 3317. of the Revised Code, ~~as applicable~~, the 29919
entire amounts due to the system from the employer upon the 29920
certification to the superintendent by the secretary of the school 29921
employees retirement system. 29922

(D) The superintendent shall certify to the director of 29923
budget and management the amounts thus due the system for payment. 29924

Sec. 3310.02. ~~(A)~~ The educational choice scholarship pilot 29925
program is hereby established. Under the program, the department 29926
of education annually shall pay scholarships to attend chartered 29927
nonpublic schools in accordance with section ~~3310.08~~ 3317.022 of 29928
the Revised Code ~~for up to the following number of eligible~~ 29929
~~students.~~ 29930

~~(1) Thirty thousand in the 2011-2012 school year,~~ 29931

~~(2) Sixty thousand in the 2012-2013 school year and~~ 29932

thereafter. 29933

~~For any school year for which the number of applications for 29934
scholarships timely submitted for the program exceeds ninety per 29935
cent of the maximum number of scholarships permitted under 29936
division (A) of this section, the department shall increase the 29937
maximum number of scholarships permitted for the following school 29938
year by five per cent. The department shall make the increased 29939
number of scholarships available for each subsequent school year 29940
until the department is again required to increase the number of 29941
scholarships under division (A) of this section. 29942~~

~~If the number of students who apply for a scholarship exceeds 29943
the maximum number of scholarships permitted under division (A) of 29944
this section, priority shall be given to those students applying 29945
for a scholarship under section 3310.03 of the Revised Code in 29946
accordance with division (B) of this section. 29947~~

~~(B) The department shall award scholarships under section 29948
3310.03 of the Revised Code in the following order of priority: 29949~~

~~(1) First, to eligible students who received scholarships in 29950
the prior school year; 29951~~

~~(2) Second, to eligible students with family incomes at or 29952
below two hundred per cent of the federal poverty guidelines, as 29953
defined in section 5101.46 of the Revised Code, who qualify under 29954
division (C) of section 3310.03 of the Revised Code. If the number 29955
of students described in division (B) (2) of this section who apply 29956
for a scholarship exceeds the number of available scholarships 29957
after awards are made under division (B) (1) of this section, the 29958
department shall select students described in division (B) (2) of 29959
this section by lot to receive any remaining scholarships. 29960~~

~~(3) Third, to other eligible students who qualify under 29961
division (C) of section 3310.03 of the Revised Code. If the number 29962
of students described in division (B) (3) of this section who apply 29963~~

~~for a scholarship exceeds the number of available scholarships 29964
after awards are made under divisions (B) (1) and (2) of this 29965
section, the department shall select students described in 29966
division (B) (3) of this section by lot to receive any remaining 29967
scholarships. 29968~~

~~(4) Fourth, to eligible students with family incomes at or 29969
below two hundred per cent of the federal poverty guidelines who 29970
qualify under division (A) of section 3310.03 of the Revised Code. 29971
If the number of students described in division (B) (4) of this 29972
section who apply for a scholarship exceeds the number of 29973
available scholarships after awards are made under divisions 29974
(B) (1) to (3) of this section, the department shall select 29975
students described in division (B) (4) of this section by lot to 29976
receive any remaining scholarships. 29977~~

~~(5) Fifth, to other eligible students who qualify under 29978
division (A) of section 3310.03 of the Revised Code. If the number 29979
of students described in division (B) (5) of this section who apply 29980
for a scholarship exceeds the number of available scholarships 29981
after awards are made under divisions (B) (1) to (4) of this 29982
section, the department shall select students described in 29983
division (B) (5) of this section by lot to receive any remaining 29984
scholarships. 29985~~

Sec. 3310.03. For the 2021-2022 school year and each school 29986
year thereafter, subject to division (G) of this section, a 29987
student is an "eligible student" for purposes of the educational 29988
choice scholarship pilot program if the student's resident 29989
district is not a school district in which the pilot project 29990
scholarship program is operating under sections 3313.974 to 29991
3313.979 of the Revised Code, the student satisfies one of the 29992
conditions in division (A), (B), or (C) of this section, and the 29993
student maintains eligibility to receive a scholarship under 29994

division (D) of this section. 29995

However, any student who received a scholarship for the 29996
2020-2021 school year under this section, as it existed prior to 29997
~~the effective date of this amendment~~ March 2, 2021, shall continue 29998
to receive that scholarship until the student completes grade 29999
twelve, as long as the student maintains eligibility to receive a 30000
scholarship under division (D) of this section. 30001

(A) (1) A student is eligible for a scholarship if the student 30002
is enrolled in a school building operated by the student's 30003
resident district and to which both of the following apply: 30004

(a) The building was ranked in the lowest twenty per cent of 30005
all buildings operated by city, local, and exempted village school 30006
districts according to performance index score as determined by 30007
the department of education, as follows: 30008

(i) For a scholarship sought for the 2021-2022 or 2022-2023 30009
school year, the building was ranked in the lowest twenty per cent 30010
of buildings for each of the 2017-2018 and 2018-2019 school years. 30011

(ii) For a scholarship sought for the 2023-2024 school year, 30012
the building was ranked in the lowest twenty per cent of buildings 30013
for each of the ~~2020-2021~~2018-2019 and 2021-2022 school years. 30014

(iii) For a scholarship sought for the 2024-2025 school 30015
~~year or any school year thereafter,~~ the building was ranked in the 30016
lowest twenty per cent of buildings for each of the 2021-2022 and 30017
2022-2023 school years. 30018

(iv) For a scholarship sought for the 2025-2026 school year 30019
or any school year thereafter, the building was ranked in the 30020
lowest twenty per cent of buildings for at least two of the three 30021
most recent consecutive rankings issued prior to the first day of 30022
July of the school year for which a scholarship is sought. 30023

(b) The building is operated by a school district in which, 30024

for the three consecutive school years prior to the school year 30025
for which a scholarship is sought, an average of twenty per cent 30026
or more of the students entitled to attend school in the district, 30027
under section 3313.64 or 3313.65 of the Revised Code, were 30028
qualified to be included in the formula to distribute funds under 30029
Title I of the "Elementary and Secondary Education Act of 1965," 30030
20 U.S.C. 6301 et seq. 30031

When ranking school buildings under division (A) (1) of this 30032
section, the department shall not include buildings operated by a 30033
school district in which the pilot project scholarship program is 30034
operating in accordance with sections 3313.974 to 3313.979 of the 30035
Revised Code. 30036

(2) A student is eligible for a scholarship if the student 30037
will be enrolling in any of grades kindergarten through twelve in 30038
this state for the first time in the school year for which a 30039
scholarship is sought, will be at least five years of age, as 30040
defined in section 3321.01 of the Revised Code, by the first day 30041
of January of the school year for which a scholarship is sought, 30042
and otherwise would be assigned under section 3319.01 of the 30043
Revised Code in the school year for which a scholarship is sought, 30044
to a school building described in division (A) (1) of this section. 30045

(3) A student is eligible for a scholarship if the student is 30046
enrolled in a community school established under Chapter 3314. of 30047
the Revised Code but otherwise would be assigned under section 30048
3319.01 of the Revised Code to a building described in division 30049
(A) (1) of this section. 30050

(4) A student is eligible for a scholarship if the student is 30051
enrolled in a school building operated by the student's resident 30052
district or in a community school established under Chapter 3314. 30053
of the Revised Code and otherwise would be assigned under section 30054
3319.01 of the Revised Code to a school building described in 30055
division (A) (1) of this section in the school year for which the 30056

scholarship is sought. 30057

(5) A student is eligible for a scholarship if the student 30058
was enrolled in a public or nonpublic school or was homeschooled 30059
in the prior school year and completed any of grades eight through 30060
eleven in that school year and otherwise would be assigned under 30061
section 3319.01 of the Revised Code to a school building described 30062
in division (A) (1) of this section in the school year for which 30063
the scholarship is sought. 30064

(B) A student is eligible for a scholarship if the student is 30065
enrolled in a nonpublic school at the time the school is granted a 30066
charter by the state board of education under section 3301.16 of 30067
the Revised Code and the student meets the standards of division 30068
(B) of section 3310.031 of the Revised Code. 30069

(C) A student is eligible for a scholarship if the student's 30070
resident district is subject to section 3302.10 of the Revised 30071
Code and the student either: 30072

(1) Is enrolled in a school building operated by the resident 30073
district or in a community school established under Chapter 3314. 30074
of the Revised Code; 30075

(2) Will be both enrolling in any of grades kindergarten 30076
through twelve in this state for the first time and at least five 30077
years of age by the first day of January of the school year for 30078
which a scholarship is sought. 30079

(D) A student who receives a scholarship under the 30080
educational choice scholarship pilot program remains an eligible 30081
student and may continue to receive scholarships in subsequent 30082
school years until the student completes grade twelve, so long as 30083
all of the following apply: 30084

(1) The student's resident district remains the same, or the 30085
student transfers to a new resident district and otherwise would 30086
be assigned in the new resident district to a school building 30087

described in division (A)(1) or (C) of this section. 30088

(2) The student takes each assessment prescribed for the 30089
student's grade level under ~~sections~~ section 3301.0710, 3301.0712, 30090
or 3313.619 of the Revised Code while enrolled in a chartered 30091
nonpublic school, unless one of the following applies to the 30092
student: 30093

(a) The student is excused from taking that assessment under 30094
federal law, the student's individualized education program, or 30095
division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 30096

(b) The student is enrolled in a chartered nonpublic school 30097
that meets the conditions specified in division (K)(2) or (L)(4) 30098
of section 3301.0711 of the Revised Code. 30099

(c) The student is enrolled in any of grades three to eight 30100
and takes an alternative standardized assessment under division 30101
(K)(1) of section 3301.0711 of the Revised Code. 30102

(d) The student is excused from taking the assessment 30103
prescribed under division (B)(1) of section 3301.0712 of the 30104
Revised Code pursuant to division (C)(1)(c)(ii) of section 30105
3301.0711 of the Revised Code. 30106

(3) In each school year that the student is enrolled in a 30107
chartered nonpublic school, the student is absent from school for 30108
not more than twenty days that the school is open for instruction, 30109
not including excused absences. 30110

(E)(1) The department shall cease awarding first-time 30111
scholarships pursuant to divisions (A)(1) to ~~(4)~~(5) of this 30112
section with respect to a school building that, in the most recent 30113
ratings of school buildings under section 3302.03 of the Revised 30114
Code prior to the first day of July of the school year, ceases to 30115
meet the criteria in division (A)(1) of this section. 30116

(2) The department shall cease awarding first-time 30117

scholarships pursuant to division (C) of this section with respect 30118
to a school district subject to section 3302.10 of the Revised 30119
Code when the academic distress commission established for the 30120
district ceases to exist. 30121

(3) However, students who have received scholarships in the 30122
prior school year remain eligible students pursuant to division 30123
(D) of this section. 30124

(F) The state board of education shall adopt rules defining 30125
excused absences for purposes of division (D)(3) of this section. 30126

(G) Notwithstanding anything to the contrary in this section 30127
or section 3310.031 of the Revised Code, a student shall not be 30128
required to be enrolled or enrolling in a school building operated 30129
by the student's resident district or a community school in order 30130
to be eligible for a scholarship, as follows: 30131

(1) For a scholarship sought for the 2021-2022 school year, a 30132
student entering any of grades kindergarten through two; 30133

(2) For a scholarship sought for the 2022-2023 school year, a 30134
student entering any of grades kindergarten through four; 30135

(3) For a scholarship sought for the 2023-2024 school year, a 30136
student entering any of grades kindergarten through six; 30137

(4) For a scholarship sought for the 2024-2025 school year, a 30138
student entering any of grades kindergarten through eight; 30139

(5) For a scholarship sought for the 2025-2026 school year, 30140
and each school year thereafter, a student entering any of grades 30141
kindergarten through twelve. 30142

Sec. 3310.032. (A) A student is an "eligible student" for 30143
purposes of the expansion of the educational choice scholarship 30144
pilot program under this section if the student's resident 30145
district is not a school district in which the pilot project 30146
scholarship program is operating under sections 3313.974 to 30147

3313.979 of the Revised Code, the student is not eligible for an 30148
educational choice scholarship under section 3310.03 of the 30149
Revised Code, and the student's family income is at or below two 30150
hundred fifty per cent of the federal poverty guidelines, as 30151
defined in section 5101.46 of the Revised Code. 30152

(B) In each fiscal year for which the general assembly 30153
appropriates funds for purposes of this section, the department of 30154
education shall pay scholarships to attend chartered nonpublic 30155
schools in accordance with section ~~3310.08~~ 3317.022 of the Revised 30156
Code. The number of scholarships awarded under this section shall 30157
not exceed the number that can be funded ~~with appropriations made~~ 30158
for that school year as authorized by the general assembly ~~for~~ 30159
~~this purpose.~~ 30160

(C) Scholarships under this section shall be awarded as 30161
follows: 30162

(1) For the 2013-2014 school year, to eligible students who 30163
are entering kindergarten in that school year for the first time; 30164

(2) For each subsequent school year through the 2019-2020 30165
school year, scholarships shall be awarded to eligible students in 30166
the next grade level above the highest grade level awarded in the 30167
preceding school year, in addition to the grade levels for which 30168
students received scholarships in the preceding school year; 30169

(3) Beginning with the 2020-2021 school year, to eligible 30170
students who are entering any of grades kindergarten through 30171
twelve in that school year for the first time. 30172

(D) If the number of eligible students who apply for a 30173
scholarship under this section exceeds the scholarships available 30174
based on the appropriation for this section, the department shall 30175
award scholarships in the following order of priority: 30176

(1) First, to eligible students who received scholarships 30177

under this section in the prior school year; 30178

(2) Second, to eligible students with family incomes at or 30179
below one hundred per cent of the federal poverty guidelines. If 30180
the number of students described in division (D)(2) of this 30181
section who apply for a scholarship exceeds the number of 30182
available scholarships after awards are made under division (D)(1) 30183
of this section, the department shall select students described in 30184
division (D)(2) of this section by lot to receive any remaining 30185
scholarships. 30186

(3) Third, to other eligible students who qualify under this 30187
section. If the number of students described in division (D)(3) of 30188
this section exceeds the number of available scholarships after 30189
awards are made under divisions (D)(1) and (2) of this section, 30190
the department shall select students described in division (D)(3) 30191
of this section by lot to receive any remaining scholarships. 30192

(E) Subject to divisions (E)(1) to (3) of this section, a 30193
student who receives a scholarship under this section remains an 30194
eligible student and may continue to receive scholarships under 30195
this section in subsequent school years until the student 30196
completes grade twelve, so long as the student satisfies the 30197
conditions specified in divisions (D)(2) and (3) of section 30198
3310.03 of the Revised Code. 30199

Once a scholarship is awarded under this section, the student 30200
shall remain eligible for that scholarship for the current school 30201
year and subsequent school years even if the student's family 30202
income rises above the amount specified in division (A) of this 30203
section, provided the student remains enrolled in a chartered 30204
nonpublic school, however: 30205

(1) If the student's family income is above two hundred fifty 30206
per cent but at or below three hundred per cent of the federal 30207
poverty guidelines, the student shall receive a scholarship in the 30208

amount of seventy-five per cent of the full scholarship amount. 30209

(2) If the student's family income is above three hundred per 30210
cent but at or below four hundred per cent of the federal poverty 30211
guidelines, the student shall receive a scholarship in the amount 30212
of fifty per cent of the full scholarship amount. 30213

(3) If the student's family income is above four hundred per 30214
cent of the federal poverty guidelines, the student is no longer 30215
eligible to receive an educational choice scholarship. 30216

Sec. 3310.033. (A) As used in this section: 30217

(1) "Foster child" means a child placed with a foster 30218
caregiver, as defined in section 5103.02 of the Revised Code. 30219

(2) "Qualifying student" means a student who is not entitled 30220
to attend school under section 3313.64 or 3313.65 of the Revised 30221
Code in a school district in which the pilot project scholarship 30222
program is operating under sections 3313.974 to 3313.979 of the 30223
Revised Code. 30224

(3) "Kinship caregiver" has the same meaning as in section 30225
5101.85 of the Revised Code. 30226

(4) "Sibling" means any of the following: 30227

(a) A brother, half-brother, sister, or half-sister by birth, 30228
marriage, or adoption; 30229

(b) A cousin by birth, marriage, or adoption who is residing 30230
in the same household; 30231

(c) A foster child who is residing in the same household, 30232
including a child who is subsequently adopted by the child's 30233
foster family; 30234

(d) A child residing in the same household who is placed with 30235
a guardian or legal custodian; 30236

(e) A child who is residing in the same household and is 30237

<u>being cared for by a kinship caregiver;</u>	30238
<u>(f) Any other child under eighteen years of age who has</u>	30239
<u>resided in the same household for at least forty-five consecutive</u>	30240
<u>days within the last calendar year.</u>	30241
<u>(5) "Caretaker" means the parent of a minor child or a</u>	30242
<u>relative acting in the parent's place.</u>	30243
<u>(B) Notwithstanding anything in the Revised Code to the</u>	30244
<u>contrary, a qualifying student shall be eligible for an</u>	30245
<u>educational choice scholarship under section 3310.03 of the</u>	30246
<u>Revised Code, regardless of whether the student is enrolled in a</u>	30247
<u>school building described in division (A)(1) or (C) of that</u>	30248
<u>section, if any of the following apply:</u>	30249
<u>(1) The student's sibling received an educational choice</u>	30250
<u>scholarship under section 3310.03 of the Revised Code for the</u>	30251
<u>school year immediately prior to the school year for which the</u>	30252
<u>student is seeking a scholarship;</u>	30253
<u>(2) The student is a foster child;</u>	30254
<u>(3) The student is a child placed with a guardian, legal</u>	30255
<u>custodian, or kinship caregiver;</u>	30256
<u>(4) The student is not a child placed with a guardian, legal</u>	30257
<u>custodian, or kinship caregiver, but has resided in the same</u>	30258
<u>household as such a child for at least forty-five consecutive days</u>	30259
<u>within the last calendar year;</u>	30260
<u>(5) The student is not a foster child, but resides in a home</u>	30261
<u>that has received certification under section 5103.03 of the</u>	30262
<u>Revised Code;</u>	30263
<u>(6) The student satisfies all of the following conditions:</u>	30264
<u>(a) The student is not a foster child or a student described</u>	30265
<u>in division (B)(4) of this section.</u>	30266
<u>(b) The student has resided in the household of an individual</u>	30267

who is not the student's parent or guardian for at least 30268
forty-five consecutive days within the last calendar year and, if 30269
not for residing in that household, the student would have been 30270
homeless. 30271

(c) The student's parent or guardian resides in this state. 30272

(7) The student is not a child described in division (B)(6) 30273
of this section, but has resided in the same household as a child 30274
described in that division for at least forty-five consecutive 30275
days within the last calendar year. 30276

(C) A student who receives an educational choice scholarship 30277
under this section remains eligible for that scholarship and may 30278
continue to receive a scholarship in subsequent school years until 30279
the student completes grade twelve, so long as the student 30280
satisfies the conditions specified in divisions (D)(2) and (3) of 30281
section 3310.03 of the Revised Code. 30282

(D) The department of education may request any individual 30283
applying for a scholarship under this section on behalf of a 30284
qualifying student to provide appropriate documentation, as 30285
defined by the department, that the student meets the eligibility 30286
qualifications prescribed under this section. In the case of a 30287
student who qualifies under division (B)(6) of this section, such 30288
documentation shall be provided by the student's parent, guardian, 30289
or caretaker. 30290

Sec. 3310.034. (A) Notwithstanding anything in section 30291
3310.03 of the Revised Code to the contrary, a student who is the 30292
recipient of an autism scholarship under section 3310.41 of the 30293
Revised Code or a Jon Peterson special needs scholarship under 30294
section 3310.52 of the Revised Code but who is no longer in need 30295
of special education and related services under Chapter 3323. of 30296
the Revised Code and, therefore, is no longer eligible to receive 30297
that scholarship may be considered an "eligible student" for 30298

purposes of the educational choice scholarship pilot program under 30299
section 3310.03 of the Revised Code, regardless of whether the 30300
student is enrolled in a school building described in division 30301
(A) (1) or (C) of that section. 30302

(B) A student described in division (A) of this section who 30303
receives a scholarship under section 3310.03 of the Revised Code 30304
remains an eligible student and may continue to receive that 30305
scholarship in subsequent school years until the student completes 30306
grade twelve, so long as the student satisfies the conditions 30307
specified in divisions (D) (2) and (3) of section 3310.03 of the 30308
Revised Code. 30309

Sec. 3310.035. (A) A student who is eligible for an 30310
educational choice scholarship under both sections 3310.03 and 30311
3310.032 of the Revised Code, and applies for a scholarship for 30312
the first time after September 29, 2013, shall receive a 30313
scholarship under section 3310.03 of the Revised Code. 30314

(B) A student who is eligible under both sections 3310.03 and 30315
3310.032 of the Revised Code and received a scholarship in the 30316
previous school year shall continue to receive the scholarship 30317
under the section from which the student received the scholarship 30318
in the previous school year, so long as+ 30319

~~(1) The number of students who apply for a scholarship does~~ 30320
~~not exceed the number of scholarships available under division (A)~~ 30321
~~of section 3310.02 of the Revised Code.~~ 30322

~~(2) A~~ a student who receives a scholarship under section 30323
3310.03 of the Revised Code satisfies with the conditions 30324
specified in divisions (D) (1) to (3) of that section, and a 30325
student who receives a scholarship under section 3310.032 30326
satisfies with the conditions specified in divisions (D) (2) and 30327
(3) of section 3310.03 of the Revised Code. 30328

Sec. 3310.036. If a student is eligible for an educational choice scholarship under section 3310.03 of the Revised Code for a school year as of the first day of the priority application period specified in section 3310.16 of the Revised Code, that student's eligibility for a scholarship for that school year shall not change solely because, after the first day of the priority application period, the department of education changes the internal retrieval number of the school building in which the student is enrolled or would otherwise be assigned.

Sec. 3310.07. (A) Any parent, or any student who is at least eighteen years of age, who is seeking a scholarship under the educational choice scholarship pilot program shall notify the department of education of the student's and parent's names and address, the chartered nonpublic school in which the student has been accepted for enrollment, and the tuition charged by the school.

(B) Not later than February 1, 2022, the department shall establish a system under which any parent, or any student who is at least eighteen years of age, may provide the department with a student's address and, not later than ten days after receiving the address, the department shall notify the parent, or student, using regular mail or electronic mail whether the student is eligible for an educational choice scholarship under section 3310.03 of the Revised Code. The student's resident district shall not be permitted to object to a student's eligibility for an educational choice scholarship under that section if the department's system determines the student is eligible.

For the purposes of division (B) of this section, not later than the first day of January of each year, each school district that has a school building described in division (A)(1) or (C) of section 3310.03 of the Revised Code shall submit to the

department, in the manner prescribed by the department, the 30360
attendance zone for students assigned to that building. 30361

Sec. 3310.10. A scholarship awarded under ~~section 3310.08~~ 30362
section 3310.03 or 3310.032 of the Revised Code may be used only 30363
to pay tuition to any chartered nonpublic school. 30364

Sec. 3310.13. (A) No chartered nonpublic school shall charge 30365
any student whose family income is at or below two hundred per 30366
cent of the federal poverty guidelines, as defined in section 30367
5101.46 of the Revised Code, a tuition fee that is greater than 30368
the total amount paid for that student under section ~~3310.08~~ 30369
3317.022 of the Revised Code. 30370

(B) A chartered nonpublic school may charge any other student 30371
who is paid a scholarship under that section up to the difference 30372
between the amount of the scholarship and the regular tuition 30373
charge of the school. Each chartered nonpublic school may permit 30374
such an eligible student's family to provide volunteer services in 30375
lieu of cash payment to pay all or part of the amount of the 30376
school's tuition not covered by the scholarship paid under section 30377
~~3310.08~~ 3317.022 of the Revised Code. 30378

(C) Each chartered nonpublic school that charges a 30379
scholarship student an additional amount as authorized under 30380
division (B) of this section shall annually report to the 30381
department of education in the manner prescribed by the department 30382
the following: 30383

(1) The number of students charged; 30384

(2) The average of the amounts charged to such students. 30385

Sec. 3310.16. (A) For the 2020-2021 school year and each 30386
school year thereafter, the department of education shall accept, 30387
process, and award scholarships each year for the educational 30388

choice scholarship pilot program under sections 3310.03 and 30389
3310.032 of the Revised Code, as follows: 30390

~~(A) A priority application period shall open on the first day 30391
of February prior to the first day of July of the school year for 30392
which a scholarship is sought and run not less than seventy five 30393
days. The department shall award scholarships under this division 30394
not later than the thirtieth day of June prior to the first day of 30395
July of the school year for which a scholarship is sought. 30396~~

~~(B) The department shall continue to award scholarships after 30397
the priority application period closes. If the department awards a 30398
scholarship after the beginning of the school year, the department 30399
shall prorate the amount of the scholarship based on how much of 30400
the school year remains. The department shall continue to award 30401
income based scholarships under section 3310.032 of the Revised 30402
Code only so long as funds appropriated by the general assembly 30403
for such scholarships for that school year remain available. 30404~~

(1) The application period shall open on the first day of 30405
February prior to the first day of July of the school year for 30406
which a scholarship is sought. Not later than forty-five days 30407
after an applicant submits to the department of education a 30408
completed application, the department of education shall determine 30409
whether that applicant is eligible for a scholarship and notify 30410
the applicant whether or not the applicant is eligible. The 30411
department of education shall award a scholarship to each student 30412
with an approved application. However, for any application 30413
submitted after the beginning of the school year, the department 30414
of education shall prorate the amount of the awarded scholarship 30415
based on how much of the school year remains. 30416

(2) In each school year, the department of education shall 30417
accept applications for conditional approval of a scholarship 30418
sought for that year or the next school year. Not later than five 30419

days after receiving an application under this division, the 30420
department of education shall grant conditional approval to an 30421
applicant who is eligible for a scholarship and notify the 30422
applicant whether or not conditional approval is granted. The 30423
department of education shall award a scholarship to a student 30424
with an application that receives conditional approval, provided 30425
that both of the following apply: 30426

(a) The student enrolls in a chartered nonpublic school that 30427
enrolls students awarded scholarships under sections 3310.01 to 30428
3310.17 of the Revised Code not later than one year after 30429
receiving conditional approval. 30430

(b) The student does not change addresses after receiving 30431
conditional approval under this division and prior to enrolling in 30432
a chartered nonpublic school described in division (A) (3) (a) of 30433
this section. 30434

(B) If the department determines an application submitted 30435
under this section contains an error or deficiency, the department 30436
shall notify the applicant who submitted that application not 30437
later fourteen days after the application is submitted. 30438

(C) The departments of education, job and family services, 30439
and taxation shall enter into a data sharing agreement so that, in 30440
administering this section, the department of education shall be 30441
able to determine, based on the address provided in a student's 30442
application, whether that student is eligible for an educational 30443
choice scholarship under section 3310.03 of the Revised Code and 30444
whether the student meets the residency requirements for an 30445
educational choice scholarship under section 3310.032 of the 30446
Revised Code. 30447

(D) No city, local, or exempted village school district shall 30448
have access to an application submitted under this section. 30449

Sec. 3310.41. (A) As used in this section: 30450

(1) "Alternative public provider" means either of the 30451
following providers that agrees to enroll a child in the 30452
provider's special education program to implement the child's 30453
individualized education program and to which the child's parent 30454
owes fees for the services provided to the child: 30455

(a) A school district that is not the school district in 30456
which the child is entitled to attend school; 30457

(b) A public entity other than a school district. 30458

(2) "Entitled to attend school" means entitled to attend 30459
school in a school district under section 3313.64 or 3313.65 of 30460
the Revised Code. 30461

(3) "Formula ADM" and ~~"category six special education ADM"~~ 30462
~~have~~ has the same ~~meanings~~ meaning as in section 3317.02 of the 30463
Revised Code. 30464

(4) "Preschool child with a disability" and "individualized 30465
education program" have the same meanings as in section 3323.01 of 30466
the Revised Code. 30467

(5) "Parent" has the same meaning as in section 3313.64 of 30468
the Revised Code, except that "parent" does not mean a parent 30469
whose custodial rights have been terminated. "Parent" also 30470
includes the custodian of a qualified special education child, 30471
when a court has granted temporary, legal, or permanent custody of 30472
the child to an individual other than either of the natural or 30473
adoptive parents of the child or to a government agency. 30474

(6) ~~"Preschool scholarship ADM" means the number of preschool~~ 30475
~~children with disabilities certified under division (B)(3)(h) of~~ 30476
~~section 3317.03 of the Revised Code.~~ 30477

~~(7)~~ "Qualified special education child" is a child for whom 30478
all of the following conditions apply: 30479

(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section.

(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child.

(c) The child either:

(i) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought for the child; or

(ii) Is eligible to enter school in any grade preschool through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship under this section is first sought for the child.

~~(8)~~(7) "Registered private provider" means a nonpublic school or other nonpublic entity that has been approved by the department of education to participate in the program established under this section.

~~(9)~~(8) "Special education program" means a school or facility that provides special education and related services to children with disabilities.

(B) There is hereby established the autism scholarship program. Under the program, the department of education shall pay a scholarship under section 3317.022 of the Revised Code to the parent of each qualified special education child upon application of that parent pursuant to procedures and deadlines established by rule of the state board of education. Each scholarship shall be used only to pay tuition for the child on whose behalf the

scholarship is awarded to attend a special education program that 30511
implements the child's individualized education program and that 30512
is operated by an alternative public provider or by a registered 30513
private provider, and to pay for other services agreed to by the 30514
provider and the parent of a qualified special education child 30515
that are not included in the individualized education program but 30516
are associated with educating the child. Upon agreement with the 30517
parent of a qualified special education child, the alternative 30518
public provider or the registered private provider may modify the 30519
services provided to the child. ~~Each scholarship shall be in an~~ 30520
~~amount not to exceed the lesser of the tuition charged for the~~ 30521
~~child by the special education program or twenty seven thousand~~ 30522
~~dollars.~~ The purpose of the scholarship is to permit the parent of 30523
a qualified special education child the choice to send the child 30524
to a special education program, instead of the one operated by or 30525
for the school district in which the child is entitled to attend 30526
school, to receive the services prescribed in the child's 30527
individualized education program once the individualized education 30528
program is finalized and any other services agreed to by the 30529
provider and the parent of a qualified special education child. 30530
The services provided under the scholarship shall include an 30531
educational component or services designed to assist the child to 30532
benefit from the child's education. 30533

A scholarship under this section shall not be awarded to the 30534
parent of a child while the child's individualized education 30535
program is being developed by the school district in which the 30536
child is entitled to attend school, or while any administrative or 30537
judicial mediation or proceedings with respect to the content of 30538
the child's individualized education program are pending. A 30539
scholarship under this section shall not be used for a child to 30540
attend a public special education program that operates under a 30541
contract, compact, or other bilateral agreement between the school 30542
district in which the child is entitled to attend school and 30543

another school district or other public provider, or for a child 30544
to attend a community school established under Chapter 3314. of 30545
the Revised Code. However, nothing in this section or in any rule 30546
adopted by the state board shall prohibit a parent whose child 30547
attends a public special education program under a contract, 30548
compact, or other bilateral agreement, or a parent whose child 30549
attends a community school, from applying for and accepting a 30550
scholarship under this section so that the parent may withdraw the 30551
child from that program or community school and use the 30552
scholarship for the child to attend a special education program 30553
for which the parent is required to pay for services for the 30554
child. 30555

Except for development of the child's individualized 30556
education program, the school district in which a qualified 30557
special education child is entitled to attend school and the 30558
child's school district of residence, as defined in section 30559
3323.01 of the Revised Code, if different, are not obligated to 30560
provide the child with a free appropriate public education under 30561
Chapter 3323. of the Revised Code for as long as the child 30562
continues to attend the special education program operated by 30563
either an alternative public provider or a registered private 30564
provider for which a scholarship is awarded under the autism 30565
scholarship program. If at any time, the eligible applicant for 30566
the child decides no longer to accept scholarship payments and 30567
enrolls the child in the special education program of the school 30568
district in which the child is entitled to attend school, that 30569
district shall provide the child with a free appropriate public 30570
education under Chapter 3323. of the Revised Code. 30571

A child attending a special education program with a 30572
scholarship under this section shall continue to be entitled to 30573
transportation to and from that program in the manner prescribed 30574
by law. 30575

~~(C)(1)(C) As prescribed in divisions division (A)(2)(h), 30576
(B)(3)(g), and (B)(10) of section 3317.03 of the Revised Code, a 30577
child who is not a preschool child with a disability for whom a 30578
scholarship is awarded under this section shall be counted in the 30579
formula ADM and the category six special education ADM of the 30580
district in which the child is entitled to attend school and not 30581
in the formula ADM and the category six special education ADM of 30582
any other school district. As prescribed in divisions (B)(3)(h) 30583
and (B)(10) of section 3317.03 of the Revised Code, a child who is 30584
a preschool child with a disability for whom a scholarship is 30585
awarded under this section shall be counted in the preschool 30586
scholarship ADM and category six special education ADM of the 30587
school district in which the child is entitled to attend school 30588
and not in the preschool scholarship ADM or category six special 30589
education ADM of any other school district. 30590~~

~~(2) In each fiscal year, the department shall deduct from the 30591
amounts paid to each school district under Chapter 3317. of the 30592
Revised Code, and, if necessary, sections 321.24 and 323.156 of 30593
the Revised Code, the aggregate amount of scholarships awarded 30594
under this section for qualified special education children 30595
included in the formula ADM, or preschool scholarship ADM, and in 30596
the category six special education ADM of that school district as 30597
provided in division (C)(1) of this section. 30598~~

~~The scholarships deducted shall be considered as an approved 30599
special education and related services expense of the school 30600
district. 30601~~

~~(3) From time to time, the department shall make a payment to 30602
the parent of each qualified special education child for whom a 30603
scholarship has been awarded under this section. The scholarship 30604
amount shall be proportionately reduced in the case of any such 30605
child who is not enrolled in the special education program for 30606
which a scholarship was awarded under this section for the entire 30607~~

~~school year. The department shall make no payments to the parent 30608
of a child while any administrative or judicial mediation or 30609
proceedings with respect to the content of the child's 30610
individualized education program are pending. 30611~~

(D) A scholarship shall not be paid under section 3317.022 of 30612
the Revised Code to a parent for payment of tuition owed to a 30613
nonpublic entity unless that entity is a registered private 30614
provider. The department shall approve entities that meet the 30615
standards established by rule of the state board for the program 30616
established under this section. 30617

(E) The state board shall adopt rules under Chapter 119. of 30618
the Revised Code prescribing procedures necessary to implement 30619
this section, including, but not limited to, procedures and 30620
deadlines for parents to apply for scholarships, standards for 30621
registered private providers, and procedures for approval of 30622
entities as registered private providers. 30623

The rules also shall specify that intervention services under 30624
the autism scholarship program may be provided by a qualified, 30625
credentialed provider, including, but not limited to, all of the 30626
following: 30627

(1) A behavior analyst certified by a nationally recognized 30628
organization that certifies behavior analysts; 30629

(2) A psychologist licensed to practice in this state under 30630
Chapter 4732. of the Revised Code; 30631

(3) A school psychologist licensed by the state board under 30632
section 3319.22 of the Revised Code; 30633

(4) Any person employed by a licensed psychologist or 30634
licensed school psychologist, while carrying out specific tasks, 30635
under the licensee's supervision, as an extension of the 30636
licensee's legal and ethical authority as specified under Chapter 30637
4732. of the Revised Code who is ascribed as "psychology trainee," 30638

"psychology assistant," "psychology intern," a "registered behavior technician" as described under rule 5123-9-41 of the Administrative Code, a "certified Ohio behavior analyst" under Chapter 4783. of the Revised Code, or other appropriate term that clearly implies their supervised or training status;

(5) Unlicensed persons holding a doctoral degree in psychology or special education from a program approved by the state board;

(6) Any other qualified individual as determined by the state board.

(F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program.

Sec. 3310.411. Any registered private provider approved to participate in the autism scholarship program and any of its employees shall be subject to a criminal records check as specified in sections 109.57 and 109.572 of the Revised Code. The registered private provider shall submit the results of any records checks to the department of education. The department shall use the information submitted to enroll the individual for whom a records check is completed in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code.

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the Revised Code:

(A) "Alternative public provider" means either of the following providers that agrees to enroll a child in the

provider's special education program to implement the child's 30669
individualized education program and to which the eligible 30670
applicant owes fees for the services provided to the child: 30671

(1) A school district that is not the school district in 30672
which the child is entitled to attend school or the child's school 30673
district of residence, if different; 30674

(2) A public entity other than a school district. 30675

(B) "Child with a disability" and "individualized education 30676
program" have the same meanings as in section 3323.01 of the 30677
Revised Code. 30678

(C) "Eligible applicant" means any of the following: 30679

(1) Either of the natural or adoptive parents of a qualified 30680
special education child, except as otherwise specified in this 30681
division. When the marriage of the natural or adoptive parents of 30682
the student has been terminated by a divorce, dissolution of 30683
marriage, or annulment, or when the natural or adoptive parents of 30684
the student are living separate and apart under a legal separation 30685
decree, and a court has issued an order allocating the parental 30686
rights and responsibilities with respect to the child, "eligible 30687
applicant" means the residential parent as designated by the 30688
court. If the court issues a shared parenting decree, "eligible 30689
applicant" means either parent. "Eligible applicant" does not mean 30690
a parent whose custodial rights have been terminated. 30691

(2) The custodian of a qualified special education child, 30692
when a court has granted temporary, legal, or permanent custody of 30693
the child to an individual other than either of the natural or 30694
adoptive parents of the child or to a government agency; 30695

(3) The guardian of a qualified special education child, when 30696
a court has appointed a guardian for the child; 30697

(4) The grandparent of a qualified special education child, 30698

when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a ~~caregiver~~ caretaker authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code;

(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code;

(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age.

(D) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code.

(E) "Formula ADM" ~~and "formula amount" have~~ has the same ~~meanings~~ meaning as in section 3317.02 of the Revised Code.

(F) "Qualified special education child" is a child for whom all of the following conditions apply:

(1) The child is at least five years of age and less than twenty-two years of age.

(2) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has identified the child as a child with a disability.

(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program under Chapter 3323. of the Revised Code for the child.

(4) The child either:

(a) Was enrolled in the schools of the school district in which the child is entitled to attend school in any grade from

kindergarten through twelve in the school year prior to the school year in which a scholarship is first sought for the child;

(b) Is eligible to enter school in any grade kindergarten through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship is first sought for the child.

(5) The department of education has not approved a scholarship for the child under the educational choice scholarship pilot program, under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program, under section 3310.41 of the Revised Code, or the pilot project scholarship program, under sections 3313.974 to 3313.979 of the Revised Code for the same school year in which a scholarship under the Jon Peterson special needs scholarship program is sought.

(6) The child and the child's parents are in compliance with the state compulsory attendance law under Chapter 3321. of the Revised Code.

(G) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code.

(H) "Scholarship" means a scholarship awarded under the Jon Peterson special needs scholarship program pursuant to sections 3310.51 to 3310.64 of the Revised Code.

(I) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.64 of the Revised Code.

(J) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(K) "Special education program" means a school or facility 30760
that provides special education and related services to children 30761
with disabilities. 30762

Sec. 3310.52. (A) The Jon Peterson special needs scholarship 30763
program is hereby established. Under the program, beginning with 30764
the 2012-2013 school year, subject to division (B) of this 30765
section, the department of education annually shall pay a 30766
scholarship under section 3317.022 of the Revised Code to an 30767
eligible applicant for services provided by an alternative public 30768
provider or a registered private provider for a qualified special 30769
education child. The scholarship shall be used only to pay all or 30770
part of the fees for the child to attend the special education 30771
program operated by the alternative public provider or registered 30772
private provider to implement the child's individualized education 30773
program, in lieu of the child's attending the special education 30774
program operated by the school district in which the child is 30775
entitled to attend school, and other services agreed to by the 30776
provider and eligible applicant that are not included in the 30777
individualized education program but are associated with educating 30778
the child. Beginning in the 2014-2015 school year, if the child is 30779
~~in category one as that term is defined in division (B)(1) of~~ 30780
~~section 3310.56 of the Revised Code~~ receiving special education 30781
services for a disability specified in division (A) of section 30782
3317.013 of the Revised Code, the scholarship shall be used only 30783
to pay for related services that are included in the child's 30784
individualized education program. Upon agreement with the eligible 30785
applicant, the alternative public provider or registered private 30786
provider may modify the services provided to the child. 30787

(B) The number of scholarships awarded under the program in 30788
any fiscal year shall not exceed five per cent of the total number 30789
of students residing in the state identified as children with 30790
disabilities during the previous fiscal year. 30791

(C) The department shall pay a scholarship under section 30792
3317.022 of the Revised Code to the parent of each qualified 30793
special education child, unless the parent authorizes a direct 30794
payment to the child's provider, upon application of that parent 30795
in the manner prescribed by the department. However, the 30796
department shall not adopt specific dates for application 30797
deadlines for scholarships under the program. 30798

Sec. 3310.54. A qualified special education child in any of 30799
grades kindergarten through twelve for whom a scholarship is 30800
awarded under the Jon Peterson special needs scholarship program 30801
shall be counted in the formula ADM ~~and category one through six~~ 30802
~~special education ADM, as appropriate,~~ of the school district in 30803
which the child is entitled to attend school. A qualified special 30804
education child shall not be counted in the formula ADM ~~or~~ 30805
~~category one through six special education ADM~~ of any other school 30806
district. 30807

Sec. 3310.57. ~~The department of education shall make periodic~~ 30808
~~payments to an eligible applicant for services for each qualified~~ 30809
~~special education child for whom a scholarship has been awarded.~~ 30810
~~The total of all payments made to an applicant in each school year~~ 30811
~~shall not exceed the amount calculated for the child under section~~ 30812
~~3310.56 of the Revised Code.~~ 30813

~~The department shall proportionately reduce the scholarship~~ 30814
~~amount in the case of a child who is not enrolled in the special~~ 30815
~~education program of an alternative public provider or a~~ 30816
~~registered private provider for the entire school year.~~ 30817

In accordance with division (A) of section 3310.62 of the 30818
Revised Code, the department shall make no payments under section 30819
3317.022 of the Revised Code to an applicant for a first-time 30820
scholarship for a qualified special education child while any 30821

administrative or judicial mediation or proceedings with respect 30822
to the content of the child's individualized education program are 30823
pending. 30824

Sec. 3310.62. (A) A scholarship under the Jon Peterson 30825
special needs scholarship program shall not be awarded for the 30826
first time to an eligible applicant on behalf of a qualified 30827
special education child while the child's individualized education 30828
program is being developed by the school district in which the 30829
child is entitled to attend school, or by the child's school 30830
district of residence if different, or while any administrative or 30831
judicial mediation or proceedings with respect to the content of 30832
that individualized education program are pending. 30833

(B) Development of individualized education programs 30834
subsequent to the one developed for the child the first time a 30835
scholarship was awarded on behalf of the child and the 30836
prosecuting, by the eligible applicant on behalf of the child, of 30837
administrative or judicial mediation or proceedings with respect 30838
to any of those subsequent individualized education programs do 30839
not affect the applicant's and the child's continued eligibility 30840
for scholarship payments. 30841

(C) In the case of any child for whom a scholarship has been 30842
awarded, if the school district in which the child is entitled to 30843
attend school has agreed to provide some services for the child 30844
under an agreement entered into with the eligible applicant or 30845
with the alternative public provider or registered private 30846
provider implementing the child's individualized education 30847
program, or if the district is required by law to provide some 30848
services for the child, including transportation services under 30849
sections 3310.60 and 3327.01 of the Revised Code, the district 30850
shall not discontinue the services it is providing pending 30851
completion of any administrative proceedings regarding those 30852

services. The prosecuting, by the eligible applicant on behalf of 30853
the child, of administrative proceedings regarding the services 30854
provided by the district does not affect the applicant's and the 30855
child's continued eligibility for scholarship payments. 30856

(D) The department of education shall continue to make 30857
payments to the eligible applicant under section ~~3310.57~~ 3317.022 30858
of the Revised Code while either of the following are pending: 30859

(1) Administrative or judicial mediation or proceedings with 30860
respect to a subsequent individualized education program for the 30861
child referred to in division (B) of this section; 30862

(2) Administrative proceedings regarding services provided by 30863
the district under division (C) of this section. 30864

Sec. 3310.70. (A) A student is an "eligible student" for 30865
purposes of this section if the student is at least six but no 30866
more than eighteen years old and the student's family income is at 30867
or below three hundred per cent of the federal poverty guidelines, 30868
as defined in section 5101.46 of the Revised Code. 30869

(B) (1) There is hereby established the afterschool child 30870
enrichment (ACE) educational savings account program. Not later 30871
than thirty days after the effective date of this section, the 30872
department of education shall adopt emergency rules under Chapter 30873
119. of the Revised Code that prescribe procedures for the 30874
establishment of these accounts for fiscal years 2022 and 2023 30875
upon the request of the parent or guardian of an eligible student 30876
enrolled in a public or nonpublic school or an eligible student 30877
who has been excused from the compulsory attendance law for the 30878
purpose of home instruction under section 3321.04 of the Revised 30879
Code. Accounts shall be established on a first-come, first-served 30880
basis according to the availability of funds appropriated for 30881
purposes of this section. 30882

(2) Not later than one hundred twenty days after the effective date of this section, the department shall create an online form for parents and guardians to request the establishment of an account under this section. 30883
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(C) (1) The department shall contract with a vendor for purposes of administering the provisions of this section and may contract with the treasurer of state for technical assistance. In selecting a vendor, the department shall give preference to those vendors who use a smart phone application that is free for parents or guardians to use, is capable of scanning receipts, allows users to provide program feedback, and includes customer service contact information for parents and guardians who experience technical issues with the application. For fiscal year 2022 or fiscal year 2023, the department shall pay the vendor not more than three per cent of the amount appropriated for that fiscal year for purposes of this section. 30887
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(2) The vendor selected by the department under division (C) (2) of this section shall do both of the following: 30899
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(a) Monitor how accounts are used by parents or guardians and recoup moneys that are used for purposes that are not authorized by this section as determined by the vendor; 30901
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(b) Provide the department with a comprehensive list of purchases made with accounts. 30904
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(3) At no time shall the vendor authorize parents or guardians to use moneys for purposes that are not authorized by this section as determined by the vendor. If the vendor authorizes parents or guardians to use moneys for a specified purpose and later determines that purpose is not authorized by this section, the vendor may recoup that money. 30906
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(D) (1) If a parent or guardian makes a request under division (B) of this section during fiscal year 2022, five hundred dollars 30912
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shall be credited to the account established pursuant to the 30914
parent's or guardian's request within fourteen days of the 30915
parent's or guardian's request, and that amount shall be disbursed 30916
upon request to the parent or guardian not later than June 30, 30917
2022, for use in accordance with division (E) of this section. 30918

(2) If a parent or guardian makes a request under division 30919
(B) of this section during fiscal year 2023, five hundred dollars 30920
shall be credited to the account established pursuant to the 30921
parent's or guardian's request within fourteen days of the 30922
parent's or guardian's request, and that amount shall be disbursed 30923
upon request to the parent or guardian not later than June 30, 30924
2023, for use in accordance with division (E) of this section. 30925

(E) Subject to division (F) of this section, moneys credited 30926
to an education savings account established under division (B) of 30927
this section shall be used by an eligible student's parent or 30928
guardian for any of the following purposes, whether secular or 30929
nonsecular: 30930

(1) Before- or after-school educational programs; 30931

(2) Day camps, including camps for academics, music, and 30932
arts; 30933

(3) Tuition at learning extension centers; 30934

(4) Tuition for learning pods; 30935

(5) If the student has been excused from the compulsory 30936
attendance law for the purpose of home instruction under section 30937
3321.04 of the Revised Code, purchase of curriculum and materials; 30938

(6) Educational, learning, or study skills services; 30939

(7) Field trips to historical landmarks, museums, science 30940
centers, and theaters, including admission, exhibit, and program 30941
fees; 30942

(8) Language classes; 30943

<u>(9) Instrument lessons;</u>	30944
<u>(10) Tutoring.</u>	30945
<u>(F) At no time shall moneys credited to an account established under division (B) of this section be used for the purchase of electronic devices.</u>	30946 30947 30948
<u>(G) The department shall make available to parents and guardians a list of the purposes for which moneys credited to an account established under division (B) of this section may be spent in accordance with division (E) of this section.</u>	30949 30950 30951 30952
<u>(H) Not later than December 31, 2023, the department shall prepare a report regarding the administration of this section, including feedback from a random sampling of parents and guardians who participate in the program for fiscal year 2022, fiscal year 2023, or both and submit the report to the general assembly in accordance with section 101.68 of the Revised Code.</u>	30953 30954 30955 30956 30957 30958
Sec. 3311.741. (A) This section applies only to a municipal school district in existence on July 1, 2012.	30959 30960
(B) Not later than December 1, 2012, the board of education of each municipal school district to which this section applies shall submit to the superintendent of public instruction an array of measures to be used in evaluating the performance of the district. The measures shall assess at least overall student achievement, student progress over time, the achievement and progress over time of each of the applicable categories of students described in division (F) of section 3302.03 of the Revised Code, and college and career readiness. The state superintendent shall approve or disapprove the measures by January 15, 2013. If the measures are disapproved, the state superintendent shall recommend modifications that will make the measures acceptable.	30961 30962 30963 30964 30965 30966 30967 30968 30969 30970 30971 30972 30973

(C) Beginning with the 2012-2013 school year, the board 30974
annually shall establish goals for improvement on each of the 30975
measures approved under division (B) of this section. The school 30976
district's performance data for the 2011-2012 school year shall be 30977
used as a baseline for determining improvement. 30978

(D) Not later than October 1, 2013, and by the first day of 30979
October each year thereafter, the board shall issue a report 30980
describing the school district's performance for the previous 30981
school year on each of the measures approved under division (B) of 30982
this section and whether the district has met each of the 30983
improvement goals established for that year under division (C) of 30984
this section. The board shall provide the report to the governor, 30985
the superintendent of public instruction, and, in accordance with 30986
section 101.68 of the Revised Code, the general assembly. 30987

~~(E) Not later than November 15, 2017, the superintendent of 30988
public instruction shall evaluate the school district's 30989
performance based on the measures approved under division (B) of 30990
this section and shall issue a report to the governor and general 30991
assembly. 30992~~

Sec. 3312.01. (A) The educational regional service system is 30993
hereby established. The system shall support state and regional 30994
education initiatives and efforts to improve school effectiveness 30995
and student achievement. Services, including special education and 30996
related services, shall be provided under the system to school 30997
districts, community schools established under Chapter 3314. of 30998
the Revised Code, and chartered nonpublic schools. 30999

It is the intent of the general assembly that the educational 31000
regional service system reduce the unnecessary duplication of 31001
programs and services and provide for a more streamlined and 31002
efficient delivery of educational services without reducing the 31003
availability of the services needed by school districts and 31004

schools. 31005

(B) The educational regional service system shall consist of 31006
the following: 31007

(1) The advisory councils and subcommittees established under 31008
sections 3312.03 and 3312.05 of the Revised Code; 31009

(2) A fiscal agent for each of the regions as configured 31010
under section 3312.02 of the Revised Code; 31011

(3) Educational service centers, information technology 31012
centers established under section 3301.075 of the Revised Code, 31013
and other regional education service providers. 31014

(C) Educational service centers shall provide the services 31015
that they are specifically required to provide by the Revised Code 31016
and may enter into agreements pursuant to section 3313.843, 31017
3313.844, or 3313.845 of the Revised Code for the provision of 31018
other services, which may include any of the following: 31019

(1) Assistance in improving student performance; 31020

(2) Services to enable a school district or school to operate 31021
more efficiently or economically; 31022

(3) Professional development for teachers or administrators; 31023

(4) Assistance in the recruitment and retention of teachers 31024
and administrators; 31025

(5) Applying for any state or federal grant on behalf of a 31026
school district; 31027

(6) Any other educational, administrative, or operational 31028
services. 31029

In addition to implementing state and regional education 31030
initiatives and school improvement efforts under the educational 31031
regional service system, educational service centers shall 31032
implement state or federally funded initiatives assigned to the 31033

service centers by the general assembly or the department of 31034
education. 31035

Any educational service center selected to be a fiscal agent 31036
for its region pursuant to section 3312.07 of the Revised Code 31037
shall continue to operate as an educational service center for the 31038
part of the region that comprises its territory. 31039

(D) An educational service center shall be considered a 31040
school district or a local education agency for the purposes of 31041
eligibility in applying for any state or competitive federal 31042
grant. 31043

(E) Information technology centers may enter into agreements 31044
for the provision of services pursuant to section 3312.10 of the 31045
Revised Code. 31046

(F) No school district, community school, or chartered 31047
nonpublic school shall be required to purchase services from an 31048
educational service center or information technology center in the 31049
region in which the district or school is located, except that a 31050
local school district shall receive any services required by the 31051
Revised Code to be provided by an educational service center to 31052
the local school districts in its territory from the educational 31053
service center in whose territory the district is located. 31054

Sec. 3313.411. (A) As used in this section: 31055

(1) "College-preparatory boarding school" means a 31056
college-preparatory boarding school established under Chapter 31057
3328. of the Revised Code. 31058

(2) "Community school" means a community school established 31059
under Chapter 3314. of the Revised Code. 31060

(3) "High-performing community school" has the same meaning 31061
as in section 3313.413 of the Revised Code. 31062

(4) "STEM school" means a science, technology, engineering, 31063

and mathematics school established under Chapter 3326. of the 31064
Revised Code. 31065

(5) "Unused school facilities" means ~~any~~ either: 31066

(a) Any real property that has been used by a school district 31067
for school operations, including, but not limited to, academic 31068
instruction or administration, since July 1, 1998, but has not 31069
been used in that capacity for one year; 31070

(b) Any school building that has been used for direct 31071
academic instruction but less than sixty per cent of the building 31072
was used for that purpose in the preceding school year. 31073

(B) (1) Except as provided in section 3313.412 of the Revised 31074
Code, on and after June 30, 2011, any school district board of 31075
education shall offer any unused school facilities it owns in its 31076
corporate capacity for lease or sale to the governing authorities 31077
of community schools, the boards of trustees of any 31078
college-preparatory boarding schools, and the governing bodies of 31079
any STEM schools, that are located within the territory of the 31080
district. Not later than sixty days after the district board makes 31081
the offer, interested governing authorities, boards of trustees, 31082
and governing bodies shall notify the district treasurer in 31083
writing of the intention to lease or purchase the property. 31084

The district board shall give priority to the governing 31085
authorities of high-performing community schools that are located 31086
within the territory of the district. 31087

(2) At the same time that a district board makes the offer 31088
required under division (B) (1) of this section, the board also 31089
may, but shall not be required to, offer that property for sale or 31090
lease to the governing authorities of community schools with 31091
plans, stipulated in their contracts entered into under section 31092
3314.03 of the Revised Code, either to relocate their operations 31093
to the territory of the district or to add facilities, as 31094

authorized by division (B) (3) or (4) of section 3314.05 of the Revised Code, to be located within the territory of the district.

(C) (1) If, not later than sixty days after the district board makes the offer, only one governing authority of a high-performing community school offered the property under division (B) of this section notifies the district treasurer in writing of the intention to purchase the property pursuant to that division, the district board shall sell the property to that party for the appraised fair market value of the property as determined in an appraisal of the property that is not more than one year old.

If, not later than sixty days after the district board makes the offer, more than one governing authority of a high-performing community school offered the property under division (B) of this section notifies the district treasurer in writing of the intention to purchase the property pursuant to that division, the board shall conduct a public auction in the manner required for auctions of district property under division (A) of section 3313.41 of the Revised Code. Only the governing authorities of high-performing community schools that notified the district treasurer of the intention to purchase the property pursuant to division (B) of this section are eligible to bid at the auction. The district board is not obligated to accept any bid for the property that is lower than the appraised fair market value of the property as determined in an appraisal that is not more than one year old.

(2) If, not later than sixty days after the district board makes the offer, no governing authority of a high-performing community school notifies the district treasurer of its intention to purchase the property pursuant to division (B) of this section, the board shall then proceed with the offers from all other start-up community schools, college-preparatory boarding schools, and STEM schools made pursuant to that division.

If more than one such entity notifies the district treasurer 31127
of its intention to purchase the property pursuant to division (B) 31128
of this section, the board shall conduct a public auction in the 31129
manner required for auctions of district property under division 31130
(A) of section 3313.41 of the Revised Code. Only the entities that 31131
notified the district treasurer pursuant to division (B) of this 31132
section are eligible to bid at the auction. 31133

(3) If more than one governing authority of a high-performing 31134
community school notifies the district treasurer in writing of the 31135
intention to lease the property pursuant to division (B) of this 31136
section, the district board shall conduct a lottery to select from 31137
among those governing authorities the one qualified governing 31138
authority to which the district board shall lease the property. 31139

If no such governing authority of a high-performing community 31140
school notifies the district treasurer of its intention to lease 31141
the property pursuant to division (B) of this section, the board 31142
shall then proceed with the offers from all other start-up 31143
community schools, college-preparatory boarding schools, and STEM 31144
schools made pursuant to that division. If more than one other 31145
start-up community school, college-preparatory boarding school, or 31146
STEM school notified the district treasurer of its intention to 31147
lease the property pursuant to division (B) of this section, the 31148
district board shall conduct a lottery to select from among those 31149
parties the one qualified party to which the district board shall 31150
lease the property. 31151

(4) The lease price offered by a district board to a 31152
community school, college-preparatory boarding school, or STEM 31153
school under this section shall not be higher than the fair market 31154
value for such a leasehold as determined in an appraisal that is 31155
not more than one year old. 31156

(5) If no qualified party offered the property under division 31157
(B) of this section accepts the offer to lease or buy the property 31158

within sixty days after the offer is made, the district board may 31159
offer the property to any other entity in accordance with 31160
divisions (A) to (F) of section 3313.41 of the Revised Code. 31161

(D) Notwithstanding division (B) of this section, a school 31162
district board may renew any agreement it originally entered into 31163
prior to June 30, 2011, to lease real property to an entity other 31164
than a community school, college-preparatory boarding school, or 31165
STEM school. Nothing in this section shall affect the leasehold 31166
arrangements between the district board and that other entity. 31167

(E) (1) Except as provided in division (E) (2) of this section, 31168
the governing authority of a community school, board of trustees 31169
of a college-preparatory boarding school, or governing body of a 31170
STEM school shall not sell any property purchased under division 31171
(B) of this section within five years of purchasing that property. 31172

(2) The governing authority, board of trustees, or governing 31173
body may sell a property purchased under division (B) of this 31174
section within five years of the purchase, only if the governing 31175
authority, board of trustees, or governing body sells or transfers 31176
that property to another entity described in that division. 31177

Sec. 3313.48. (A) The board of education of each city, 31178
exempted village, local, and joint vocational school district 31179
shall provide for the free education of the youth of school age 31180
within the district under its jurisdiction, at such places as will 31181
be most convenient for the attendance of the largest number 31182
thereof. Each school so provided and each chartered nonpublic 31183
school shall be open for instruction with pupils in attendance, 31184
including scheduled classes, supervised activities, and approved 31185
education options but excluding lunch and breakfast periods and 31186
extracurricular activities, for not less than four hundred 31187
fifty-five hours in the case of pupils in kindergarten unless such 31188
pupils are provided all-day kindergarten, as defined in section 31189

3321.05 of the Revised Code, in which case the pupils shall be in attendance for nine hundred ten hours; nine hundred ten hours in the case of pupils in grades one through six; and one thousand one hours in the case of pupils in grades seven through twelve in each school year, which may include all of the following:

(1) Up to the equivalent of two school days per year during which pupils would otherwise be in attendance but are not required to attend for the purpose of individualized parent-teacher conferences and reporting periods;

(2) Up to the equivalent of two school days per year during which pupils would otherwise be in attendance but are not required to attend for professional meetings of teachers;

(3) Morning and afternoon recess periods of not more than fifteen minutes duration per period for pupils in grades kindergarten through six.

(B) Not later than thirty days prior to adopting a school calendar, the board of education of each city, exempted village, and local school district shall hold a public hearing on the school calendar, addressing topics that include, but are not limited to, the total number of hours in a school year, length of school day, and beginning and end dates of instruction.

(C) No school operated by a city, exempted village, local, or joint vocational school district shall reduce the number of hours in each school year that the school is scheduled to be open for instruction from the number of hours per year the school was open for instruction during the previous school year unless the reduction is approved by a resolution adopted by the district board of education. Any reduction so approved shall not result in fewer hours of instruction per school year than the applicable number of hours required under division (A) of this section.

(D) Prior to making any change in the hours or days in which

a high school under its jurisdiction is open for instruction, the 31221
board of education of each city, exempted village, and local 31222
school district shall consider the compatibility of the proposed 31223
change with the scheduling needs of any joint vocational school 31224
district in which any of the high school's students are also 31225
enrolled. The board shall consider the impact of the proposed 31226
change on student access to the instructional programs offered by 31227
the joint vocational school district, incentives for students to 31228
participate in career-technical education, transportation, and the 31229
timing of graduation. The board shall provide the joint vocational 31230
school district board with advance notice of the proposed change 31231
and the two boards shall enter into a written agreement 31232
prescribing reasonable accommodations to meet the scheduling needs 31233
of the joint vocational school district prior to implementation of 31234
the change. 31235

(E) ~~Prior~~ Subject to section 3327.016 of the Revised Code, 31236
prior to making any change in the hours or days in which a school 31237
under its jurisdiction is open for instruction, the board of 31238
education of each city, exempted village, and local school 31239
district shall consider the compatibility of the proposed change 31240
with the scheduling needs of any community school established 31241
under Chapter 3314. of the Revised Code to which the district is 31242
required to transport students under sections 3314.09 and 3327.01 31243
of the Revised Code. The board shall consider the impact of the 31244
proposed change on student access to the instructional programs 31245
offered by the community school, transportation, and the timing of 31246
graduation. The board shall provide the sponsor, governing 31247
authority, and operator of the community school with advance 31248
notice of the proposed change, and the board and the governing 31249
authority, or operator if such authority is delegated to the 31250
operator, shall enter into a written agreement prescribing 31251
reasonable accommodations to meet the scheduling needs of the 31252
community school prior to implementation of the change. 31253

(F) ~~Prior~~ Subject to section 3327.016 of the Revised Code, 31254
prior to making any change in the hours or days in which the 31255
schools under its jurisdiction are open for instruction, the board 31256
of education of each city, exempted village, and local school 31257
district shall consult with the chartered nonpublic schools to 31258
which the district is required to transport students under section 31259
3327.01 of the Revised Code and shall consider the effect of the 31260
proposed change on the schedule for transportation of those 31261
students to their nonpublic schools. The governing authority of a 31262
chartered nonpublic school shall consult with each school district 31263
board of education that transports students to the chartered 31264
nonpublic school under section 3327.01 of the Revised Code prior 31265
to making any change in the hours or days in which the nonpublic 31266
school is open for instruction. 31267

(G) The state board of education shall not adopt or enforce 31268
any rule or standard that imposes on chartered nonpublic schools 31269
the procedural requirements imposed on school districts by 31270
divisions (B), (C), (D), and (E) of this section. 31271

Sec. 3313.488. (A) Within fifteen days after the date the 31272
state board of education issues an order under section 3313.487 of 31273
the Revised Code making a school district subject to this section, 31274
the district's board of education shall prepare a fiscal statement 31275
of expenses and expenditures for the remainder of the current 31276
fiscal year. The fiscal statement shall be submitted to the 31277
superintendent of public instruction and shall set forth all 31278
revenues to be received by the district during the remainder of 31279
the fiscal year and their sources, the expenses to be incurred by 31280
the district during the remainder of the fiscal year, the 31281
outstanding and unpaid expenses at the time the fiscal statement 31282
is prepared and the date or dates by which such expenses must be 31283
paid, and such other information as the superintendent requires to 31284
enable the superintendent to ensure that during the remainder of 31285

the fiscal year, the district will not incur any expenses that 31286
will further impair its ability to operate an instructional 31287
program that meets or exceeds the minimum standards of the state 31288
board of education and requirements of the Revised Code during the 31289
current and ensuing fiscal years with the revenue available to it 31290
from existing revenue sources. The fiscal statement shall be 31291
presented in such detail and form as the superintendent 31292
prescribes. Beginning the tenth day after the fiscal statement is 31293
submitted and for the remainder of the fiscal year, the board 31294
shall not make any expenditure of money, make any employment, 31295
purchase, or rental contract, give any order involving the 31296
expenditure of money, or increase any wage or salary schedule 31297
unless the superintendent of public instruction has approved the 31298
fiscal statement in writing and the expenditure, contract, order, 31299
or schedule has been approved in writing by the superintendent as 31300
being in conformity with the fiscal statement. 31301

Any contract or expenditure made, order given, or schedule 31302
adopted or put into effect without the written approval of the 31303
superintendent of public instruction is void, and no warrant shall 31304
be issued in payment of any amount due thereon. 31305

(B) A board of education subject to division (A) of this 31306
section shall prepare a fiscal statement of expenses and 31307
expenditures for the ensuing fiscal year. The fiscal statement 31308
shall be submitted to the superintendent of public instruction and 31309
shall set forth all revenues to be received by the district during 31310
such year and their source, the expenses to be incurred by the 31311
district during such year, the outstanding and unpaid expenses on 31312
the first day of such fiscal year, the date or dates by which such 31313
expenses must be paid, and such other information as the 31314
superintendent requires to enable the superintendent to ensure 31315
that during such year, the district will not incur any expenses 31316
that will further impair its ability to operate an instructional 31317

program that meets or exceeds the minimum standards of the state 31318
board of education and requirements of the Revised Code during 31319
such year with the revenue available to it from existing revenue 31320
sources. The fiscal statement shall be presented at the time and 31321
in such detail and form as the superintendent prescribes. During 31322
the fiscal year following the year in which a board of education 31323
first becomes subject to division (A) of this section it shall not 31324
make any expenditure of money, make any employment, purchase, or 31325
rental contract, give any order involving the expenditure of 31326
money, or increase any wage or salary schedule unless the 31327
superintendent of public instruction has approved the fiscal 31328
statement submitted under this division in writing and has 31329
approved the expenditure, contract, order, or schedule in writing 31330
as being in conformity with the fiscal statement. 31331

Any contract or expenditure made, order given, or schedule 31332
adopted or put into effect without the written approval of the 31333
superintendent of public instruction is void, and no warrant shall 31334
be issued in payment of any amount due thereon. 31335

(C) The state board of education shall examine any fiscal 31336
statement presented to and approved by the superintendent of 31337
public instruction under division (B) of this section and shall 31338
determine whether the data set forth in the fiscal statement are 31339
factual and based upon assumptions that in its judgment are 31340
reasonable expectations consistent with acceptable governmental 31341
budget and accounting practices. If the state board so determines 31342
and finds that the revenues and expenditures in the fiscal 31343
statement are in balance for the fiscal year and the fiscal 31344
statement will enable the district to operate during such year 31345
without interrupting its school calendar, it shall certify its 31346
determination and finding to the district at least thirty days 31347
prior to the beginning of the fiscal year, and the district shall 31348
thereupon cease to be subject to this section. If the state board 31349

does not make such a determination and finding, the board of 31350
education and school district are subject to this division and 31351
division (B) of this section in the ensuing fiscal year and each 31352
fiscal year thereafter until the state board makes a 31353
determination, finding, and certification under this division. 31354

(D) Any officer, employee, or other person who knowingly 31355
expends or authorizes the expenditure of any public funds or 31356
knowingly authorizes or executes any contract, order, or schedule 31357
contrary to division (A) or (B) of this section or who knowingly 31358
expends or authorizes the expenditure of any public funds on any 31359
such void contract, order, or schedule is jointly and severally 31360
liable in person and upon any official bond that the officer, 31361
employee, or other person has given to such school district to the 31362
extent of any payments on the void claim, not to exceed twenty 31363
thousand dollars. The attorney general at the written request of 31364
the superintendent of public instruction shall enforce this 31365
liability by civil action brought in any court of appropriate 31366
jurisdiction in the name of and on behalf of the school district. 31367

~~(E) During each month that a board of education is subject to 31368
division (A), (B), or (C) of this section, the superintendent of 31369
public instruction shall submit a report to the speaker of the 31370
house of representatives and the president of the senate on the 31371
financial condition of the school district. The report shall 31372
contain the date by which the superintendent anticipates the 31373
district will cease to be subject to such divisions, the 31374
district's plans for becoming exempt from such section, and such 31375
other information the superintendent determines appropriate or the 31376
speaker of the house of representatives or president of the senate 31377
requests. 31378~~

~~In addition to the other reports required under this 31379
division, on the thirty first day of each school district fiscal 31380
year following a fiscal year in which a school district first 31381~~

~~becomes subject to this section, the superintendent shall submit a written report to the speaker of the house of representatives and the president of the senate. The report shall include recommendations to the general assembly for strengthening the financial condition of school districts based upon the experiences of the superintendent and the state board in exercising their powers under this section and sections 3313.483 and 3313.487 of the Revised Code.~~

~~(F) This section does not apply to a school district declared to be under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code.~~

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 of the Revised Code, divisions (A) to (E) of this section do not apply to any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(A) The board of education of each city, exempted village, and local school district and the board of each cooperative education school district established, pursuant to section 3311.521 of the Revised Code, shall prescribe a curriculum for all schools under its control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects:

(1) The language arts, including reading, writing, spelling, oral and written English, and literature;

(2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;

(3) Mathematics;	31413
(4) Natural science, including instruction in the conservation of natural resources;	31414 31415
(5) Health education, which shall include instruction in:	31416
(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;	31417 31418 31419
(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco, <u>including electronic smoking devices</u> ;	31420 31421 31422
(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;	31423 31424 31425
(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention;	31426 31427 31428 31429 31430
(e) In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships.	31431 31432 31433 31434
In order to assist school districts in developing a dating violence prevention education curriculum, the department of education shall provide on its web site links to free curricula addressing dating violence prevention.	31435 31436 31437 31438
If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the principal, within a	31439 31440 31441 31442

reasonable period of time after the request is made, shall allow 31443
the parent or guardian to examine those materials at that school. 31444

(f) Prescription opioid abuse prevention, with an emphasis on 31445
the prescription drug epidemic and the connection between 31446
prescription opioid abuse and addiction to other drugs, such as 31447
heroin; 31448

(g) The process of making an anatomical gift under Chapter 31449
2108. of the Revised Code, with an emphasis on the life-saving and 31450
life-enhancing effects of organ and tissue donation; 31451

(h) Beginning with the first day of the next school year that 31452
begins at least two years after ~~the effective date of this~~ 31453
~~amendment~~ March 24, 2021, in grades six through twelve, at least 31454
one hour or one standard class period per school year of 31455
evidence-based suicide awareness and prevention and at least one 31456
hour or one standard class period per school year of safety 31457
training and violence prevention, except that upon written request 31458
of the student's parent or guardian, a student shall be excused 31459
from taking instruction in suicide awareness and prevention or 31460
safety training and violence prevention; 31461

(i) Beginning with the first day of the next school year that 31462
begins at least two years after ~~the effective date of this~~ 31463
~~amendment~~ March 24, 2021, in grades six through twelve, at least 31464
one hour or one standard class period per school year of 31465
evidence-based social inclusion instruction, except that upon 31466
written request of the student's parent or guardian, a student 31467
shall be excused from taking instruction in social inclusion. 31468

For the instruction required under divisions (A) (5) (h) and 31469
(i) of this section, the board shall use a training program 31470
approved by the department of education under section 3301.221 of 31471
the Revised Code. 31472

Schools may use student assemblies, digital learning, and 31473

homework to satisfy the instruction requirements under divisions	31474
(A) (5) (h) and (i) of this section.	31475
(6) Physical education;	31476
(7) The fine arts, including music;	31477
(8) First aid, including a training program in	31478
cardiopulmonary resuscitation, which shall comply with section	31479
3313.6021 of the Revised Code when offered in any of grades nine	31480
through twelve, safety, and fire prevention. However, upon written	31481
request of the student's parent or guardian, a student shall be	31482
excused from taking instruction in cardiopulmonary resuscitation.	31483
(B) Except as provided in division (E) of this section, every	31484
school or school district shall include in the requirements for	31485
promotion from the eighth grade to the ninth grade one year's	31486
course of study of American history. A board may waive this	31487
requirement for academically accelerated students who, in	31488
accordance with procedures adopted by the board, are able to	31489
demonstrate mastery of essential concepts and skills of the eighth	31490
grade American history course of study.	31491
(C) As specified in divisions (B) (6) and (C) (6) of section	31492
3313.603 of the Revised Code, except as provided in division (E)	31493
of this section, every high school shall include in the	31494
requirements for graduation from any curriculum one-half unit each	31495
of American history and government.	31496
(D) Except as provided in division (E) of this section, basic	31497
instruction or demonstrated mastery in geography, United States	31498
history, the government of the United States, the government of	31499
the state of Ohio, local government in Ohio, the Declaration of	31500
Independence, the United States Constitution, and the Constitution	31501
of the state of Ohio shall be required before pupils may	31502
participate in courses involving the study of social problems,	31503
economics, foreign affairs, United Nations, world government,	31504

socialism, and communism. 31505

(E) For each cooperative education school district 31506
established pursuant to section 3311.521 of the Revised Code and 31507
each city, exempted village, and local school district that has 31508
territory within such a cooperative district, the curriculum 31509
adopted pursuant to divisions (A) to (D) of this section shall 31510
only include the study of the subjects that apply to the grades 31511
operated by each such school district. The ~~curriculum~~ curricula 31512
for such schools, when combined, shall provide to each student of 31513
these districts all of the subjects required under divisions (A) 31514
to (D) of this section. 31515

(F) The board of education of any cooperative education 31516
school district established pursuant to divisions (A) to (C) of 31517
section 3311.52 of the Revised Code shall prescribe a curriculum 31518
for the subject areas and grade levels offered in any school under 31519
its control. 31520

(G) Upon the request of any parent or legal guardian of a 31521
student, the board of education of any school district shall 31522
permit the parent or guardian to promptly examine, with respect to 31523
the parent's or guardian's own child: 31524

(1) Any survey or questionnaire, prior to its administration 31525
to the child; 31526

(2) Any textbook, workbook, software, video, or other 31527
instructional materials being used by the district in connection 31528
with the instruction of the child; 31529

(3) Any completed and graded test taken or survey or 31530
questionnaire filled out by the child; 31531

(4) Copies of the statewide academic standards and each model 31532
curriculum developed pursuant to section 3301.079 of the Revised 31533
Code, which copies shall be available at all times during school 31534
hours in each district school building. 31535

Sec. 3313.603. (A) As used in this section:	31536
(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	31537 31538 31539 31540
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	31541 31542 31543 31544
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:	31545 31546 31547 31548 31549
(1) English language arts, four units;	31550
(2) Health, one-half unit;	31551
(3) Mathematics, three units;	31552
(4) Physical education, one-half unit;	31553
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	31554 31555 31556
(a) Biological sciences, one unit;	31557
(b) Physical sciences, one unit.	31558
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	31559 31560 31561
(a) American history, one-half unit;	31562
(b) American government, one-half unit.	31563

(7) Social studies, two units. 31564

Beginning with students who enter ninth grade for the first 31565
time on or after July 1, 2017, the two units of instruction 31566
prescribed by division (B) (7) of this section shall include at 31567
least one-half unit of instruction in the study of world history 31568
and civilizations. 31569

(8) Elective units, seven units until September 15, 2003, and 31570
six units thereafter. 31571

Each student's electives shall include at least one unit, or 31572
two half units, chosen from among the areas of 31573
business/technology, fine arts, and/or foreign language. 31574

(C) Beginning with students who enter ninth grade for the 31575
first time on or after July 1, 2010, except as provided in 31576
divisions (D) to (F) of this section, the requirements for 31577
graduation from every public and chartered nonpublic high school 31578
shall include twenty units that are designed to prepare students 31579
for the workforce and college. The units shall be distributed as 31580
follows: 31581

(1) English language arts, four units; 31582

(2) Health, one-half unit, which shall include instruction in 31583
nutrition and the benefits of nutritious foods and physical 31584
activity for overall health; 31585

(3) Mathematics, four units, which shall include one unit of 31586
algebra II or the equivalent of algebra II, or one unit of 31587
advanced computer science as described in the standards adopted 31588
pursuant to division (A) (4) of section 3301.079 of the Revised 31589
Code. However, students who enter ninth grade for the first time 31590
on or after July 1, 2015, and who are pursuing a career-technical 31591
instructional track shall not be required to take algebra II or 31592
advanced computer science, and instead may complete a career-based 31593
pathway mathematics course approved by the department of education 31594

as an alternative. 31595

For students who choose to take advanced computer science in 31596
lieu of algebra II under division (C) (3) of this section, the 31597
school shall communicate to those students that some institutions 31598
of higher education may require algebra II for the purpose of 31599
college admission. Also, the parent, guardian, or legal custodian 31600
of each student who chooses to take advanced computer science in 31601
lieu of algebra II shall sign and submit to the school a document 31602
containing a statement acknowledging that not taking algebra II 31603
may have an adverse effect on college admission decisions. 31604

(4) Physical education, one-half unit; 31605

(5) Science, three units with inquiry-based laboratory 31606
experience that engages students in asking valid scientific 31607
questions and gathering and analyzing information, which shall 31608
include the following, or their equivalent: 31609

(a) Physical sciences, one unit; 31610

(b) Life sciences, one unit; 31611

(c) Advanced study in one or more of the following sciences, 31612
one unit: 31613

(i) Chemistry, physics, or other physical science; 31614

(ii) Advanced biology or other life science; 31615

(iii) Astronomy, physical geology, or other earth or space 31616
science; 31617

(iv) Computer science. 31618

No student shall substitute a computer science course for a 31619
life sciences or biology course under division (C) (5) of this 31620
section. 31621

(6) History and government, one unit, which shall comply with 31622
division (M) of this section and shall include both of the 31623

following: 31624

(a) American history, one-half unit; 31625

(b) American government, one-half unit. 31626

(7) Social studies, two units. 31627

Each school shall integrate the study of economics and 31628
financial literacy, as expressed in the social studies academic 31629
content standards adopted by the state board of education under 31630
division (A) (1) of section 3301.079 of the Revised Code and the 31631
academic content standards for financial literacy and 31632
entrepreneurship adopted under division (A) (2) of that section, 31633
into one or more existing social studies credits required under 31634
division (C) (7) of this section, or into the content of another 31635
class, so that every high school student receives instruction in 31636
those concepts. In developing the curriculum required by this 31637
paragraph, schools shall use available public-private partnerships 31638
and resources and materials that exist in business, industry, and 31639
through the centers for economics education at institutions of 31640
higher education in the state. 31641

Beginning with students who enter ninth grade for the first 31642
time on or after July 1, 2017, the two units of instruction 31643
prescribed by division (C) (7) of this section shall include at 31644
least one-half unit of instruction in the study of world history 31645
and civilizations. 31646

(8) Five units consisting of one or any combination of 31647
foreign language, fine arts, business, career-technical education, 31648
family and consumer sciences, technology which may include 31649
computer science, agricultural education, a junior reserve officer 31650
training corps (JROTC) program approved by the congress of the 31651
United States under title 10 of the United States Code, or English 31652
language arts, mathematics, science, or social studies courses not 31653
otherwise required under division (C) of this section. 31654

Ohioans must be prepared to apply increased knowledge and 31655
skills in the workplace and to adapt their knowledge and skills 31656
quickly to meet the rapidly changing conditions of the 31657
twenty-first century. National studies indicate that all high 31658
school graduates need the same academic foundation, regardless of 31659
the opportunities they pursue after graduation. The goal of Ohio's 31660
system of elementary and secondary education is to prepare all 31661
students for and seamlessly connect all students to success in 31662
life beyond high school graduation, regardless of whether the next 31663
step is entering the workforce, beginning an apprenticeship, 31664
engaging in post-secondary training, serving in the military, or 31665
pursuing a college degree. 31666

The requirements for graduation prescribed in division (C) of 31667
this section are the standard expectation for all students 31668
entering ninth grade for the first time at a public or chartered 31669
nonpublic high school on or after July 1, 2010. A student may 31670
satisfy this expectation through a variety of methods, including, 31671
but not limited to, integrated, applied, career-technical, and 31672
traditional coursework. 31673

Stronger coordination between high schools and institutions 31674
of higher education is necessary to prepare students for more 31675
challenging academic endeavors and to lessen the need for academic 31676
remediation in college, thereby reducing the costs of higher 31677
education for Ohio's students, families, and the state. The state 31678
board and the chancellor of higher education shall develop 31679
policies to ensure that only in rare instances will students who 31680
complete the requirements for graduation prescribed in division 31681
(C) of this section require academic remediation after high 31682
school. 31683

School districts, community schools, and chartered nonpublic 31684
schools shall integrate technology into learning experiences 31685
across the curriculum in order to maximize efficiency, enhance 31686

learning, and prepare students for success in the 31687
technology-driven twenty-first century. Districts and schools 31688
shall use distance and web-based course delivery as a method of 31689
providing or augmenting all instruction required under this 31690
division, including laboratory experience in science. Districts 31691
and schools shall utilize technology access and electronic 31692
learning opportunities provided by the broadcast educational media 31693
commission, chancellor, the Ohio learning network, education 31694
technology centers, public television stations, and other public 31695
and private providers. 31696

(D) Except as provided in division (E) of this section, a 31697
student who enters ninth grade on or after July 1, 2010, and 31698
before July 1, 2016, may qualify for graduation from a public or 31699
chartered nonpublic high school even though the student has not 31700
completed the requirements for graduation prescribed in division 31701
(C) of this section if all of the following conditions are 31702
satisfied: 31703

(1) During the student's third year of attending high school, 31704
as determined by the school, the student and the student's parent, 31705
guardian, or custodian sign and file with the school a written 31706
statement asserting the parent's, guardian's, or custodian's 31707
consent to the student's graduating without completing the 31708
requirements for graduation prescribed in division (C) of this 31709
section and acknowledging that one consequence of not completing 31710
those requirements is ineligibility to enroll in most state 31711
universities in Ohio without further coursework. 31712

(2) The student and parent, guardian, or custodian fulfill 31713
any procedural requirements the school stipulates to ensure the 31714
student's and parent's, guardian's, or custodian's informed 31715
consent and to facilitate orderly filing of statements under 31716
division (D)(1) of this section. Annually, each district or school 31717
shall notify the department of the number of students who choose 31718

to qualify for graduation under division (D) of this section and 31719
the number of students who complete the student's success plan and 31720
graduate from high school. 31721

(3) The student and the student's parent, guardian, or 31722
custodian and a representative of the student's high school 31723
jointly develop a student success plan for the student in the 31724
manner described in division (C)(1) of section 3313.6020 of the 31725
Revised Code that specifies the student matriculating to a 31726
two-year degree program, acquiring a business and 31727
industry-recognized credential, or entering an apprenticeship. 31728

(4) The student's high school provides counseling and support 31729
for the student related to the plan developed under division 31730
(D)(3) of this section during the remainder of the student's high 31731
school experience. 31732

(5)(a) Except as provided in division (D)(5)(b) of this 31733
section, the student successfully completes, at a minimum, the 31734
curriculum prescribed in division (B) of this section. 31735

(b) Beginning with students who enter ninth grade for the 31736
first time on or after July 1, 2014, a student shall be required 31737
to complete successfully, at the minimum, the curriculum 31738
prescribed in division (B) of this section, except as follows: 31739

(i) Mathematics, four units, one unit which shall be one of 31740
the following: 31741

(I) Probability and statistics; 31742

(II) Computer science; 31743

(III) Applied mathematics or quantitative reasoning; 31744

(IV) Any other course approved by the department using 31745
standards established by the superintendent not later than October 31746
1, 2014. 31747

(ii) Elective units, five units; 31748

(iii) Science, three units as prescribed by division (B) of 31749
this section which shall include inquiry-based laboratory 31750
experience that engages students in asking valid scientific 31751
questions and gathering and analyzing information. 31752

~~The department, in collaboration with the chancellor, shall 31753
analyze student performance data to determine if there are 31754
mitigating factors that warrant extending the exception permitted 31755
by division (D) of this section to high school classes beyond 31756
those entering ninth grade before July 1, 2016. The department 31757
shall submit its findings and any recommendations not later than 31758
December 1, 2015, to the speaker and minority leader of the house 31759
of representatives, the president and minority leader of the 31760
senate, the chairpersons and ranking minority members of the 31761
standing committees of the house of representatives and the senate 31762
that consider education legislation, the state board of education, 31763
and the superintendent of public instruction. 31764~~

(E) Each school district and chartered nonpublic school 31765
retains the authority to require an even more challenging minimum 31766
curriculum for high school graduation than specified in division 31767
(B) or (C) of this section. A school district board of education, 31768
through the adoption of a resolution, or the governing authority 31769
of a chartered nonpublic school may stipulate any of the 31770
following: 31771

(1) A minimum high school curriculum that requires more than 31772
twenty units of academic credit to graduate; 31773

(2) An exception to the district's or school's minimum high 31774
school curriculum that is comparable to the exception provided in 31775
division (D) of this section but with additional requirements, 31776
which may include a requirement that the student successfully 31777
complete more than the minimum curriculum prescribed in division 31778
(B) of this section; 31779

(3) That no exception comparable to that provided in division 31780
(D) of this section is available. 31781

If a school district or chartered nonpublic school requires a 31782
foreign language as an additional graduation requirement under 31783
division (E) of this section, a student may apply one unit of 31784
instruction in computer coding to satisfy one unit of foreign 31785
language. If a student applies more than one computer coding 31786
course to satisfy the foreign language requirement, the courses 31787
shall be sequential and progressively more difficult. 31788

(F) A student enrolled in a dropout prevention and recovery 31789
program, which program has received a waiver from the department, 31790
may qualify for graduation from high school by successfully 31791
completing a competency-based instructional program administered 31792
by the dropout prevention and recovery program in lieu of 31793
completing the requirements for graduation prescribed in division 31794
(C) of this section. The department shall grant a waiver to a 31795
dropout prevention and recovery program, within sixty days after 31796
the program applies for the waiver, if the program meets all of 31797
the following conditions: 31798

(1) The program serves only students not younger than sixteen 31799
years of age and not older than twenty-one years of age. 31800

(2) The program enrolls students who, at the time of their 31801
initial enrollment, either, or both, are at least one grade level 31802
behind their cohort age groups or experience crises that 31803
significantly interfere with their academic progress such that 31804
they are prevented from continuing their traditional programs. 31805

(3) The program requires students to attain at least the 31806
applicable score designated for each of the assessments prescribed 31807
under division (B) (1) of section 3301.0710 of the Revised Code or, 31808
to the extent prescribed by rule of the state board under division 31809
(D) (5) of section 3301.0712 of the Revised Code, division (B) (2) 31810

of that section. 31811

(4) The program develops a student success plan for the 31812
student in the manner described in division (C)(1) of section 31813
3313.6020 of the Revised Code that specifies the student's 31814
matriculating to a two-year degree program, acquiring a business 31815
and industry-recognized credential, or entering an apprenticeship. 31816

(5) The program provides counseling and support for the 31817
student related to the plan developed under division (F)(4) of 31818
this section during the remainder of the student's high school 31819
experience. 31820

(6) The program requires the student and the student's 31821
parent, guardian, or custodian to sign and file, in accordance 31822
with procedural requirements stipulated by the program, a written 31823
statement asserting the parent's, guardian's, or custodian's 31824
consent to the student's graduating without completing the 31825
requirements for graduation prescribed in division (C) of this 31826
section and acknowledging that one consequence of not completing 31827
those requirements is ineligibility to enroll in most state 31828
universities in Ohio without further coursework. 31829

(7) Prior to receiving the waiver, the program has submitted 31830
to the department an instructional plan that demonstrates how the 31831
academic content standards adopted by the state board under 31832
section 3301.079 of the Revised Code will be taught and assessed. 31833

(8) Prior to receiving the waiver, the program has submitted 31834
to the department a policy on career advising that satisfies the 31835
requirements of section 3313.6020 of the Revised Code, with an 31836
emphasis on how every student will receive career advising. 31837

(9) Prior to receiving the waiver, the program has submitted 31838
to the department a written agreement outlining the future 31839
cooperation between the program and any combination of local job 31840
training, postsecondary education, nonprofit, and health and 31841

social service organizations to provide services for students in 31842
the program and their families. 31843

Divisions (F) (8) and (9) of this section apply only to 31844
waivers granted on or after July 1, 2015. 31845

If the department does not act either to grant the waiver or 31846
to reject the program application for the waiver within sixty days 31847
as required under this section, the waiver shall be considered to 31848
be granted. 31849

(G) Every high school may permit students below the ninth 31850
grade to take advanced work. If a high school so permits, it shall 31851
award high school credit for successful completion of the advanced 31852
work and shall count such advanced work toward the graduation 31853
requirements of division (B) or (C) of this section if the 31854
advanced work was both: 31855

(1) Taught by a person who possesses a license or certificate 31856
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 31857
Code that is valid for teaching high school; 31858

(2) Designated by the board of education of the city, local, 31859
or exempted village school district, the board of the cooperative 31860
education school district, or the governing authority of the 31861
chartered nonpublic school as meeting the high school curriculum 31862
requirements. 31863

Each high school shall record on the student's high school 31864
transcript all high school credit awarded under division (G) of 31865
this section. In addition, if the student completed a seventh- or 31866
eighth-grade fine arts course described in division (K) of this 31867
section and the course qualified for high school credit under that 31868
division, the high school shall record that course on the 31869
student's high school transcript. 31870

(H) The department shall make its individual academic career 31871
plan available through its Ohio career information system web site 31872

for districts and schools to use as a tool for communicating with 31873
and providing guidance to students and families in selecting high 31874
school courses. 31875

(I) A school district or chartered nonpublic school may 31876
integrate academic content in a subject area for which the state 31877
board has adopted standards under section 3301.079 of the Revised 31878
Code into a course in a different subject area, including a 31879
career-technical education course, in accordance with guidance for 31880
integrated coursework developed by the department. Upon successful 31881
completion of an integrated course, a student may receive credit 31882
for both subject areas that were integrated into the course. Units 31883
earned for subject area content delivered through integrated 31884
academic and career-technical instruction are eligible to meet the 31885
graduation requirements of division (B) or (C) of this section. 31886

For purposes of meeting graduation requirements, if an 31887
end-of-course examination has been prescribed under section 31888
3301.0712 of the Revised Code for the subject area delivered 31889
through integrated instruction, the school district or school may 31890
administer the related subject area examinations upon the 31891
student's completion of the integrated course. 31892

Nothing in division (I) of this section shall be construed to 31893
excuse any school district, chartered nonpublic school, or student 31894
from any requirement in the Revised Code related to curriculum, 31895
assessments, or the awarding of a high school diploma. 31896

(J) (1) The state board, in consultation with the chancellor, 31897
shall adopt a statewide plan implementing methods for students to 31898
earn units of high school credit based on a demonstration of 31899
subject area competency, instead of or in combination with 31900
completing hours of classroom instruction. The state board shall 31901
adopt the plan not later than March 31, 2009, and commence phasing 31902
in the plan during the 2009-2010 school year. The plan shall 31903
include a standard method for recording demonstrated proficiency 31904

on high school transcripts. Each school district and community 31905
school shall comply with the state board's plan adopted under this 31906
division and award units of high school credit in accordance with 31907
the plan. The state board may adopt existing methods for earning 31908
high school credit based on a demonstration of subject area 31909
competency as necessary prior to the 2009-2010 school year. 31910

(2) Not later than December 31, 2015, the state board shall 31911
update the statewide plan adopted pursuant to division (J)(1) of 31912
this section to also include methods for students enrolled in 31913
seventh and eighth grade to meet curriculum requirements based on 31914
a demonstration of subject area competency, instead of or in 31915
combination with completing hours of classroom instruction. 31916
Beginning with the 2017-2018 school year, each school district and 31917
community school also shall comply with the updated plan adopted 31918
pursuant to this division and permit students enrolled in seventh 31919
and eighth grade to meet curriculum requirements based on subject 31920
area competency in accordance with the plan. 31921

(3) Not later than December 31, 2017, the department shall 31922
develop a framework for school districts and community schools to 31923
use in granting units of high school credit to students who 31924
demonstrate subject area competency through work-based learning 31925
experiences, internships, or cooperative education. Beginning with 31926
the 2018-2019 school year, each district and community school 31927
shall comply with the framework. Each district and community 31928
school also shall review any policy it has adopted regarding the 31929
demonstration of subject area competency to identify ways to 31930
incorporate work-based learning experiences, internships, and 31931
cooperative education into the policy in order to increase student 31932
engagement and opportunities to earn units of high school credit. 31933

(K) This division does not apply to students who qualify for 31934
graduation from high school under division (D) or (F) of this 31935
section, or to students pursuing a career-technical instructional 31936

track as determined by the school district board of education or 31937
the chartered nonpublic school's governing authority. 31938
Nevertheless, the general assembly encourages such students to 31939
consider enrolling in a fine arts course as an elective. 31940

Beginning with students who enter ninth grade for the first 31941
time on or after July 1, 2010, each student enrolled in a public 31942
or chartered nonpublic high school shall complete two semesters or 31943
the equivalent of fine arts to graduate from high school. The 31944
coursework may be completed in any of grades seven to twelve. Each 31945
student who completes a fine arts course in grade seven or eight 31946
may elect to count that course toward the five units of electives 31947
required for graduation under division (C)(8) of this section, if 31948
the course satisfied the requirements of division (G) of this 31949
section. In that case, the high school shall award the student 31950
high school credit for the course and count the course toward the 31951
five units required under division (C)(8) of this section. If the 31952
course in grade seven or eight did not satisfy the requirements of 31953
division (G) of this section, the high school shall not award the 31954
student high school credit for the course but shall count the 31955
course toward the two semesters or the equivalent of fine arts 31956
required by this division. 31957

(L) Notwithstanding anything to the contrary in this section, 31958
the board of education of each school district and the governing 31959
authority of each chartered nonpublic school may adopt a policy to 31960
excuse from the high school physical education requirement each 31961
student who, during high school, has participated in 31962
interscholastic athletics, marching band, show choir, or 31963
cheerleading for at least two full seasons or in the junior 31964
reserve officer training corps for at least two full school years. 31965
If the board or authority adopts such a policy, the board or 31966
authority shall not require the student to complete any physical 31967
education course as a condition to graduate. However, the student 31968

shall be required to complete one-half unit, consisting of at 31969
least sixty hours of instruction, in another course of study. In 31970
the case of a student who has participated in the junior reserve 31971
officer training corps for at least two full school years, credit 31972
received for that participation may be used to satisfy the 31973
requirement to complete one-half unit in another course of study. 31974

(M) It is important that high school students learn and 31975
understand United States history and the governments of both the 31976
United States and the state of Ohio. Therefore, beginning with 31977
students who enter ninth grade for the first time on or after July 31978
1, 2012, the study of American history and American government 31979
required by divisions (B) (6) and (C) (6) of this section shall 31980
include the study of all of the following documents: 31981

(1) The Declaration of Independence; 31982

(2) The Northwest Ordinance; 31983

(3) The Constitution of the United States with emphasis on 31984
the Bill of Rights; 31985

(4) The Ohio Constitution. 31986

The study of each of the documents prescribed in divisions 31987
(M) (1) to (4) of this section shall include study of that document 31988
in its original context. 31989

The study of American history and government required by 31990
divisions (B) (6) and (C) (6) of this section shall include the 31991
historical evidence of the role of documents such as the 31992
Federalist Papers and the Anti-Federalist Papers to firmly 31993
establish the historical background leading to the establishment 31994
of the provisions of the Constitution and Bill of Rights. 31995

(N) A student may apply one unit of instruction in computer 31996
science to satisfy one unit of mathematics or one unit of science 31997
under division (C) of this section as the student chooses, 31998

regardless of the field of certification of the teacher who 31999
teaches the course, so long as that teacher meets the licensure 32000
requirements prescribed by section 3319.236 of the Revised Code 32001
and, prior to teaching the course, completes a professional 32002
development program determined to be appropriate by the district 32003
board. 32004

If a student applies more than one computer science course to 32005
satisfy curriculum requirements under that division, the courses 32006
shall be sequential and progressively more difficult or cover 32007
different subject areas within computer science. 32008

Sec. 3313.608. (A) (1) Beginning with students who enter third 32009
grade in the school year that starts July 1, 2009, and until June 32010
30, 2013, unless the student is excused under division (C) of 32011
section 3301.0711 of the Revised Code from taking the assessment 32012
described in this section, for any student who does not attain at 32013
least the equivalent level of achievement designated under 32014
division (A) (3) of section 3301.0710 of the Revised Code on the 32015
assessment prescribed under that section to measure skill in 32016
English language arts expected at the end of third grade, each 32017
school district, in accordance with the policy adopted under 32018
section 3313.609 of the Revised Code, shall do one of the 32019
following: 32020

(a) Promote the student to fourth grade if the student's 32021
principal and reading teacher agree that other evaluations of the 32022
student's skill in reading demonstrate that the student is 32023
academically prepared to be promoted to fourth grade; 32024

(b) Promote the student to fourth grade but provide the 32025
student with intensive intervention services in fourth grade; 32026

(c) Retain the student in third grade. 32027

(2) Beginning with students who enter third grade in the 32028

2013-2014 school year, unless the student is excused under 32029
division (C) of section 3301.0711 of the Revised Code from taking 32030
the assessment described in this section, no school district shall 32031
promote to fourth grade any student who does not attain at least 32032
the equivalent level of achievement designated under division 32033
(A) (3) of section 3301.0710 of the Revised Code on the assessment 32034
prescribed under that section to measure skill in English language 32035
arts expected at the end of third grade, unless one of the 32036
following applies: 32037

(a) The student is an English learner who has been enrolled 32038
in United States schools for less than three full school years and 32039
has had less than three years of instruction in an English as a 32040
second language program. 32041

(b) The student is a child with a disability entitled to 32042
special education and related services under Chapter 3323. of the 32043
Revised Code and the student's individualized education program 32044
exempts the student from retention under this division. 32045

(c) The student demonstrates an acceptable level of 32046
performance on an alternative standardized reading assessment as 32047
determined by the department of education. 32048

(d) All of the following apply: 32049

(i) The student is a child with a disability entitled to 32050
special education and related services under Chapter 3323. of the 32051
Revised Code. 32052

(ii) The student has taken the third grade English language 32053
arts achievement assessment prescribed under section 3301.0710 of 32054
the Revised Code. 32055

(iii) The student's individualized education program or plan 32056
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 32057
355, 29 U.S.C. 794, as amended, shows that the student has 32058
received intensive remediation in reading for two school years but 32059

still demonstrates a deficiency in reading. 32060

(iv) The student previously was retained in any of grades 32061
kindergarten to three. 32062

(e) (i) The student received intensive remediation for reading 32063
for two school years but still demonstrates a deficiency in 32064
reading and was previously retained in any of grades kindergarten 32065
to three. 32066

(ii) A student who is promoted under division (A) (2) (e) (i) of 32067
this section shall continue to receive intensive reading 32068
instruction in grade four. The instruction shall include an 32069
altered instructional day that includes specialized diagnostic 32070
information and specific research-based reading strategies for the 32071
student that have been successful in improving reading among 32072
low-performing readers. 32073

~~(B) (1)~~ (B) (1) (a) Beginning in the 2012-2013 school year, to 32074
assist students in meeting the third grade guarantee established 32075
by this section, each school district board of education shall 32076
adopt policies and procedures with which it annually shall assess 32077
the reading skills of each student, except those students with 32078
significant cognitive disabilities or other disabilities as 32079
authorized by the department on a case-by-case basis, enrolled in 32080
kindergarten to third grade and shall identify students who are 32081
reading below their grade level. The reading skills assessment 32082
shall be completed by the thirtieth day of September for students 32083
in grades one to three, and by the ~~first day of November~~ twentieth 32084
day of instruction of the school year for students in 32085
kindergarten. Each district shall use the diagnostic assessment to 32086
measure reading ability for the appropriate grade level adopted 32087
under section 3301.079 of the Revised Code, or a comparable tool 32088
approved by the department of education, to identify such 32089
students. ~~The~~ 32090

(b) The policies and procedures shall require the students' 32091
classroom teachers to be involved in the assessment and the 32092
identification of students reading below grade level. The 32093
assessment may be administered electronically using live, two-way 32094
video and audio connections whereby the teacher administering the 32095
assessment may be in a separate location from the student. 32096

(c) Except for the kindergarten readiness assessment 32097
described in section 3301.0715 of the Revised Code, any comparable 32098
tool approved by the department for grades kindergarten through 32099
three shall include a sufficient number of items related to 32100
phonological awareness, phonemic awareness, rapid naming skills, 32101
nonsense word fluency, and correspondence between sounds and 32102
letters to identify students who may need further measures to 32103
determine if the students have dyslexia, as defined in section 32104
3319.80 of the Revised Code. 32105

(d) For each comparable tool approved under this section, the 32106
department shall require that the test vendor share information 32107
with the school regarding student performance on identification 32108
items related to dyslexia as described under division (B)(1)(c) of 32109
this section. The department also shall require the vendor to 32110
provide a summary of such information to the department, in the 32111
manner prescribed by the department. 32112

(2) For each student identified by the diagnostic assessment 32113
prescribed under this section as having reading skills below grade 32114
level, the district shall do both of the following: 32115

(a) Provide to the student's parent or guardian, in writing, 32116
all of the following: 32117

(i) Notification that the student has been identified as 32118
having a substantial deficiency in reading; 32119

(ii) A description of the current services that are provided 32120
to the student; 32121

(iii) A description of the proposed supplemental 32122
instructional services and supports that will be provided to the 32123
student that are designed to remediate the identified areas of 32124
reading deficiency; 32125

(iv) Notification that if the student attains a score in the 32126
range designated under division (A) (3) of section 3301.0710 of the 32127
Revised Code on the assessment prescribed under that section to 32128
measure skill in English language arts expected at the end of 32129
third grade, the student shall be retained unless the student is 32130
exempt under division (A) of this section. The notification shall 32131
specify that the assessment under section 3301.0710 of the Revised 32132
Code is not the sole determinant of promotion and that additional 32133
evaluations and assessments are available to the student to assist 32134
parents and the district in knowing when a student is reading at 32135
or above grade level and ready for promotion. 32136

(b) Provide intensive reading instruction services and 32137
regular diagnostic assessments to the student immediately 32138
following identification of a reading deficiency until the 32139
development of the reading improvement and monitoring plan 32140
required by division (C) of this section. These intervention 32141
services shall include research-based reading strategies that have 32142
been shown to be successful in improving reading among 32143
low-performing readers and instruction targeted at the student's 32144
identified reading deficiencies. 32145

(3) For each student retained under division (A) of this 32146
section, the district shall do all of the following: 32147

(a) Provide intense remediation services until the student is 32148
able to read at grade level. The remediation services shall 32149
include intensive interventions in reading that address the areas 32150
of deficiencies identified under this section including, but not 32151
limited to, not less than ninety minutes of reading instruction 32152
per day, and may include any of the following: 32153

(i) Small group instruction;	32154
(ii) Reduced teacher-student ratios;	32155
(iii) More frequent progress monitoring;	32156
(iv) Tutoring or mentoring;	32157
(v) Transition classes containing third and fourth grade students;	32158 32159
(vi) Extended school day, week, or year;	32160
(vii) Summer reading camps.	32161
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	32162 32163 32164
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	32165 32166
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	32167 32168 32169 32170 32171 32172 32173 32174
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	32175 32176 32177 32178 32179
As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.	32180 32181
<u>(5) Any tool approved by the department under division (B) of</u>	32182

<u>this section, other than the kindergarten readiness assessment,</u>	32183
<u>may be used to meet the requirement to administer a tier one</u>	32184
<u>dyslexia screening under section 3323.251 of the Revised Code.</u>	32185
(C) For each student required to be provided intervention	32186
services under this section, the district shall develop a reading	32187
improvement and monitoring plan within sixty days after receiving	32188
the student's results on the diagnostic assessment or comparable	32189
tool administered under division (B) (1) of this section. The	32190
district shall involve the student's parent or guardian and	32191
classroom teacher in developing the plan. The plan shall include	32192
all of the following:	32193
(1) Identification of the student's specific reading	32194
deficiencies;	32195
(2) A description of the additional instructional services	32196
and support that will be provided to the student to remediate the	32197
identified reading deficiencies;	32198
(3) Opportunities for the student's parent or guardian to be	32199
involved in the instructional services and support described in	32200
division (C) (2) of this section;	32201
(4) A process for monitoring the extent to which the student	32202
receives the instructional services and support described in	32203
division (C) (2) of this section;	32204
(5) A reading curriculum during regular school hours that	32205
does all of the following:	32206
(a) Assists students to read at grade level;	32207
(b) Provides scientifically based and reliable assessment;	32208
(c) Provides initial and ongoing analysis of each student's	32209
reading progress.	32210
(6) A statement that if the student does not attain at least	32211
the equivalent level of achievement designated under division	32212

(A) (3) of section 3301.0710 of the Revised Code on the assessment 32213
prescribed under that section to measure skill in English language 32214
arts expected by the end of third grade, the student may be 32215
retained in third grade. 32216

Each student with a reading improvement and monitoring plan 32217
under this division who enters third grade after July 1, 2013, 32218
shall be assigned to a teacher who satisfies one or more of the 32219
criteria set forth in division (H) of this section. 32220

The district shall report any information requested by the 32221
department about the reading improvement monitoring plans 32222
developed under this division in the manner required by the 32223
department. 32224

(D) Each school district shall report annually to the 32225
department on its implementation and compliance with this section 32226
using guidelines prescribed by the superintendent of public 32227
instruction. The superintendent of public instruction annually 32228
shall report to the governor and general assembly the number and 32229
percentage of students in grades kindergarten through four reading 32230
below grade level based on the diagnostic assessments administered 32231
under division (B) of this section and the achievement assessments 32232
administered under divisions (A) (1) (a) and (b) of section 32233
3301.0710 of the Revised Code in English language arts, aggregated 32234
by school district and building; the types of intervention 32235
services provided to students; and, if available, an evaluation of 32236
the efficacy of the intervention services provided. 32237

(E) Any summer remediation services funded in whole or in 32238
part by the state and offered by school districts to students 32239
under this section shall meet the following conditions: 32240

(1) The remediation methods are based on reliable educational 32241
research. 32242

(2) The school districts conduct assessment before and after 32243

students participate in the program to facilitate monitoring 32244
results of the remediation services. 32245

(3) The parents of participating students are involved in 32246
programming decisions. 32247

(F) Any intervention or remediation services required by this 32248
section shall include intensive, explicit, and systematic 32249
instruction. 32250

(G) This section does not create a new cause of action or a 32251
substantive legal right for any person. 32252

(H) (1) Except as provided under divisions (H) (2), (3), and 32253
(4) of this section, each student described in division (B) (3) or 32254
(C) of this section who enters third grade for the first time on 32255
or after July 1, 2013, shall be assigned a teacher who has at 32256
least one year of teaching experience and who satisfies one or 32257
more of the following criteria: 32258

(a) The teacher holds a reading endorsement on the teacher's 32259
license and has attained a passing score on the corresponding 32260
assessment for that endorsement, as applicable. 32261

(b) The teacher has completed a master's degree program with 32262
a major in reading. 32263

(c) The teacher was rated "most effective" for reading 32264
instruction consecutively for the most recent two years based on 32265
assessments of student growth measures developed by a vendor and 32266
that is on the list of student assessments approved by the state 32267
board under division (B) (2) of section 3319.112 of the Revised 32268
Code. 32269

(d) The teacher was rated "above expected value added," in 32270
reading instruction, as determined by criteria established by the 32271
department, for the most recent, consecutive two years. 32272

(e) The teacher has earned a passing score on a rigorous test 32273

of principles of scientifically research-based reading instruction 32274
as approved by the state board. 32275

(f) The teacher holds an educator license for teaching grades 32276
pre-kindergarten through three or four through nine issued on or 32277
after July 1, 2017. 32278

(2) Notwithstanding division (H) (1) of this section, a 32279
student described in division (B) (3) or (C) of this section who 32280
enters third grade for the first time on or after July 1, 2013, 32281
may be assigned to a teacher with less than one year of teaching 32282
experience provided that the teacher meets one or more of the 32283
criteria described in divisions (H) (1) (a) to (f) of this section 32284
and that teacher is assigned a teacher mentor who meets the 32285
qualifications of division (H) (1) of this section. 32286

(3) Notwithstanding division (H) (1) of this section, a 32287
student described in division (B) (3) or (C) of this section who 32288
enters third grade for the first time on or after July 1, 2013, 32289
but prior to July 1, 2016, may be assigned to a teacher who holds 32290
an alternative credential approved by the department or who has 32291
successfully completed training that is based on principles of 32292
scientifically research-based reading instruction that has been 32293
approved by the department. Beginning on July 1, 2014, the 32294
alternative credentials and training described in division (H) (3) 32295
of this section shall be aligned with the reading competencies 32296
adopted by the state board of education under section 3301.077 of 32297
the Revised Code. 32298

(4) Notwithstanding division (H) (1) of this section, a 32299
student described in division (B) (3) or (C) of this section who 32300
enters third grade for the first time on or after July 1, 2013, 32301
may receive reading intervention or remediation services under 32302
this section from an individual employed as a speech-language 32303
pathologist who holds a license issued by the state speech and 32304
hearing professionals board under Chapter 4753. of the Revised 32305

Code and a professional pupil services license as a school 32306
speech-language pathologist issued by the state board of 32307
education. 32308

(5) A teacher, other than a student's teacher of record, may 32309
provide any services required under this section, so long as that 32310
other teacher meets the requirements of division (H) of this 32311
section and the teacher of record and the school principal agree 32312
to the assignment. Any such assignment shall be documented in the 32313
student's reading improvement and monitoring plan. 32314

As used in this division, "teacher of record" means the 32315
classroom teacher to whom a student is assigned. 32316

(I) Notwithstanding division (H) of this section, a teacher 32317
may teach reading to any student who is an English language 32318
learner, and has been in the United States for three years or 32319
less, or to a student who has an individualized education program 32320
developed under Chapter 3323. of the Revised Code if that teacher 32321
holds an alternative credential approved by the department or has 32322
successfully completed training that is based on principles of 32323
scientifically research-based reading instruction that has been 32324
approved by the department. Beginning on July 1, 2014, the 32325
alternative credentials and training described in this division 32326
shall be aligned with the reading competencies adopted by the 32327
state board of education under section 3301.077 of the Revised 32328
Code. 32329

(J) If, on or after June 4, 2013, a school district or 32330
community school cannot furnish the number of teachers needed who 32331
satisfy one or more of the criteria set forth in division (H) of 32332
this section for the 2013-2014 school year, the school district or 32333
community school shall develop and submit a staffing plan by June 32334
30, 2013. The staffing plan shall include criteria that will be 32335
used to assign a student described in division (B) (3) or (C) of 32336
this section to a teacher, credentials or training held by 32337

teachers currently teaching at the school, and how the school 32338
district or community school will meet the requirements of this 32339
section. The school district or community school shall post the 32340
staffing plan on its web site for the applicable school year. 32341

Not later than March 1, 2014, and on the first day of March 32342
in each year thereafter, a school district or community school 32343
that has submitted a plan under this division shall submit to the 32344
department a detailed report of the progress the district or 32345
school has made in meeting the requirements under this section. 32346

A school district or community school may request an 32347
extension of a staffing plan beyond the 2013-2014 school year. 32348
Extension requests must be submitted to the department not later 32349
than the thirtieth day of April prior to the start of the 32350
applicable school year. The department may grant extensions valid 32351
through the 2015-2016 school year. 32352

Until June 30, 2015, the department annually shall review all 32353
staffing plans and report to the state board not later than the 32354
thirtieth day of June of each year the progress of school 32355
districts and community schools in meeting the requirements of 32356
this section. 32357

(K) The department of education shall designate one or more 32358
staff members to provide guidance and assistance to school 32359
districts and community schools in implementing the third grade 32360
guarantee established by this section, including any standards or 32361
requirements adopted to implement the guarantee and to provide 32362
information and support for reading instruction and achievement. 32363

Sec. 3313.6011. (A) As used in this section, "sexual 32364
activity" has the same meaning as in section 2907.01 of the 32365
Revised Code. 32366

(B) Instruction in venereal disease education pursuant to 32367

division (A) (5) (c) of section 3313.60 of the Revised Code shall 32368
emphasize that abstinence from sexual activity is the only 32369
protection that is one hundred per cent effective against unwanted 32370
pregnancy, sexually transmitted disease, and the sexual 32371
transmission of a virus that causes acquired immunodeficiency 32372
syndrome. 32373

~~(C) In adopting minimum standards under section 3301.07 of~~ 32374
~~the Revised Code, the state board~~(1) The department of education 32375
shall require course material and instruction in venereal disease 32376
education courses taught pursuant to division (A) (5) (c) of section 32377
3313.60 of the Revised Code to do all of the following: 32378

~~(1)~~(a) Stress that students should abstain from sexual 32379
activity until after marriage; 32380

~~(2)~~(b) Teach the potential physical, psychological, 32381
emotional, and social side effects of participating in sexual 32382
activity outside of marriage; 32383

~~(3)~~(c) Teach that conceiving children out of wedlock is 32384
likely to have harmful consequences for the child, the child's 32385
parents, and society; 32386

~~(4)~~(d) Stress that sexually transmitted diseases are serious 32387
possible hazards of sexual activity; 32388

~~(5)~~(e) Advise students of the laws pertaining to financial 32389
responsibility of parents to children born in and out of wedlock; 32390

~~(6)~~(f) Advise students of the circumstances under which it is 32391
criminal to have sexual contact with a person under the age of 32392
sixteen pursuant to section 2907.04 of the Revised Code; 32393

~~(7)~~(g) Emphasize adoption as an option for unintended 32394
pregnancies. 32395

(2) If a school district or school chooses to offer 32396
additional instruction in venereal disease or sexual education not 32397

specified in division (C)(1) of this section, the district or school shall notify all parents or guardians of that instruction, including the name of any instructor, vendor name, if applicable, and the name of the curriculum being used. No district or school shall offer that instruction to a student unless that student's parent or guardian has submitted written permission for that student to receive that instruction. Division (E) of this section does not apply to division (C)(2) of this section. 32398
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(3) Upon request, a school district or school shall provide any materials associated with the instruction offered under divisions (C)(1) and (2) of this section to a parent or guardian. 32406
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~~(D) Any model education program for health education the state board of education adopts shall conform to the requirements of this section~~ 32409
The state board of education shall not adopt a separate model education program for health education. 32410
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(E) The department shall conduct an annual audit of each city, local, and exempted village school district, at the start of each school year, relative to its compliance with the instruction requirements of this section and division (A)(5)(c) of section 3313.60 of the Revised Code. The department shall publish the findings of each audit not later than one hundred twenty days after the start of the school year. The department shall include in the findings of each audit the name of any organization or program that provided materials to a school district regarding venereal disease instruction. The department's findings shall be prominently posted on its web site. 32413
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~~(F) On and after March 18, 1999, and notwithstanding section 3302.07 of the Revised Code, the~~ 32424
The superintendent of public 32425
instruction shall not approve, pursuant to section 3302.07 of the 32426
Revised Code, any waiver of any requirement of this section ~~or of~~ 32427
~~any rule adopted by the state board of education pursuant to this section.~~ 32428
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Sec. 3313.6026. (A) As used in this section, "school governing authority" means any of the following: 32430
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(1) The governing authority of a community school established under Chapter 3314. of the Revised Code; 32432
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(2) The governing body of a STEM school established under Chapter 3326. of the Revised Code; 32434
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(3) The board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code; 32436
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(4) The governing authority of a chartered nonpublic school. 32438

(B) Each school district board of education and each school governing authority that operates a high school shall enter into a data sharing agreement with the chancellor of higher education for the purposes of operating the free application for federal student aid data system established under section 3333.301 of the Revised Code. Each school district or school shall provide principals and school counselors with access to the data system to assist with efforts to support and encourage students to complete the free application for federal student aid form. 32439
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Sec. 3313.61. (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply: 32448
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(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that no school district shall require a student to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early; 32452
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(2) Subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A) (2) (a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

(i) Has attained at least the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division unless the person was excused from taking any such assessment pursuant to section 3313.532 of the Revised Code or unless division (H) or (L) of this section applies to the person;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that the person is excused from an assessment prescribed by that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of this section.

(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

Except as provided in divisions (C), (E), (J), and (L) of this section, no diploma shall be granted under this division to anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this section, an honors diploma shall be granted, in accordance with rules of the state board, by any such district board to anyone who accomplishes all of the following:

(1) Successfully completes the curriculum in any high school or the individualized education program developed for the person

by any high school pursuant to section 3323.08 of the Revised Code; 32490
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(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B) (2) (a) or (b) of this section, as applicable. 32492
32493
32494

(a) If the person entered the ninth grade prior to July 1, 2014, the person either: 32495
32496

(i) Has attained at least the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division; 32497
32498
32499

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 32500
32501

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed under section 3313.618 of the Revised Code. 32502
32503
32504

(3) Has met additional criteria established by the state board for the granting of such a diploma. 32505
32506

An honors diploma shall not be granted to a student who is subject to the requirements prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division. 32507
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The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the 32515
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granting of an honors diploma recognizing technical expertise for 32520
a career-technical student. In any case, the rules shall designate 32521
two or more criteria for the granting of each type of honors 32522
diploma the board establishes under this division and the number 32523
of such criteria that must be met for the granting of that type of 32524
diploma. The number of such criteria for any type of honors 32525
diploma shall be at least one less than the total number of 32526
criteria designated for that type and no one or more particular 32527
criteria shall be required of all persons who are to be granted 32528
that type of diploma. 32529

(C) Any district board administering any of the assessments 32530
required by section 3301.0710 of the Revised Code to any person 32531
requesting to take such assessment pursuant to division (B)(8)(b) 32532
of section 3301.0711 of the Revised Code shall award a diploma to 32533
such person if the person attains at least the applicable scores 32534
designated under division (B)(1) of section 3301.0710 of the 32535
Revised Code on all the assessments administered and if the person 32536
has previously attained the applicable scores on all the other 32537
assessments required by division (B)(1) of that section or has 32538
been exempted or excused from attaining the applicable score on 32539
any such assessment pursuant to division (H) or (L) of this 32540
section or from taking any such assessment pursuant to section 32541
3313.532 of the Revised Code. 32542

(D) Each diploma awarded under this section shall be signed 32543
by the president and treasurer of the issuing board, the 32544
superintendent of schools, and the principal of the high school. 32545
Each diploma shall bear the date of its issue, be in such form as 32546
the district board prescribes, and be paid for out of the 32547
district's general fund. 32548

(E) A person who is a resident of Ohio and is eligible under 32549
state board of education minimum standards to receive a high 32550
school diploma based in whole or in part on credits earned while 32551

an inmate of a correctional institution operated by the state or 32552
any political subdivision thereof, shall be granted such diploma 32553
by the correctional institution operating the programs in which 32554
such credits were earned, and by the board of education of the 32555
school district in which the inmate resided immediately prior to 32556
the inmate's placement in the institution. The diploma granted by 32557
the correctional institution shall be signed by the director of 32558
the institution, and by the person serving as principal of the 32559
institution's high school and shall bear the date of issue. 32560

(F) Persons who are not residents of Ohio but who are inmates 32561
of correctional institutions operated by the state or any 32562
political subdivision thereof, and who are eligible under state 32563
board of education minimum standards to receive a high school 32564
diploma based in whole or in part on credits earned while an 32565
inmate of the correctional institution, shall be granted a diploma 32566
by the correctional institution offering the program in which the 32567
credits were earned. The diploma granted by the correctional 32568
institution shall be signed by the director of the institution and 32569
by the person serving as principal of the institution's high 32570
school and shall bear the date of issue. 32571

(G) The state board of education shall provide by rule for 32572
the administration of the assessments required by sections 32573
3301.0710 and 3301.0712 of the Revised Code to inmates of 32574
correctional institutions. 32575

(H) Any person to whom all of the following apply shall be 32576
exempted from attaining the applicable score on the assessment in 32577
social studies designated under division (B)(1) of section 32578
3301.0710 of the Revised Code, any American history end-of-course 32579
examination and any American government end-of-course examination 32580
required under division (B) of section 3301.0712 of the Revised 32581
Code if such an exemption is prescribed by rule of the state board 32582
under division (D)(3) of section 3301.0712 of the Revised Code, or 32583

the test in citizenship designated under former division (B) of 32584
section 3301.0710 of the Revised Code as it existed prior to 32585
September 11, 2001: 32586

(1) The person is not a citizen of the United States; 32587

(2) The person is not a permanent resident of the United 32588
States; 32589

(3) The person indicates no intention to reside in the United 32590
States after the completion of high school. 32591

(I) Notwithstanding division (D) of section 3311.19 and 32592
division (D) of section 3311.52 of the Revised Code, this section 32593
and section 3313.611 of the Revised Code do not apply to the board 32594
of education of any joint vocational school district or any 32595
cooperative education school district established pursuant to 32596
divisions (A) to (C) of section 3311.52 of the Revised Code. 32597

(J) Upon receipt of a notice under division (D) of section 32598
3325.08 or division (D) of section 3328.25 of the Revised Code 32599
that a student has received a diploma under either section, the 32600
board of education receiving the notice may grant a high school 32601
diploma under this section to the student, except that such board 32602
shall grant the student a diploma if the student meets the 32603
graduation requirements that the student would otherwise have had 32604
to meet to receive a diploma from the district. The diploma 32605
granted under this section shall be of the same type the notice 32606
indicates the student received under section 3325.08 or 3328.25 of 32607
the Revised Code. 32608

(K) As used in this division, "English learner" has the same 32609
meaning as in division (C) (3) of section 3301.0711 of the Revised 32610
Code. 32611

Notwithstanding division (C) (3) of section 3301.0711 of the 32612
Revised Code, no English learner who has not either attained the 32613
applicable scores designated under division (B) (1) of section 32614

3301.0710 of the Revised Code on all the assessments required by 32615
that division, or met the requirement prescribed by section 32616
3313.618 of the Revised Code, shall be awarded a diploma under 32617
this section. 32618

~~(L)~~(L) (1) Any student described by division (A) (1) of this 32619
section who is subject to divisions (A) (1) to (3) of section 32620
3313.618 of the Revised Code may be awarded a diploma without 32621
meeting the ~~requirement~~requirements prescribed by ~~section 3313.618~~ 32622
~~of the Revised Code~~ those divisions provided an individualized 32623
education program specifically exempts the student from meeting 32624
such requirement. This division does not negate the requirement 32625
for a student to take the assessments prescribed by section 32626
3301.0710 or under division (B) of section 3301.0712 of the 32627
Revised Code, or alternate assessments required by division (C) (1) 32628
of section 3301.0711 of the Revised Code, for the purpose of 32629
assessing student progress as required by federal law. 32630

(2) Any student described by division (A) (1) of this section 32631
who is subject to division (B) of section 3313.618 of the Revised 32632
Code may be awarded a diploma without meeting the requirement 32633
prescribed by division (B) (1) of that section provided the 32634
student's individualized education program specifically exempts 32635
the student from meeting that requirement and either division 32636
(L) (2) (a) or (b) of this section applies to the student, as 32637
follows: 32638

(a) (i) The student took an alternate assessment in 32639
mathematics and English language arts administered to the student 32640
in accordance with division (C) (1) of section 3301.0711 of the 32641
Revised Code and failed to attain a score established by the state 32642
board on one or both assessments. 32643

(ii) The school district offered remedial support to the 32644
student in each subject area in which the student did not attain 32645
the established score and the student received that support. 32646

(iii) The student retook each alternate assessment in which the student did not attain the established score and the student did not attain the established score on the retake assessment. 32647
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(b)(i) The student took the Algebra I and English language arts II end-of-course examinations and failed to attain the competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on one or both examinations. 32650
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(ii) The school district offered remedial support to the student in each subject area in which the student did not attain the competency score and the student received that support. 32654
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(iii) The student retook each examination in which the student did not attain the competency score and the student did not attain the competency score on the retake examination. 32657
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Sec. 3313.618. (A) In addition to the curriculum requirements specified by the board of education of a school district or governing authority of a chartered nonpublic school, each student entering ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2019, shall satisfy at least one of the following conditions or the conditions prescribed under division (B) of this section in order to qualify for a high school diploma: 32660
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(1) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on each of the nationally standardized assessments in English, mathematics, and reading; 32668
32669
32670
32671

(2) Attain a score specified under division (B)(5)(c) of section 3301.0712 of the Revised Code on the end-of-course examinations prescribed under division (B) of section 3301.0712 of the Revised Code. 32672
32673
32674
32675

(3) Attain a score that demonstrates workforce readiness and 32676

employability on a nationally recognized job skills assessment 32677
selected by the state board of education under division (G) of 32678
section 3301.0712 of the Revised Code and obtain either an 32679
industry-recognized credential or a license issued by a state 32680
agency or board for practice in a vocation that requires an 32681
examination for issuance of that license. 32682

For the purposes of this division, the industry-recognized 32683
credentials and licenses shall be as approved under section 32684
3313.6113 of the Revised Code. 32685

A student may choose to qualify for a high school diploma by 32686
satisfying any of the separate requirements prescribed by 32687
divisions (A) (1) to (3) of this section. If the student's school 32688
district or school does not administer the examination prescribed 32689
by one of those divisions that the student chooses to take to 32690
satisfy the requirements of this section, the school district or 32691
school may require that student to arrange for the applicable 32692
scores to be sent directly to the district or school by the 32693
company or organization that administers the examination. 32694

(B) In addition to the curriculum requirements specified by 32695
the district board or school governing authority, each student 32696
entering ninth grade for the first time on or after July 1, 2019, 32697
shall satisfy the following conditions in order to qualify for a 32698
high school diploma: 32699

(1) ~~Attain~~ Except as otherwise provided in division (D) of 32700
this section, attain a competency score as determined under 32701
division (B) (10) of section 3301.0712 of the Revised Code on each 32702
of the Algebra I and English language arts II end-of-course 32703
examinations prescribed under division (B) (2) of section 3301.0712 32704
of the Revised Code. 32705

School districts and chartered nonpublic schools shall offer 32706
remedial support to any student who fails to attain a competency 32707

score on one or both of the Algebra I and English language arts II 32708
end-of-course examinations. 32709

Following the first administration of the exam, if a student 32710
fails to attain a competency score on one or both of the Algebra I 32711
and English language arts II end-of-course examinations that 32712
student must retake the respective examination at least once. 32713

If a student fails to attain a competency score on a retake 32714
examination, the student may demonstrate competency in the failed 32715
subject area through one of the following options: 32716

(a) Earn course credit taken through the college credit plus 32717
program established under Chapter 3365. of the Revised Code in the 32718
failed subject area; 32719

(b) Complete two of the following options, one of which must 32720
be foundational: 32721

(i) Foundational options to demonstrate competency, which 32722
include earning a cumulative score of proficient or higher on 32723
three or more state technical assessments aligned with section 32724
3313.903 of the Revised Code in a single career pathway, obtaining 32725
an industry-recognized credential, or group of credentials, 32726
approved under section 3313.6113 of the Revised Code that is at 32727
least equal to the total number of points established under that 32728
section to qualify for a high school diploma, obtaining a license 32729
approved under section 3313.6113 of the Revised Code that is 32730
issued by a state agency or board for practice in a vocation that 32731
requires an examination for issuance of that license, completing a 32732
pre-apprenticeship ~~or~~ aligned with options established under 32733
section 3313.904 of the Revised Code in the student's chosen 32734
career field, completing an apprenticeship registered with the 32735
apprenticeship council established under section 4139.02 of the 32736
Revised Code in the student's chosen career field, or providing 32737
evidence of acceptance into an apprenticeship program after high 32738

school that is restricted to participants eighteen years of age or older; 32739
32740

(ii) Supporting options to demonstrate competency, which 32741
include completing two hundred fifty hours of a work-based 32742
learning experience with evidence of positive evaluations, 32743
obtaining an OhioMeansJobs-readiness seal under section 3313.6112 32744
of the Revised Code, or attaining a workforce readiness score, as 32745
determined by the department of education, on the nationally 32746
recognized job skills assessment selected by the state board under 32747
division (G) of section 3301.0712 of the Revised Code. 32748

(c) Provide evidence that the student has enlisted in a 32749
branch of the armed services of the United States as defined in 32750
section 5910.01 of the Revised Code. 32751

(d) Be remediation-free, in accordance with standards adopted 32752
under division (F) of section 3345.061 of the Revised Code, in the 32753
failed subject area on a nationally standardized assessment 32754
prescribed under division (B)(1) of section 3301.0712 of the 32755
Revised Code. For English language arts II, a student must be 32756
remediation-free in the subjects of English and reading on the 32757
nationally standardized assessment. 32758

~~For~~ Subject to division (L)(2) of section 3313.61 of the 32759
Revised Code, for any students receiving special education and 32760
related services under Chapter 3323. of the Revised Code, the 32761
individualized education program developed for the student under 32762
that chapter shall specify the manner in which the student will 32763
participate in the assessments administered under this division or 32764
an alternate assessment in accordance with division (C)(1) of 32765
section 3301.0711 of the Revised Code. 32766

(2) Earn at least two of the state diploma seals prescribed 32767
under division (A) of section 3313.6114 of the Revised Code, at 32768
least one of which shall be any of the following: 32769

(a) The state seal of biliteracy established under section 3313.6111 of the Revised Code;	32770 32771
(b) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;	32772 32773
(c) One of the state diploma seals established under divisions (C)(1) to (7) of section 3313.6114 of the Revised Code.	32774 32775
(C) <u>A student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in such a high school after receiving home instruction or attending a nonchartered, nontax-supported school in the previous school year shall meet the requirements of division (B) of this section in order to qualify for a high school diploma under that division. However, any such student who transfers or enrolls after the start of the student's twelfth grade year and fails to attain a competency score on the Algebra I or English language arts II end-of-course examination shall not be required to retake the applicable examination prior to demonstrating competency in the failed subject area under the options prescribed in divisions (B)(1)(a) to (d) of this section.</u>	32776 32777 32778 32779 32780 32781 32782 32783 32784 32785 32786 32787 32788
(D) <u>A chartered nonpublic school student subject to division (L)(3)(a)(ii) of section 3301.0711 of the Revised Code shall be considered to have demonstrated competency for the purposes of division (B)(1) of this section if the student earns a remediation-free score in the areas of English, mathematics, and reading, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. No such student shall be required to take the Algebra I or English language arts II end-of-course examination under this section.</u>	32789 32790 32791 32792 32793 32794 32795 32796 32797 32798 32799
(E) The state board of education shall not create or require	32800

any additional assessment for the granting of any type of high school diploma other than as prescribed by this section. Except as provided in sections 3313.6111, 3313.6112, and 3313.6114 of the Revised Code, the state board or the superintendent of public instruction shall not create any endorsement or designation that may be affiliated with a high school diploma.

Sec. 3313.619. (A) In lieu of the ~~requirement~~ assessment requirements prescribed by division (A) of section 3313.618 of the Revised Code or the requirements to demonstrate competency and earn diploma seals prescribed by division (B) of that section, a chartered nonpublic school may grant a high school diploma to a student who attains at least the designated score on an assessment approved by the department of education under division (B) of this section and selected by the school's governing authority.

(B) For purposes of division (A) of this section, the department shall approve assessments that meet the conditions specified under division (C) of this section and shall designate passing scores for each of those assessments.

(C) Each assessment approved under division (B) of this section shall be nationally norm-referenced, have internal consistency reliability coefficients of at least "0.8," be standardized, have specific evidence of content, concurrent, or criterion validity, have evidence of norming studies in the previous ten years, have a measure of student achievement in core academic areas, and have high validity evidenced by the alignment of the assessment with nationally recognized content.

(D) Nothing in this section shall prohibit a chartered nonpublic school from granting a high school diploma to a student if the student satisfies the ~~requirement~~ applicable requirements prescribed by section 3313.618 of the Revised Code.

Sec. 3313.6113. (A) The superintendent of public instruction, 32831
in collaboration with the governor's office of workforce 32832
transformation and representatives of business organizations, 32833
shall establish a committee to develop a list of 32834
industry-recognized credentials and licenses that may be used to 32835
qualify for a high school diploma under ~~division (A)(3)~~ of section 32836
3313.618 of the Revised Code and shall be used for state report 32837
card purposes under section 3302.03 of the Revised Code. The state 32838
superintendent shall appoint the members of the committee not 32839
later than January 1, 2018. 32840

(B) The committee shall do the following: 32841

(1) Establish criteria for acceptable industry-recognized 32842
credentials and licenses aligned with the in-demand jobs list 32843
published by the department of job and family services; 32844

(2) Review the list of industry-recognized credentials and 32845
licenses that was in existence on January 1, 2018, and update the 32846
list as it considers necessary; 32847

(3) Review and update the list of industry-recognized 32848
credentials and licenses at least biennially; 32849

(4) Assign a point value for each industry-recognized 32850
credential and establish the total number of points for 32851
industry-recognized credentials that a student must earn to 32852
qualify for a high school diploma under sections 3313.618 and 32853
3313.6114 of the Revised Code. 32854

(C) For the purposes of calculating the percentage of 32855
students prescribed under divisions (B)(2)(d) and (C)(2)(e) of 32856
section 3302.03 of the Revised Code, the department of education 32857
shall include only those students who earn an industry-recognized 32858
credential, or group of credentials, at least equal to the total 32859
number of points established by the committee under this section 32860

to qualify for a high school diploma. 32861

Sec. 3313.6114. (A) The state board of education shall 32862
establish a system of state diploma seals for the purposes of 32863
allowing a student to qualify for graduation under section 32864
3313.618 of the Revised Code. State diploma seals may be attached 32865
or affixed to the high school diploma of a student enrolled in a 32866
public or chartered nonpublic school. The system of state diploma 32867
seals shall consist of all of the following: 32868

(1) The state seal of biliteracy established under section 32869
3313.6111 of the Revised Code; 32870

(2) The OhioMeansJobs-readiness seal established under 32871
section 3313.6112 of the Revised Code; 32872

(3) The state diploma seals prescribed under division (C) of 32873
this section. 32874

(B) A school district, community school established under 32875
Chapter 3314. of the Revised Code, STEM school established under 32876
Chapter 3326. of the Revised Code, college-preparatory boarding 32877
school established under Chapter 3328. of the Revised Code, or 32878
chartered nonpublic school shall attach or affix the state seals 32879
prescribed under division (C) of this section to the diploma and 32880
transcript of a student enrolled in the district or school who 32881
meets the requirements established under that division. 32882

(C) The state board shall establish all of the following 32883
state diploma seals: 32884

(1) An industry-recognized credential seal. A student shall 32885
meet the requirement for this seal by earning doing either of the 32886
following: 32887

(a) Earning an industry-recognized credential, or group of 32888
credentials, approved under section 3313.6113 of the Revised Code 32889
that is aligned both of the following: 32890

<u>(i) At least equal to the total number of points established</u>	32891
<u>under section 3313.6113 of the Revised Code to qualify for a high</u>	32892
<u>school diploma;</u>	32893
<u>(ii) Aligned</u> to a job that is determined to be in demand in	32894
this state and its regions under section 6301.11 of the Revised	32895
Code.	32896
<u>(b) Obtaining a license approved under section 3313.6113 of</u>	32897
<u>the Revised Code that is issued by a state agency or board for</u>	32898
<u>practice in a vocation that requires an examination for issuance</u>	32899
<u>of that license.</u>	32900
(2) A college-ready seal. A student shall meet the	32901
requirement for this seal by attaining a score that is	32902
remediation-free, in accordance with standards adopted under	32903
division (F) of section 3345.061 of the Revised Code, on a	32904
nationally standardized assessment prescribed under division	32905
(B) (1) of section 3301.0712 of the Revised Code.	32906
(3) A military enlistment seal. A student shall meet the	32907
requirement for this seal by doing either of the following:	32908
(a) Providing evidence that the student has enlisted in a	32909
branch of the armed services of the United States as defined in	32910
section 5910.01 of the Revised Code;	32911
(b) Participating in a junior reserve officer training	32912
program approved by the congress of the United States under title	32913
10 of the United States Code.	32914
(4) A citizenship seal. A student shall meet the requirement	32915
for this seal by doing any of the following:	32916
(a) Demonstrating at least a proficient level of skill as	32917
prescribed under division (B) (5) (a) of section 3301.0712 of the	32918
Revised Code on both the American history and American government	32919
end-of-course examinations prescribed under division (B) (2) of	32920

section 3301.0712 of the Revised Code; 32921

(b) Attaining a score level prescribed under division 32922
(B) (5) (d) of section 3301.0712 of the Revised Code that is at 32923
least the equivalent of a proficient level of skill in appropriate 32924
advanced placement or international baccalaureate examinations in 32925
lieu of the American history and American government end-of-course 32926
examinations; 32927

(c) Attaining a final course grade that is the equivalent of 32928
a "B" or higher in appropriate courses taken through the college 32929
credit plus program established under Chapter 3365. of the Revised 32930
Code in lieu of the American history and American government 32931
end-of-course examinations. 32932

(d) In the case of a student who takes an alternate 32933
assessment in accordance with division (C) (1) of section 3301.0711 32934
of the Revised Code, attaining a score established by the state 32935
board on the alternate assessment in social studies; 32936

(e) In the case of a student who transfers into an Ohio 32937
public or chartered nonpublic high school from another state or 32938
who enrolls in an Ohio public or chartered nonpublic high school 32939
after receiving home instruction or attending a nonchartered, 32940
nontax-supported school in the previous school year, attaining a 32941
final course grade that is the equivalent of a "B" or higher in 32942
courses that correspond with the American history and American 32943
government end-of-course examinations and that the student 32944
completed in the state from which the student transferred or 32945
completed while receiving home instruction or attending a 32946
nonchartered, nontax-supported school. Division (C) (4) (e) of this 32947
section does not apply to any such student with respect to an 32948
American history or American government course for which an 32949
end-of-course examination is associated that the student takes 32950
after enrolling in the high school. 32951

(5) A science seal. A student shall meet the requirement for 32952
this seal by doing any of the following: 32953

(a) Demonstrating at least a proficient level of skill as 32954
prescribed under division (B) (5) (a) of section 3301.0712 of the 32955
Revised Code on the science end-of-course examination prescribed 32956
under division (B) (2) of section 3301.0712 of the Revised Code; 32957

(b) Attaining a score level prescribed under division 32958
(B) (5) (d) of section 3301.0712 of the Revised Code that is at 32959
least the equivalent of a proficient level of skill in an 32960
appropriate advanced placement or international baccalaureate 32961
examination in lieu of the science end-of-course examination; 32962

(c) Attaining a final course grade that is the equivalent of 32963
a "B" or higher in an appropriate course taken through the college 32964
credit plus program established under Chapter 3365. of the Revised 32965
Code in lieu of the science end-of-course examination. 32966

(d) In the case of a student who takes an alternate 32967
assessment in accordance with division (C) (1) of section 3301.0711 32968
of the Revised Code, attaining a score established by the state 32969
board on the alternate assessment in science; 32970

(e) In the case of a student who transfers into an Ohio 32971
public or chartered nonpublic high school from another state or 32972
enrolls in an Ohio public or chartered nonpublic high school after 32973
receiving home instruction or attending a nonchartered, 32974
nontax-supported school in the previous school year, attaining a 32975
final course grade that is the equivalent of a "B" or higher in a 32976
course that corresponds with the science end-of-course examination 32977
and that the student completed in the state from which the student 32978
transferred or completed while receiving home instruction or 32979
attending a nonchartered, nontax-supported school. Division 32980
(C) (5) (e) of this section does not apply to any such student who 32981
takes a science course for which an end-of-course examination is 32982

<u>associated after enrolling in the high school.</u>	32983
(6) An honors diploma seal. A student shall meet the	32984
requirement for this seal by meeting the additional criteria for	32985
an honors diploma under division (B) of section 3313.61 of the	32986
Revised Code.	32987
(7) A technology seal. A student shall meet the requirement	32988
for this seal by doing any of the following:	32989
(a) Subject to division (B) (5) (d) of section 3301.0712 of the	32990
Revised Code, attaining a score level that is at least the	32991
equivalent of a proficient level of skill in an appropriate	32992
advanced placement or international baccalaureate examination;	32993
(b) Attaining a final course grade that is the equivalent of	32994
a "B" or higher in an appropriate course taken through the college	32995
credit plus program established under Chapter 3365. of the Revised	32996
Code;	32997
(c) Completing a course offered through the student's	32998
district or school that meets guidelines developed by the	32999
department of education. However, a district or school shall not	33000
be required to offer a course that meets guidelines developed by	33001
the department.	33002
<u>(d) In the case of a student who transfers into an Ohio</u>	33003
<u>public or chartered nonpublic high school from another state or</u>	33004
<u>enrolls in an Ohio public or chartered nonpublic high school after</u>	33005
<u>receiving home instruction or attending a nonchartered,</u>	33006
<u>nontax-supported school in the previous school year, attaining a</u>	33007
<u>final course grade that is the equivalent of a "B" or higher in an</u>	33008
<u>appropriate course, as determined by the district or school, that</u>	33009
<u>the student completed in the state from which the student</u>	33010
<u>transferred or completed while receiving home instruction or</u>	33011
<u>attending a nonchartered, nontax-supported school.</u>	33012
(8) A community service seal. A student shall meet the	33013

requirement for this seal by completing a community service 33014
project that is aligned with guidelines adopted by the student's 33015
district board or school governing authority. 33016

(9) A fine and performing arts seal. A student shall meet the 33017
requirement for this seal by demonstrating skill in the fine or 33018
performing arts according to an evaluation that is aligned with 33019
guidelines adopted by the student's district board or school 33020
governing authority. 33021

(10) A student engagement seal. A student shall meet the 33022
requirement for this seal by participating in extracurricular 33023
activities such as athletics, clubs, or student government to a 33024
meaningful extent, as determined by guidelines adopted by the 33025
student's district board or school governing authority. 33026

~~(D)~~ (D) (1) Each district or school shall develop guidelines 33027
for at least one of the state seals prescribed under divisions 33028
(C) (8) to (10) of this section. 33029

(2) For the purposes of determining whether a student who 33030
transfers to a district or school has satisfied the state diploma 33031
seal requirement under division (B) (2) of section 3313.618 of the 33032
Revised Code, each district or school shall recognize a state 33033
diploma seal prescribed under divisions (C) (8) to (10) of this 33034
section and earned by a student at another district or a different 33035
public or chartered nonpublic school regardless of whether the 33036
district or school to which the student transfers has developed 33037
guidelines under this section for that state seal. 33038

(3) In guidelines developed for a state diploma seal 33039
prescribed under divisions (C) (8) to (10) of this section, each 33040
district or school shall include a method to give, to the extent 33041
feasible, a student who transfers into the district or school a 33042
proportional amount of credit for any progress the student was 33043
making toward earning that state seal at the school district or 33044

different public or chartered nonpublic school from which the 33045
student transfers. 33046

(E) Each district or school shall maintain appropriate 33047
records to identify students who have met the requirements 33048
prescribed under division (C) of this section for earning the 33049
state seals established under that division. 33050

(F) The department shall prepare and deliver to each district 33051
or school an appropriate mechanism for assigning a state diploma 33052
seal established under division (C) of this section. 33053

(G) A student shall not be charged a fee to be assigned a 33054
state seal prescribed under division (C) of this section on the 33055
student's diploma and transcript. 33056

Sec. 3313.6412. Notwithstanding anything to the contrary in 33057
section 3313.6410 of the Revised Code, no student enrolled in an 33058
internet- or computer-based school shall be subject to automatic 33059
withdrawal who, in any school year prior to the 2020-2021 school 33060
year, failed to participate in the spring administration of any 33061
assessment prescribed under section 3301.0710 or 3301.0712 of the 33062
Revised Code for the student's grade level and was not excused 33063
from the assessment pursuant to division (C)(1) or (3) of section 33064
3301.0711 of the Revised Code, regardless of whether a waiver was 33065
granted for the student under division (E) of section 3317.03 of 33066
the Revised Code. 33067

Sec. 3313.713. (A) As used in this section: 33068

(1) "Drug" means a drug, as defined in section 4729.01 of the 33069
Revised Code, that is to be administered pursuant to the 33070
instructions of the prescriber, whether or not required by law to 33071
be sold only upon a prescription. 33072

(2) "Federal law" means the "Individuals with Disabilities 33073
Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended. 33074

(3) "Prescriber" has the same meaning as in section 4729.01 33075
of the Revised Code. 33076

(B) The board of education of each city, local, exempted 33077
village, and joint vocational school district and the governing 33078
authority of each chartered nonpublic school shall adopt a policy 33079
on the authority of its employees, when acting in situations other 33080
than those governed by sections 2305.23, 2305.231, 3313.712, 33081
3313.7110, 3313.7112, 3313.7113, and 3313.7115 of the Revised 33082
Code, to administer drugs prescribed to students enrolled in the 33083
schools of the district or the chartered nonpublic school. The 33084
policy shall provide either that: 33085

(1) Except as otherwise required by federal law, no person 33086
employed by the board or governing authority shall, in the course 33087
of such employment, administer any drug prescribed to any student 33088
enrolled in the schools of the district or the chartered nonpublic 33089
school. 33090

(2) Designated persons employed by the board or governing 33091
authority are authorized to administer to a student a drug 33092
prescribed for the student. Effective July 1, 2011, only employees 33093
of the board or governing authority who are licensed health 33094
professionals, or who have completed a drug administration 33095
training program conducted by a licensed health professional and 33096
considered appropriate by the board or governing authority, may 33097
administer to a student a drug prescribed for the student. Except 33098
as otherwise provided by federal law, the board's or governing 33099
authority's policy may provide that certain drugs or types of 33100
drugs shall not be administered or that no employee shall use 33101
certain procedures, such as injection, to administer a drug to a 33102
student. 33103

(C) No drug prescribed for a student shall be administered 33104
pursuant to federal law or a policy adopted under division (B) of 33105
this section until the following occur: 33106

- (1) The board or governing authority, or a person designated 33107
by the board or governing authority, receives a written request, 33108
signed by the parent, guardian, or other person having care or 33109
charge of the student, that the drug be administered to the 33110
student. 33111
- (2) The board or governing authority, or a person designated 33112
by the board or governing authority, receives a statement, signed 33113
by the prescriber, that includes all of the following information: 33114
- (a) The name and address of the student; 33115
- (b) The school and class in which the student is enrolled; 33116
- (c) The name of the drug and the dosage to be administered; 33117
- (d) The times or intervals at which each dosage of the drug 33118
is to be administered; 33119
- (e) The date the administration of the drug is to begin; 33120
- (f) The date the administration of the drug is to cease; 33121
- (g) Any severe adverse reactions that should be reported to 33122
the prescriber and one or more phone numbers at which the 33123
prescriber can be reached in an emergency; 33124
- (h) Special instructions for administration of the drug, 33125
including sterile conditions and storage. 33126
- (3) The parent, guardian, or other person having care or 33127
charge of the student agrees to submit a revised statement signed 33128
by the prescriber to the board or governing authority or a person 33129
designated by the board or governing authority if any of the 33130
information provided by the prescriber pursuant to division (C) (2) 33131
of this section changes. 33132
- (4) The person authorized by the board or governing authority 33133
to administer the drug receives a copy of the statement required 33134
by division (C) (2) or (3) of this section. 33135

(5) The drug is received by the person authorized to 33136
administer the drug to the student for whom the drug is prescribed 33137
in the container in which it was dispensed by the prescriber or a 33138
licensed pharmacist. 33139

(6) Any other procedures required by the board or governing 33140
authority are followed. 33141

(D) If a drug is administered to a student, the board of 33142
education or governing authority of the chartered nonpublic school 33143
shall acquire and retain copies of the written requests required 33144
by division (C) (1) and the statements required by divisions (C) (2) 33145
and (3) of this section and shall ensure that by the next school 33146
day following the receipt of any such statement a copy is given to 33147
the person authorized to administer drugs to the student for whom 33148
the statement has been received. The board or governing authority, 33149
or a person designated by the board or governing authority, shall 33150
establish a location in each school building for the storage of 33151
drugs to be administered under this section and federal law. All 33152
such drugs shall be stored in that location in a locked storage 33153
place, except that drugs that require refrigeration may be kept in 33154
a refrigerator in a place not commonly used by students. 33155

(E) No person who has been authorized by a board of education 33156
or governing authority of a chartered nonpublic school to 33157
administer a drug and has a copy of the most recent statement 33158
required by division (C) (2) or (3) of this section given to the 33159
person in accordance with division (D) of this section prior to 33160
administering the drug is liable in civil damages for 33161
administering or failing to administer the drug, unless such 33162
person acts in a manner that constitutes gross negligence or 33163
wanton or reckless misconduct. 33164

(F) A board of education or governing authority of a 33165
chartered nonpublic school may designate a person or persons to 33166
perform any function or functions in connection with a drug policy 33167

adopted under this section either by name or by position, 33168
training, qualifications, or similar distinguishing factors. 33169

(G) A policy adopted by a board of education or governing 33170
authority of a chartered nonpublic school pursuant to this section 33171
may be changed, modified, or revised by action of the board or the 33172
governing authority. 33173

(H) Nothing in this section shall be construed to require a 33174
person employed by a board of education or governing authority of 33175
a chartered nonpublic school to administer a drug to a student 33176
unless the board's or governing authority's policy adopted in 33177
compliance with this section establishes such a requirement. A 33178
board or governing authority shall not require an employee to 33179
administer a drug to a student if the employee objects, on the 33180
basis of religious convictions, to administering the drug. 33181

Nothing in this section affects the application of section 33182
2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, 3313.7113, or 33183
3313.7115 of the Revised Code to the administration of emergency 33184
care or treatment to a student. 33185

Nothing in this section affects the ability of a public or 33186
nonpublic school to participate in a school-based fluoride mouth 33187
rinse program established by the director of health pursuant to 33188
section 3701.136 of the Revised Code. Nothing in this section 33189
affects the ability of a person who is employed by, or who 33190
volunteers for, a school that participates in such a program to 33191
administer fluoride mouth rinse to a student in accordance with 33192
section 3701.136 of the Revised Code and any rules adopted by the 33193
director under that section. 33194

(I) Nothing in this section shall be construed to require a 33195
school district or chartered nonpublic school to obtain written 33196
authorization or instructions from a health care provider to apply 33197
nonprescription topical ointments designed to prevent sunburn. 33198

Furthermore, nothing in this section shall be construed to 33199
prohibit a student to possess and self-apply nonprescription 33200
topical ointment designed to prevent sunburn while on school 33201
property or at a school-sponsored event without written 33202
authorization or instructions from a healthcare provider. The 33203
policy adopted by a school district or chartered nonpublic school 33204
pursuant to this section shall not require written authorization 33205
from a health care provider, but may require parental 33206
authorization, for the possession or application of such 33207
sunscreen. A designated person employed by the board of education 33208
of a school district or governing authority of a chartered 33209
nonpublic school shall apply sunscreen to a student in accordance 33210
with the school district's or governing authority's policy upon 33211
request. 33212

Sec. 3313.842. (A) The boards of education or governing 33213
authorities of any two or more school districts or community 33214
schools may enter into an agreement for joint or cooperative 33215
establishment and operation of any educational program including 33216
any class, course, or program that may be included in a school 33217
district's or community school's graded course of study and staff 33218
development programs for teaching and nonteaching school 33219
employees. Each school district or community school that is party 33220
to such an agreement may contribute funds of the district or 33221
school in support of the agreement and for the establishment and 33222
operation of any educational program established under the 33223
agreement. The agreement shall designate one of the districts or 33224
community schools as responsible for receiving and disbursing the 33225
funds contributed by the parties to the agreement. 33226

(B) Notwithstanding sections 3313.48 and 3313.64 of the 33227
Revised Code, any school district that is party to an agreement 33228
for joint or cooperative establishment and operation of an 33229
educational program may charge fees or tuition for students who 33230

participate in the program and are entitled to attend school in 33231
the district under section 3313.64 or 3313.65 of the Revised Code. 33232
Except as otherwise provided in division (G) of section 3321.01 of 33233
the Revised Code, no community school that is party to the 33234
agreement shall charge fees or tuition for students who 33235
participate in the program and are reported by the school under 33236
division ~~(B)(2)~~(B) of section 3314.08 of the Revised Code. 33237

Sec. 3313.902. (A) As used in this section: 33238

(1) "Approved industry credential or certificate" means a 33239
credential or certificate that is approved by the chancellor of 33240
higher education. 33241

(2) "Approved institution" means an eligible institution that 33242
has been approved to participate in the adult diploma pilot 33243
program under this section. 33244

(3) "Approved program of study" means a program of study 33245
offered by an approved institution that satisfies the requirements 33246
of division (B) of this section. 33247

(4) An eligible student's "career pathway training program 33248
amount" means the following: 33249

(a) If the student is enrolled in a tier one career pathway 33250
training program, \$4,800; 33251

(b) If the student is enrolled in a tier two career pathway 33252
training program, \$3,200; 33253

(c) If the student is enrolled in a tier three career pathway 33254
training program, \$1,600. 33255

(5) "Eligible institution" means any of the following: 33256

(a) A community college established under Chapter 3354. of 33257
the Revised Code; 33258

(b) A technical college established under Chapter 3357. of 33259

the Revised Code;	33260
(c) A state community college established under Chapter 3358. of the Revised Code;	33261 33262
(d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.	33263 33264
(6) "Eligible student" means an individual who is at least twenty-two <u>twenty</u> years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code.	33265 33266 33267 33268
(7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education.	33269 33270 33271 33272
(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department.	33273 33274 33275 33276
(9) A "tier three career pathway training program" is a career pathway training program that requires three hundred hours or less of technical training, as determined by the department.	33277 33278 33279
(10) An eligible student's "work readiness training amount" means the following:	33280 33281
(a) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is below the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$1,500.	33282 33283 33284 33285
(b) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is at or above the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$750.	33286 33287 33288 33289

(B) The adult diploma pilot program is hereby established to 33290
permit an eligible institution to obtain approval from the 33291
superintendent of public instruction and the chancellor to develop 33292
and offer a program of study that allows an eligible student to 33293
obtain a high school diploma. A program shall be eligible for this 33294
approval if it satisfies all of the following requirements: 33295

(1) The program allows an eligible student to complete the 33296
requirements for obtaining a high school diploma that are 33297
specified in rules adopted by the superintendent under division 33298
(E) of this section while also completing requirements for an 33299
approved industry credential or certificate. 33300

(2) The program includes career advising and outreach. 33301

(3) The program includes opportunities for students to 33302
receive a competency-based education. 33303

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 33304
3313.614, 3313.618, and 3313.619 of the Revised Code, the state 33305
board of education shall grant a high school diploma to each 33306
eligible student who enrolls in an approved program of study at an 33307
approved institution and completes the requirements for obtaining 33308
a high school diploma that are specified in rules adopted by the 33309
superintendent under division (E) of this section. 33310

(D) (1) The department shall calculate the following amount 33311
for each eligible student enrolled in each approved institution's 33312
approved program of study: 33313

(The student's career pathway training program amount + the 33314
student's work readiness training amount) X 1.2 33315

(2) Except as provided in division (D) (4) of this section, 33316
the department shall pay the amount calculated for an eligible 33317
student under division (D) (1) of this section to the approved 33318
institution in which the student is enrolled in the following 33319
manner: 33320

(a) Twenty-five per cent of the amount calculated under 33321
division (D) (1) of this section shall be paid to the approved 33322
institution after the student successfully completes the first 33323
third of the approved program of study, as determined by the 33324
department; 33325

(b) Twenty-five per cent of the amount calculated under 33326
division (D) (1) of this section shall be paid to the approved 33327
institution after the student successfully completes the second 33328
third of the approved program of study, as determined by the 33329
department; 33330

(c) Fifty per cent of the amount calculated under division 33331
(D) (1) of this section shall be paid to the approved institution 33332
after the student successfully completes the final third of the 33333
approved program of study, as determined by the department. 33334

(3) Of the amount paid to an approved institution under 33335
division (D) (2) of this section, the institution may use the 33336
amount that is in addition to the student's career pathway 33337
training amount and the student's work readiness training amount 33338
for the associated services of the approved program of study. 33339
These services include counseling, advising, assessment, and other 33340
services as determined or required by the department. 33341

(4) If the superintendent and the chancellor determine that 33342
is it appropriate for an entity other than the department to make 33343
full or partial payments for an eligible student under division 33344
(D) (2) of this section, that entity shall make those payments and 33345
the department shall not make those payments. 33346

(E) The superintendent, in consultation with the chancellor, 33347
shall adopt rules for the implementation of the adult diploma 33348
pilot program, including all of the following: 33349

(1) The requirements for applying for program approval; 33350

(2) The requirements for obtaining a high school diploma 33351

through the program, including the requirement to obtain a passing 33352
score on an assessment that is appropriate for the career pathway 33353
training program that is being completed by the eligible student, 33354
and the date on which these requirements take effect; 33355

(3) The assessment or assessments that may be used to 33356
complete the assessment requirement for each career pathway 33357
training program under division (E) (2) of this section and the 33358
score that must be obtained on each assessment in order to pass 33359
the assessment; 33360

(4) Guidelines regarding the funding of the program under 33361
division (D) of this section, including a method of funding for 33362
students who transfer from one approved institution to another 33363
approved institution prior to completing an approved program of 33364
study; 33365

(5) Circumstances under which an eligible student may be 33366
charged for tuition, supplies, or associated fees while enrolled 33367
in an approved institution's approved program of study; 33368

(6) A requirement that an eligible student may not be charged 33369
for tuition, supplies, or associated fees while enrolled in an 33370
approved institution's approved program of study except in the 33371
circumstances described under division (E) (5) of this section; 33372

(7) The payment of federal funds that are to be used by 33373
approved programs of study at approved institutions. 33374

Sec. 3313.905. (A) Southern state community college shall 33375
establish and maintain, for a period of five years, the Ohio 33376
code-scholar pilot program to address technical workforce needs. 33377

(B) Not later than July 31, 2021, southern state community 33378
college shall appoint a program coordinator who shall be 33379
responsible for all of the following, as well as any other 33380
responsibilities as determined by the southern state community 33381

<u>college board of trustees:</u>	33382
<u>(1) Form a coalition and act as the liaison between southern</u>	33383
<u>state community college and the coalition to develop the pilot</u>	33384
<u>program.</u>	33385
<u>The coalition shall include members from the following:</u>	33386
<u>(a) The department of education;</u>	33387
<u>(b) Educators in grades kindergarten through twelve;</u>	33388
<u>(c) Career technical education staff;</u>	33389
<u>(d) Educational service center staff;</u>	33390
<u>(e) Representatives of post-secondary institutions in the</u>	33391
<u>areas in which the pilot program is operating;</u>	33392
<u>(f) Federally and state-funded research organizations, as</u>	33393
<u>determined by the southern state community college board of</u>	33394
<u>trustees and the program coordinator;</u>	33395
<u>(g) Local businesses in the areas in which the pilot program</u>	33396
<u>is operating, as determined by the southern state community</u>	33397
<u>college board of trustees and the program coordinator.</u>	33398
<u>(2) In collaboration with the coalition, as described in</u>	33399
<u>division (B) (1) of this section, develop a curriculum for grades</u>	33400
<u>seven through twelve to be utilized by the pilot program that</u>	33401
<u>focuses on industry standards in the field of computer sciences,</u>	33402
<u>including coding, and is divided as follows:</u>	33403
<u>(a) For grades seven and eight, a focus on career</u>	33404
<u>exploration, career readiness initiatives, and an introduction to</u>	33405
<u>coding and computer sciences;</u>	33406
<u>(b) For grades nine through twelve, a focus on intermediate</u>	33407
<u>and advanced coding, computer sciences, and the potential for</u>	33408
<u>industry level credentialing.</u>	33409
<u>(3) Submit an annual report to southern state community</u>	33410

<u>college regarding the progress and implementation of the pilot</u>	33411
<u>program;</u>	33412
<u>(4) Determine the manner in which the pilot program shall</u>	33413
<u>recruit school districts and other participants for the fall of</u>	33414
<u>2021 from the following counties:</u>	33415
<u>(a) Southern Ohio, specifically, Fayette, Clinton, Adams, and</u>	33416
<u>Highland counties;</u>	33417
<u>(b) Brown county;</u>	33418
<u>(c) Pike county.</u>	33419
<u>(5) Develop a structured timeline by which the pilot program</u>	33420
<u>shall operate over the five-year period, with full administration</u>	33421
<u>beginning in the fall of 2022;</u>	33422
<u>(6) Determine the manner in which to incorporate the college</u>	33423
<u>credit plus program as established under Chapter 3365. of the</u>	33424
<u>Revised Code within the pilot program;</u>	33425
<u>(7) In collaboration with the designated department, advisor,</u>	33426
<u>and instructor, as appointed by southern state community college,</u>	33427
<u>develop a system for the articulation of credits earned under the</u>	33428
<u>pilot program and align them into a for-credit program at southern</u>	33429
<u>state community college;</u>	33430
<u>(8) Act as fiscal operator of the pilot program.</u>	33431
<u>(C) Upon completion of the pilot program, southern state</u>	33432
<u>community college, in collaboration with the program coordinator,</u>	33433
<u>shall submit a full report and any legislative recommendations to</u>	33434
<u>the General Assembly, in accordance with section 101.68 of the</u>	33435
<u>Revised Code, regarding the outcomes of the pilot program.</u>	33436
Sec. 3313.974. As used in this section and in sections	33437
3313.975 to 3313.979 of the Revised Code:	33438
(A) "Individualized education program" and "child with a	33439

disability" have the same meanings as in section 3323.01 of the Revised Code. 33440
33441

~~(B) "Mainstreamed student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students.~~ 33442
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~~(C)~~ "Separately educated student with a disability" means a child with a disability who has an individualized education program providing for the student to spend at least half of each school day in a class or setting separated from nondisabled students. 33446
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~~(D)~~ (C) "Low-income family" means a family whose income is below the level which the superintendent of public instruction shall establish. 33451
33452
33453

~~(E)~~ (D) "Parent" has the same meaning as in section 3313.98 of the Revised Code. 33454
33455

~~(F)~~ (E) "Registered private school" means a school registered with the superintendent of public instruction pursuant to section 3313.976 of the Revised Code. 33456
33457
33458

~~(G)~~ (F) "Alternative school" means a registered private school located in a school district or a public school located in an adjacent school district. 33459
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33461

~~(H)~~ (G) "Tutorial assistance" means instructional services provided to a student outside of regular school hours approved by the commission on school choice pursuant to section 3313.976 of the Revised Code. 33462
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Sec. 3313.975. As used in this section and in sections 3313.976 to 3313.979 of the Revised Code, "the pilot project school district" or "the district" means any school district included in the pilot project scholarship program pursuant to this 33466
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33468
33469

section. 33470

(A) The superintendent of public instruction shall establish 33471
a pilot project scholarship program and shall include in such 33472
program any school districts that are or have ever been under 33473
federal court order requiring supervision and operational 33474
management of the district by the state superintendent. The 33475
program shall provide for a number of students residing in any 33476
such district to receive scholarships to attend alternative 33477
schools, and for an equal number of students to receive tutorial 33478
assistance grants while attending public school in any such 33479
district. 33480

(B) The state superintendent shall establish an application 33481
process and deadline for accepting applications from students 33482
residing in the district to participate in the scholarship 33483
program. In the initial year of the program students may only use 33484
a scholarship to attend school in grades kindergarten through 33485
third. 33486

The state superintendent shall award as many scholarships and 33487
tutorial assistance grants as can be funded given the amount 33488
appropriated for the program. 33489

(C) (1) The pilot project program shall continue in effect 33490
each year that the general assembly has appropriated sufficient 33491
money to fund scholarships and tutorial assistance grants. In each 33492
year the program continues, new students may receive scholarships 33493
in grades kindergarten to twelve. A student who has received a 33494
scholarship may continue to receive one until the student has 33495
completed grade twelve. 33496

(2) If the general assembly discontinues the scholarship 33497
program, all students who are attending an alternative school 33498
under the pilot project shall be entitled to continued admittance 33499
to that specific school through all grades that are provided in 33500

such school, under the same conditions as when they were 33501
participating in the pilot project. The state superintendent shall 33502
continue to make scholarship payments in accordance with ~~division~~ 33503
~~(A) or (B)~~ of section ~~3313.979~~ 3317.022 of the Revised Code for 33504
students who remain enrolled in an alternative school under this 33505
provision in any year that funds have been appropriated for this 33506
purpose. 33507

If funds are not appropriated, the tuition charged to the 33508
parents of a student who remains enrolled in an alternative school 33509
under this provision shall not be increased beyond the amount 33510
equal to the amount of the scholarship plus any additional amount 33511
charged that student's parent in the most recent year of 33512
attendance as a participant in the pilot project, except that 33513
tuition for all the students enrolled in such school may be 33514
increased by the same percentage. 33515

(D) Notwithstanding sections 124.39 and 3311.83 of the 33516
Revised Code, if the pilot project school district experiences a 33517
decrease in enrollment due to participation in a state-sponsored 33518
scholarship program pursuant to sections 3313.974 to 3313.979 of 33519
the Revised Code, the district board of education may enter into 33520
an agreement with any teacher it employs to provide to that 33521
teacher severance pay or early retirement incentives, or both, if 33522
the teacher agrees to terminate the employment contract with the 33523
district board, provided any collective bargaining agreement in 33524
force pursuant to Chapter 4117. of the Revised Code does not 33525
prohibit such an agreement for termination of a teacher's 33526
employment contract. 33527

Sec. 3313.976. (A) No private school may receive scholarship 33528
payments from parents pursuant to section ~~3313.979~~ 3317.022 of the 33529
Revised Code until the chief administrator of the private school 33530
registers the school with the superintendent of public 33531

instruction. The state superintendent shall register any school 33532
that meets the following requirements: 33533

(1) The school offers any of grades kindergarten through 33534
twelve and either: 33535

(a) ~~Offers any of grades kindergarten through twelve and is~~Is 33536
located within the boundaries of the pilot project school 33537
district; 33538

(b) ~~Offers any of grades nine through twelve and is~~Is located 33539
within the boundaries of a city, local, or exempted village school 33540
district that is both: 33541

(i) Located in a municipal corporation with a population of 33542
fifteen thousand or more; 33543

(ii) Located within five miles of the border of the pilot 33544
project school district. 33545

(2) The school indicates in writing its commitment to follow 33546
all requirements for a state-sponsored scholarship program 33547
specified under sections 3313.974 to 3313.979 of the Revised Code, 33548
including, but not limited to, the requirements for admitting 33549
students pursuant to section 3313.977 of the Revised Code; 33550

(3) The school meets all state minimum standards for 33551
chartered nonpublic schools in effect on July 1, 1992, except that 33552
the state superintendent at the superintendent's discretion may 33553
register nonchartered nonpublic schools meeting the other 33554
requirements of this division; 33555

(4) The school does not discriminate on the basis of race, 33556
religion, or ethnic background; 33557

(5) The school enrolls a minimum of ten students per class or 33558
a sum of at least twenty-five students in all the classes offered; 33559

(6) The school does not advocate or foster unlawful behavior 33560

or teach hatred of any person or group on the basis of race, 33561
ethnicity, national origin, or religion; 33562

(7) The school does not provide false or misleading 33563
information about the school to parents, students, or the general 33564
public; 33565

(8) For students in grades kindergarten through eight with 33566
family incomes at or below two hundred per cent of the federal 33567
poverty guidelines, as defined in section 5104.46 of the Revised 33568
Code, the school agrees not to charge any tuition in excess of the 33569
scholarship amount established pursuant to division 33570
~~(C)(1)(A)(17)(a)~~ of section ~~3313.978~~ 3317.022 of the Revised Code, 33571
excluding any increase described in that division ~~(C)(2) of that~~ 33572
~~section.~~ 33573

(9) For students in grades kindergarten through eight with 33574
family incomes above two hundred per cent of the federal poverty 33575
guidelines, whose scholarship amounts are less than the actual 33576
tuition charge of the school, the school agrees not to charge any 33577
tuition in excess of the difference between the actual tuition 33578
charge of the school and the scholarship amount established 33579
pursuant to division ~~(C)(1)(A)(17)(a)~~ of section ~~3313.978~~ 3317.022 33580
of the Revised Code, excluding any increase described in that 33581
division ~~(C)(2) of that section.~~ The school shall permit such 33582
tuition, at the discretion of the parent, to be satisfied by the 33583
family's provision of in-kind contributions or services. 33584

(10) The school agrees not to charge any tuition to families 33585
of students in grades nine through twelve receiving a scholarship 33586
in excess of the actual tuition charge of the school less the 33587
scholarship amount established pursuant to division 33588
~~(C)(1)(A)(17)(a)~~ of section ~~3313.978~~ 3317.022 of the Revised Code, 33589
excluding any increase described in that division ~~(C)(2) of that~~ 33590
~~section.~~ 33591

(11) It annually administers the applicable assessments 33592
prescribed by section 3301.0710, 3301.0712, or 3313.619 of the 33593
Revised Code to each scholarship student enrolled in the school in 33594
accordance with section 3301.0711 or 3301.0712 of the Revised Code 33595
and reports to the department of education the results of each 33596
such assessment administered to each scholarship student, unless 33597
one of the following applies to the student: 33598

(a) The student is excused from taking that assessment under 33599
federal law, the student's individualized education program, or 33600
division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 33601

(b) The student is enrolled in a chartered nonpublic school 33602
that meets the conditions specified in division (K)(2) or (L)(4) 33603
of section 3301.0711 of the Revised Code. 33604

(c) The student is enrolled in any of grades three to eight 33605
and takes an alternative standardized assessment under division 33606
(K)(1) of section 3301.0711 of the Revised Code. 33607

(d) The student is excused from taking the assessment 33608
prescribed under division (B)(1) of section 3301.0712 of the 33609
Revised Code pursuant to division (C)(1)(c)(ii) of section 33610
3301.0711 of the Revised Code. 33611

(B) The state superintendent shall revoke the registration of 33612
any school if, after a hearing, the superintendent determines that 33613
the school is in violation of any of the provisions of division 33614
(A) of this section. 33615

(C) Any public school located in a school district adjacent 33616
to the pilot project district may receive scholarship payments on 33617
behalf of parents pursuant to section ~~3313.979~~ 3317.022 of the 33618
Revised Code if the superintendent of the district in which such 33619
public school is located notifies the state superintendent prior 33620
to the first day of March that the district intends to admit 33621
students from the pilot project district for the ensuing school 33622

year pursuant to section 3327.06 of the Revised Code. 33623

(D) Any parent wishing to purchase tutorial assistance from 33624
any person or governmental entity pursuant to the pilot project 33625
program under sections 3313.974 to 3313.979 of the Revised Code 33626
shall apply to the state superintendent. The state superintendent 33627
shall approve providers who appear to possess the capability of 33628
furnishing the instructional services they are offering to 33629
provide. 33630

Sec. 3313.978. (A) Annually by the first day of November, the 33631
superintendent of public instruction shall notify the pilot 33632
project school district of the number of initial scholarships that 33633
the state superintendent will be awarding in each of grades 33634
kindergarten through twelve. 33635

The state superintendent shall provide information about the 33636
scholarship program to all students residing in the district, and 33637
shall accept applications from any such students during the 33638
application ~~periods~~ period established under division (H) of this 33639
section, ~~and shall establish criteria for the selection of~~ 33640
~~students to receive scholarships from among all those applying~~ 33641
~~prior to the deadline, which criteria shall give preference to~~ 33642
~~students from low income families. The state superintendent shall~~ 33643
~~notify students of their selection prior to a date established by~~ 33644
~~the state superintendent.~~ 33645

(1) A student receiving a pilot project scholarship may 33646
utilize it at an alternative public school by notifying the 33647
district superintendent, ~~at any time before the beginning of the~~ 33648
~~school year,~~ of the name of the public school in an adjacent 33649
school district to which the student has been accepted pursuant to 33650
section 3327.06 of the Revised Code. 33651

(2) A student may decide to utilize a pilot project 33652
scholarship at a registered private school in the district if all 33653

of the following conditions are met: 33654

~~(a) By the fifteenth day of February of the preceding school~~ 33655
~~year, or at any time prior to the start of the school year, the~~ 33656
The parent makes an application on behalf of the student to a 33657
registered private school. 33658

(b) The registered private school notifies the parent and the 33659
state superintendent as follows that the student has been 33660
admitted: 33661

~~(i) By the fifteenth day of March of the preceding school~~ 33662
~~year if the student filed an application by the fifteenth day of~~ 33663
~~February and was admitted by~~ By the school pursuant to division 33664
(A) of section 3313.977 of the Revised Code; 33665

~~(ii) Within one week of the decision to admit the student if~~ 33666
~~the student is admitted~~ By the school pursuant to division (C) of 33667
section 3313.977 of the Revised Code. 33668

(c) The student actually enrolls in the registered private 33669
school to which the student was first admitted or in another 33670
registered private school in the district or in a public school in 33671
an adjacent school district. 33672

(B) The state superintendent shall also award in any school 33673
year tutorial assistance grants to a number of students equal to 33674
the number of students who receive scholarships under division (A) 33675
of this section. Tutorial assistance grants shall be awarded 33676
solely to students who are enrolled in the public schools of the 33677
district in a grade level covered by the pilot project. Tutorial 33678
assistance grants may be used solely to obtain tutorial assistance 33679
from a provider approved pursuant to division (D) of section 33680
3313.976 of the Revised Code. 33681

All students wishing to obtain tutorial assistance grants 33682
shall make application to the state superintendent by the first 33683
day of the school year in which the assistance will be used. The 33684

state superintendent shall award assistance grants in accordance 33685
with criteria the superintendent shall establish. 33686

~~(C) (1) In the case of basic scholarships for students in 33687
grades kindergarten through eight, the scholarship amount shall 33688
not exceed the lesser of the net tuition charges of the 33689
alternative school the scholarship recipient attends or four 33690
thousand six hundred fifty dollars. 33691~~

~~In the case of basic scholarships for students in grades nine 33692
through twelve, the scholarship amount shall not exceed the lesser 33693
of the net tuition charges of the alternative school the 33694
scholarship recipient attends or six thousand dollars. 33695~~

~~The net tuition and fees charged to a student shall be the 33696
tuition amount specified by the alternative school minus all other 33697
financial aid, discounts, and adjustments received for the 33698
student. In cases where discounts are offered for multiple 33699
students from the same family, and not all students in the same 33700
family are scholarship recipients, the net tuition amount 33701
attributable to the scholarship recipient shall be the lowest net 33702
tuition to which the family is entitled. 33703~~

~~(2) The state superintendent shall provide for an increase in 33704
the basic scholarship amount in the case of any student who is a 33705
mainstreamed student with a disability and shall further increase 33706
such amount in the case of any separately educated student with a 33707
disability. Such increases shall take into account the 33708
instruction, related services, and transportation costs of 33709
educating such students. 33710~~

~~(3) In the case of tutorial assistance grants, the grant 33711
amount shall not exceed the lesser of the provider's actual 33712
charges for such assistance or: 33713~~

~~(a) (1) Before fiscal year 2007, a percentage established by 33714
the state superintendent, not to exceed twenty per cent, of the 33715~~

amount of the pilot project school district's average basic scholarship amount; 33716
33717

~~(b)(2)~~ In fiscal year 2007 and thereafter, four hundred dollars. 33718
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(D) (1) Annually by the first day of November, the state superintendent shall estimate the maximum per-pupil scholarship amounts for the ensuing school year. The state superintendent shall make this estimate available to the general public at the offices of the district board of education together with the forms required by division (D) (2) of this section. 33720
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(2) Annually by the fifteenth day of January, the chief administrator of each registered private school located in the pilot project district and the principal of each public school in such district shall complete a parental information form and forward it to the president of the board of education. The parental information form shall be prescribed by the department of education and shall provide information about the grade levels offered, the numbers of students, tuition amounts, achievement test results, and any sectarian or other organizational affiliations. 33726
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(E) (1) Only for the purpose of administering the pilot project scholarship program, the department may request from any of the following entities the data verification code assigned under division (D) (2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program: 33736
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(a) The school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code; 33741
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(b) If applicable, the community school in which the student is enrolled; 33744
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(c) The independent contractor engaged to create and maintain 33746

data verification codes. 33747

(2) Upon a request by the department under division (E) (1) of 33748
this section for the data verification code of a student seeking a 33749
scholarship or a request by the student's parent for that code, 33750
the school district or community school shall submit that code to 33751
the department or parent in the manner specified by the 33752
department. If the student has not been assigned a code, because 33753
the student will be entering kindergarten during the school year 33754
for which the scholarship is sought, the district shall assign a 33755
code to that student and submit the code to the department or 33756
parent by a date specified by the department. If the district does 33757
not assign a code to the student by the specified date, the 33758
department shall assign a code to the student. 33759

The department annually shall submit to each school district 33760
the name and data verification code of each student residing in 33761
the district who is entering kindergarten, who has been awarded a 33762
scholarship under the program, and for whom the department has 33763
assigned a code under this division. 33764

(3) The department shall not release any data verification 33765
code that it receives under division (E) of this section to any 33766
person except as provided by law. 33767

(F) Any document relative to the pilot project scholarship 33768
program that the department holds in its files that contains both 33769
a student's name or other personally identifiable information and 33770
the student's data verification code shall not be a public record 33771
under section 149.43 of the Revised Code. 33772

(G) (1) The department annually shall compile the scores 33773
attained by scholarship students enrolled in registered private 33774
schools on the assessments administered to the students pursuant 33775
to division (A) (11) of section 3313.976 of the Revised Code. The 33776
scores shall be aggregated as follows: 33777

(a) By school district, which shall include all scholarship students residing in the pilot project school district who are enrolled in a registered private school and were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code;

(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code.

(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories:

(a) Grade level;

(b) Race and ethnicity;

(c) Gender;

(d) Students who have participated in the scholarship program for three or more years;

(e) Students who have participated in the scholarship program for more than one year and less than three years;

(f) Students who have participated in the scholarship program for one year or less;

(g) Economically disadvantaged students.

(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the

department shall not report performance data for any group that 33808
contains less than ten students. 33809

(4) The department shall provide the parent of each 33810
scholarship student enrolled in a registered private school with 33811
information comparing the student's performance on the assessments 33812
administered pursuant to division (A)(11) of section 3313.976 of 33813
the Revised Code with the average performance of similar students 33814
enrolled in the building operated by the pilot project school 33815
district that the scholarship student would otherwise attend. In 33816
calculating the performance of similar students, the department 33817
shall consider age, grade, race and ethnicity, gender, and 33818
socioeconomic status. 33819

~~(H)(1) Except as provided in division (H)(2) of this section,~~ 33820
~~for scholarships awarded the 2020-2021 school year and for each~~ 33821
~~school year thereafter, the department shall conduct two~~ 33822
~~application periods each year for the pilot project scholarship~~ 33823
~~program, as follows:~~ 33824

~~(a) The first application period shall open not sooner than~~ 33825
~~the first day of February prior to the first day of July of the~~ 33826
~~school year for which a scholarship is sought and run not less~~ 33827
~~than seventy five days.~~ 33828

~~(b) The second application period shall open not sooner than~~ 33829
~~the first day of July of the school year for which the scholarship~~ 33830
~~is sought and run not less than thirty days.~~ 33831

~~(2) If the pilot scholarships awarded in the first~~ 33832
~~application period for any school year use the entirety of the~~ 33833
~~amount appropriated by the general assembly for such scholarships~~ 33834
~~for that school year, the department need not conduct a second~~ 33835
~~application period for scholarships. If, after the first~~ 33836
~~application period, there are funds remaining to award, the~~ 33837
~~department shall conduct a second application period in accordance~~ 33838

~~with division (H) (1) (b) of this section.~~ 33839

~~(3) Not later than the thirty first day of May of each school year, the department shall determine whether funds remain available for scholarships under the pilot project scholarship program after the first application period.~~ 33840
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~~(4) For scholarships awarded for any school year prior to the 2020-2021 school year, the state superintendent shall establish a deadline for a single application period.~~ 33844
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(H) The department shall open the application period on the first day of February prior to the first day of July of the school year for which a scholarship is sought. Not later than forty-five days after an applicant submits to the department of education a completed application, the department of education shall determine whether that applicant is eligible for a scholarship and notify the applicant whether or not the applicant is eligible. The department of education shall award a scholarship to each student with an approved application. However, for any application submitted after the beginning of the school year, the department of education shall prorate the amount of the awarded scholarship based on how much of the school year remains. 33847
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~~Sec. 3313.979. Each scholarship to be used for payments to a registered private school is payable to the parents of the student entitled to the scholarship. Each scholarship to be used for payments to a public school in an adjacent school district is payable to the school district of attendance by the superintendent of public instruction. Each grant to be used for payments to an approved tutorial assistance provider is payable to the approved tutorial assistance provider.~~ 33859
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~~(A) (1)~~ By the fifteenth day of each month of the school year that any scholarship students are enrolled in a registered private school, the chief administrator of that school shall notify the 33867
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state superintendent of: 33870

~~(a)(1)~~ The number of scholarship students who were reported 33871
to the school district as having been admitted by that private 33872
school pursuant to division (A)(2)(b) of section 3313.978 of the 33873
Revised Code and who were still enrolled in the private school as 33874
of the first day of such month; 33875

~~(b)(2)~~ The number of scholarship students who were reported 33876
to the school district as having been admitted by another private 33877
school pursuant to division (A)(2)(b) of section 3313.978 of the 33878
Revised Code and since the date of admission have transferred to 33879
the school providing the notification under division ~~(A)(1)(A)~~ of 33880
this section. 33881

~~(2)~~ From time to time, the state superintendent shall make a 33882
payment to the parent of each student entitled to a scholarship. 33883
Each payment shall include for each student reported under 33884
division (A)(1) of this section a portion of the scholarship 33885
amount specified in divisions (C)(1) and (2) of section 3313.978 33886
of the Revised Code. This amount shall be proportionately reduced 33887
in the case of any such student who is not enrolled in a 33888
registered private school for the entire school year. 33889

~~(3)~~ The first payment under this division shall be made by 33890
the last day of November and shall equal one third of the 33891
estimated total amount that will be due to the parent for the 33892
school year pursuant to division (A)(2) of this section. 33893

~~(B)~~ The state superintendent, on behalf of the parents of a 33894
scholarship student enrolled in a public school in an adjacent 33895
school district pursuant to section 3327.06 of the Revised Code, 33896
shall make the tuition payments required by that section to the 33897
school district admitting the student, except that, 33898
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 33899
Revised Code, the total payments in any school year shall not 33900

~~exceed the scholarship amount provided in divisions (C)(1) and (2)
of section 3313.978 of the Revised Code.~~ 33901
33902

~~(C)~~ Whenever an approved provider provides tutorial 33903
assistance to a student, the state superintendent shall pay the 33904
approved provider for such costs upon receipt of a statement 33905
specifying the services provided and the costs of the services, 33906
which statement shall be signed by the provider and verified by 33907
the chief administrator having supervisory control over the 33908
tutoring site. The total payments to any approved provider under 33909
this division for all provider services to any individual student 33910
in any school year shall not exceed the grant amount provided in 33911
division ~~(C)(3)~~ (C) of section 3313.978 of the Revised Code. 33912

Sec. 3314.013. (A) Until ~~the sixty first day after the~~ 33913
~~effective date of this amendment~~ May 22, 2013, no internet- or 33914
computer-based community school shall operate unless the school 33915
was open for instruction as of May 1, 2005. No entity described in 33916
division (C)(1) of section 3314.02 of the Revised Code shall enter 33917
into a contract to sponsor an internet- or computer-based 33918
community school, including a conversion school, between May 1, 33919
2005, and ~~the sixty first day after the effective date of this~~ 33920
~~amendment~~ May 22, 2013, except as follows: 33921

(1) The entity may renew a contract that the entity entered 33922
into with an internet- or computer-based community school prior to 33923
May 1, 2005, if the school was open for operation as of that date. 33924

(2) The entity may assume sponsorship of an existing 33925
internet- or computer-based community school that was formerly 33926
sponsored by another entity and may enter into a contract with 33927
that community school in accordance with section 3314.03 of the 33928
Revised Code. 33929

If a sponsor entered into a contract with an internet- or 33930
computer-based community school, including a conversion school, 33931

but the school was not open for operation as of May 1, 2005, the 33932
contract shall be void and the entity shall not enter into another 33933
contract with the school until ~~the sixty first day after the~~ 33934
~~effective date of this amendment~~ May 22, 2013. 33935

(B) (1) Beginning on ~~the later of July 1, 2013, or the~~ 33936
~~sixty first day after the effective date of this amendment,~~ up to 33937
five new internet- or computer-based community schools may open 33938
each year, subject to approval of the superintendent of public 33939
instruction under division (B) (2) of this section. 33940

(2) The superintendent of public instruction shall approve 33941
applications for new internet- or computer-based community schools 33942
from only those applicants demonstrating experience and quality. 33943

The state board of education shall adopt rules prescribing 33944
measures to determine experience and quality of applicants in 33945
accordance with Chapter 119. of the Revised Code. The measures 33946
shall include, but not be limited to, the following 33947
considerations: 33948

(a) The sponsor's experience with online schools; 33949

(b) The operator's experience with online schools; 33950

(c) The sponsor's and operator's previous record for student 33951
performance; 33952

(d) A preference for operators with previous experience in 33953
Ohio. 33954

The state board shall adopt the rules so that they are 33955
effective ~~not later than the sixty first day after the effective~~ 33956
~~date of this amendment~~ May 22, 2013. 33957

(3) The department of education shall notify any new 33958
internet- or computer-based community school governed by division 33959
(B) of this section of whether the superintendent has approved or 33960
disapproved the school's application to open for the 2013-2014 33961

school year not later than July 1, 2013, ~~or the sixty first day~~ 33962
~~after the effective date of this amendment , if such date occurs~~ 33963
~~after July 1, 2013.~~ Notwithstanding the dates prescribed for 33964
adoption and signing on sponsor contracts in division (D) of 33965
section 3314.02 of the Revised Code, or the date for opening a 33966
school for instruction required by division (A) (25) of section 33967
3314.03 of the Revised Code, a new internet- or computer-based 33968
community school approved for opening for the 2013-2014 school 33969
year under division (B) of this section may open and operate in 33970
that school year regardless of whether it has complied with those 33971
contract and opening dates. For each school year thereafter, the 33972
school shall comply with all applicable provisions of this 33973
chapter. 33974

(4) Notwithstanding divisions (B) (1) and (2) of this section, 33975
a sponsor rated "exemplary" on its most recent evaluation 33976
conducted under section 3314.016 of the Revised Code is permitted 33977
to open up to two new internet- or computer-based community 33978
schools that will primarily serve students enrolled in a dropout 33979
prevention and recovery program each year, not to exceed six new 33980
schools in a five-year period. 33981

(C) Nothing in ~~divisions~~ division (A) or (B) of this section 33982
prohibits an internet- or computer-based community school from 33983
increasing the number of grade levels it offers. 33984

~~(D) Not later than July 1, 2012, the director of the~~ 33985
~~governor's office of 21st century education and the superintendent~~ 33986
~~of public instruction shall develop standards for the operation of~~ 33987
~~internet or computer based community schools. The director shall~~ 33988
~~submit those standards to the speaker of the house of~~ 33989
~~representatives and the president of the senate for consideration~~ 33990
~~of enactment by the general assembly.~~ 33991

Sec. 3314.016. This section applies to any entity that 33992

sponsors a community school, regardless of whether section 3314.021 or 3314.027 of the Revised Code exempts the entity from the requirement to be approved for sponsorship under divisions (A) (2) and (B) (1) of section 3314.015 of the Revised Code. The office of Ohio school sponsorship established under section 3314.029 of the Revised Code shall be rated under division (B) of this section, but divisions (A) and (C) of this section do not apply to the office.

(A) An entity that sponsors a community school shall be permitted to enter into contracts under section 3314.03 of the Revised Code to sponsor additional community schools only if the entity meets all of the following criteria:

(1) The entity is in compliance with all provisions of this chapter requiring sponsors of community schools to report data or information to the department of education.

(2) The entity is not rated as "ineffective" under division (B) (6) of this section.

(3) Except as set forth in sections 3314.021 and 3314.027 of the Revised Code, the entity has received approval from and entered into an agreement with the department of education pursuant to section 3314.015 of the Revised Code.

(B) (1) The department shall develop and implement an evaluation system that annually rates and assigns an overall rating to each entity that sponsors a community school. The department, not later than the first day of February of each year, shall post on the department's web site the framework for the evaluation system, including technical documentation that the department intends to use to rate sponsors for the next school year. The department shall solicit public comment on the evaluation system for thirty consecutive days. Not later than the first day of April of each year, the department shall compile and

post on the department's web site all public comments that were 34024
received during the public comment period. The evaluation system 34025
shall be posted on the department's web site by the fifteenth day 34026
of July of each school year. Any changes to the evaluation system 34027
after that date shall take effect the following year. The 34028
evaluation system shall be based on the following components: 34029

(a) Academic performance of students enrolled in community 34030
schools sponsored by the same entity. The academic performance 34031
component shall be derived from the performance measures 34032
prescribed for the state report cards under section 3302.03 or 34033
3314.017 of the Revised Code, and shall be based on the 34034
performance of the schools for the school year for which the 34035
evaluation is conducted. In addition to the academic performance 34036
for a specific school year, the academic performance component 34037
shall also include year-to-year changes in the overall sponsor 34038
portfolio. For a community school for which no graded performance 34039
measures are applicable or available, the department shall use 34040
nonreport card performance measures specified in the contract 34041
between the community school and the sponsor under division (A) (4) 34042
of section 3314.03 of the Revised Code. 34043

(b) Adherence by a sponsor to the quality practices 34044
prescribed by the department under division (B) (3) of this 34045
section. For a sponsor that was rated "effective" or "exemplary" 34046
on its most recent rating, the department may evaluate that 34047
sponsor's adherence to quality practices once over a period of 34048
three years. If the department elects to evaluate a sponsor once 34049
over a period of three years, the most recent rating for a 34050
sponsor's adherence to quality practices shall be used when 34051
determining an annual overall rating conducted under this section. 34052

(c) Compliance with all applicable laws and administrative 34053
rules by an entity that sponsors a community school. 34054

(2) In calculating an academic performance component, the 34055

department shall exclude all community schools that have been in 34056
operation for not more than two full school years and all 34057
community schools described in division (A) (4) (b) of section 34058
3314.35 of the Revised Code. However, the academic performance of 34059
the community schools described in division (A) (4) (b) of section 34060
3314.35 of the Revised Code shall be reported, but shall not be 34061
used as a factor when determining a sponsoring entity's rating 34062
under this section. 34063

(3) The department, in consultation with entities that 34064
sponsor community schools, shall prescribe quality practices for 34065
community school sponsors and develop an instrument to measure 34066
adherence to those quality practices. The quality practices shall 34067
be based on standards developed by the national association of 34068
charter school authorizers or any other nationally organized 34069
community school organization. 34070

(4) (a) The department may permit peer review of a sponsor's 34071
adherence to the quality practices prescribed under division 34072
(B) (3) of this section. Peer reviewers shall be limited to 34073
individuals employed by sponsors rated "effective" or "exemplary" 34074
on the most recent ratings conducted under this section. 34075

(b) The department shall require individuals participating in 34076
peer review under division (B) (4) (a) of this section to complete 34077
training approved or established by the department. 34078

(c) The department may enter into an agreement with another 34079
entity to provide training to individuals conducting peer review 34080
of sponsors. Prior to entering into an agreement with an entity, 34081
the department shall review and approve of the entity's training 34082
program. 34083

(5) Not later than July 1, 2013, the state board of education 34084
shall adopt rules in accordance with Chapter 119. of the Revised 34085
Code prescribing standards for measuring compliance with 34086

applicable laws and rules under division (B)(1)(c) of this 34087
section. 34088

(6) The department annually shall rate all entities that 34089
sponsor community schools as either "exemplary," "effective," 34090
"ineffective," or "poor," based on the components prescribed by 34091
division (B) of this section, where each component is weighted 34092
equally. A separate rating shall be given by the department for 34093
each component of the evaluation system. 34094

The department shall publish the ratings between the first 34095
day of October and the fifteenth day of November. 34096

Prior to the publication of the final ratings, the department 34097
shall designate and provide notice of a period of at least ten 34098
business days during which each sponsor may review the information 34099
used by the department to determine the sponsor's rating on the 34100
components prescribed by division (B)(1) of this section. If the 34101
sponsor believes there is an error in the department's evaluation, 34102
the sponsor may request adjustments to the rating of any of those 34103
components based on documentation previously submitted as part of 34104
an evaluation. The sponsor shall provide to the department any 34105
necessary evidence or information to support the requested 34106
adjustments. The department shall review the evidence and 34107
information, determine whether an adjustment is valid, and 34108
promptly notify the sponsor of its determination and reasons. If 34109
any adjustments to the data could result in a change to the rating 34110
on the applicable component or to the overall rating, the 34111
department shall recalculate the ratings prior to publication. 34112

The department shall provide training on an annual basis 34113
regarding the evaluation system prescribed under this section. The 34114
training shall, at a minimum, describe methodology, timelines, and 34115
data required for the evaluation system. The first training 34116
session shall occur not later than March 2, 2016. Beginning in 34117
2018, the training shall be made available to each entity that 34118

sponsors a community school by the fifteenth day of July of each year and shall include guidance on any changes made to the evaluation system.

(7) (a) Entities with an overall rating of "exemplary" for ~~at least the two consecutive most recent~~ years in which the entity was evaluated may take advantage of the following incentives:

(i) Renewal of the written agreement with the department, not to exceed ten years, provided that the entity consents to continued evaluation of adherence to quality practices as described in division (B) (1) (b) of this section;

(ii) The ability to extend the term of the contract between the sponsoring entity and the community school beyond the term described in the written agreement with the department;

(iii) An exemption from the preliminary agreement and contract adoption and execution deadline requirements prescribed in division (D) of section 3314.02 of the Revised Code;

(iv) An exemption from the automatic contract expiration requirement, should a new community school fail to open by the thirtieth day of September of the calendar year in which the community school contract is executed;

(v) No limit on the number of community schools the entity may sponsor;

(vi) No territorial restrictions on sponsorship.

An entity may continue to sponsor any community schools with which it entered into agreements under division (B) (7) (a) (v) or (vi) of this section while rated "exemplary," notwithstanding the fact that the entity later receives a lower overall rating.

(b) Entities with an overall rating of "exemplary" or "effective" for ~~at least the three consecutive most recent~~ years in which the entity was evaluated shall be evaluated by the

department once every three years. 34149

(c) (i) Entities that receive an overall rating of 34150
"ineffective" shall be prohibited from sponsoring any new or 34151
additional community schools during the time in which the sponsor 34152
is rated as "ineffective" and shall be subject to a quality 34153
improvement plan based on correcting the deficiencies that led to 34154
the "ineffective" rating, with timelines and benchmarks that have 34155
been established by the department. 34156

(ii) Entities that receive an overall rating of "ineffective" 34157
on their three most recent ratings shall have all sponsorship 34158
authority revoked. Within thirty days after receiving its third 34159
rating of "ineffective," the entity may appeal the revocation of 34160
its sponsorship authority to the superintendent of public 34161
instruction, who shall appoint an independent hearing officer to 34162
conduct a hearing in accordance with Chapter 119. of the Revised 34163
Code. The hearing shall be conducted within thirty days after 34164
receipt of the notice of appeal. Within forty-five days after the 34165
hearing is completed, the state board of education shall determine 34166
whether the revocation is appropriate based on the hearing 34167
conducted by the independent hearing officer, and if determined 34168
appropriate, the revocation shall be confirmed. 34169

(d) Entities that receive an overall rating of "poor" shall 34170
have all sponsorship authority revoked. Within thirty days after 34171
receiving a rating of "poor," the entity may appeal the revocation 34172
of its sponsorship authority to the superintendent of public 34173
instruction, who shall appoint an independent hearing officer to 34174
conduct a hearing in accordance with Chapter 119. of the Revised 34175
Code. The hearing shall be conducted within thirty days after 34176
receipt of the notice of appeal. Within forty-five days after the 34177
hearing is completed, the state board of education shall determine 34178
whether the revocation is appropriate based on the hearing 34179
conducted by the independent hearing officer, and if determined 34180

appropriate, the revocation shall be confirmed. 34181

(8) For the 2014-2015 school year and each school year 34182
thereafter, student academic performance prescribed under division 34183
(B) (1) (a) of this section shall include student academic 34184
performance data from community schools that primarily serve 34185
students enrolled in a dropout prevention and recovery program. 34186

(C) If the governing authority of a community school enters 34187
into a contract with a sponsor prior to the date on which the 34188
sponsor is prohibited from sponsoring additional schools under 34189
division (A) of this section and the school has not opened for 34190
operation as of that date, that contract shall be void and the 34191
school shall not open until the governing authority secures a new 34192
sponsor by entering into a contract with the new sponsor under 34193
section 3314.03 of the Revised Code. However, the department's 34194
office of Ohio school sponsorship, established under section 34195
3314.029 of the Revised Code, may assume the sponsorship of the 34196
school until the earlier of the expiration of two school years or 34197
until a new sponsor is secured by the school's governing 34198
authority. A community school sponsored by the department under 34199
this division shall not be included when calculating the maximum 34200
number of directly authorized community schools permitted under 34201
division (A) (3) of section 3314.029 of the Revised Code. 34202

(D) When an entity's authority to sponsor schools is revoked 34203
pursuant to division ~~(B) (7) (b)~~ (B) (7) (c) or ~~(e) (d)~~ of this section, 34204
the office of Ohio school sponsorship shall assume sponsorship of 34205
any schools with which the original sponsor has contracted for the 34206
remainder of that school year. The office may continue sponsoring 34207
those schools until the earlier of: 34208

(1) The expiration of two school years from the time that 34209
sponsorship is revoked; 34210

(2) When a new sponsor is secured by the governing authority 34211

pursuant to division (C) (1) of section 3314.02 of the Revised Code. 34212
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Any community school sponsored under this division shall not be counted for purposes of directly authorized community schools under division (A) (3) of section 3314.029 of the Revised Code. 34214
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(E) The department shall recalculate the rating for the 2017-2018 school year for each sponsor of a community school that receives recalculated ratings pursuant to division (I) of section 3314.017 of the Revised Code. 34217
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Sec. 3314.017. (A) The state board of education shall prescribe by rules, adopted in accordance with Chapter 119. of the Revised Code, an academic performance rating and report card system that satisfies the requirements of this section for community schools that primarily serve students enrolled in dropout prevention and recovery programs as described in division (A) (4) (a) of section 3314.35 of the Revised Code, to be used in lieu of the system prescribed under sections 3302.03 and 3314.012 of the Revised Code beginning with the 2012-2013 school year. Each such school shall comply with the testing and reporting requirements of the system as prescribed by the state board. 34221
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(B) Nothing in this section shall at any time relieve a school from its obligations under the "No Child Left Behind Act of 2001" to make "adequate yearly progress," as both that act and that term are defined in section 3302.01 of the Revised Code, or a school's amenability to the provisions of section 3302.04 or 3302.041 of the Revised Code. The department of education shall continue to report each school's performance as required by the act and to enforce applicable sanctions under section 3302.04 or 3302.041 of the Revised Code. 34232
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(C) The rules adopted by the state board shall prescribe the following performance indicators for the rating and report card 34241
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system required by this section:	34243
(1) Graduation rate for each of the following student cohorts:	34244
(a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class;	34245
(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	34246
(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	34247
(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	34248
(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.	34249
(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the state high school achievement assessments required under division (B)(1) of section 3301.0710 of the Revised Code or the cumulative performance score on the end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code, whichever applies, and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the state high school achievement assessments or the cumulative performance score on the end-of-course examinations, whichever applies, by their twenty-second birthday;	34250
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(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;	34274 34275
(4) Growth in student achievement in reading, or mathematics, or both as measured by separate nationally norm-referenced assessments that have developed appropriate standards for students enrolled in dropout prevention and recovery programs, adopted or approved by the state board.	34276 34277 34278 34279 34280
(D) (1) The state board's rules shall prescribe the expected performance levels and benchmarks for each of the indicators prescribed by division (C) of this section based on the data gathered by the department under division (G) of this section. Based on a school's level of attainment or nonattainment of the expected performance levels and benchmarks for each of the indicators, the department shall rate each school in one of the following categories:	34281 34282 34283 34284 34285 34286 34287 34288
(a) Exceeds standards;	34289
(b) Meets standards;	34290
(c) Does not meet standards.	34291
(2) The state board's rules shall establish all of the following:	34292 34293
(a) Not later than June 30, 2013, performance levels and benchmarks for the indicators described in divisions (C) (1) to (3) of this section;	34294 34295 34296
(b) Not later than December 31, 2014, both of the following:	34297
(i) Performance levels and benchmarks for the indicator described in division (C) (4) of this section;	34298 34299
(ii) Standards for awarding a community school described in division (A) (4) (a) of section 3314.35 of the Revised Code an overall designation, which shall be calculated as follows:	34300 34301 34302
(I) Thirty per cent of the score shall be based on the	34303

indicators described in division (C) (1) of this section that are 34304
applicable to the school year for which the overall designation is 34305
granted. 34306

(II) Thirty per cent of the score shall be based on the 34307
indicators described in division (C) (4) of this section. 34308

(III) Twenty per cent of the score shall be based on the 34309
indicators described in division (C) (2) of this section. 34310

(IV) Twenty per cent of the score shall be based on the 34311
indicators described in division (C) (3) of this section. 34312

(3) If both of the indicators described in divisions (C) (1) 34313
and (2) of this section improve by ten per cent for two 34314
consecutive years, a school shall be rated not less than "meets 34315
standards." 34316

The rating and the relevant performance data for each school 34317
shall be posted on the department's web site, and a copy of the 34318
rating and data shall be provided to the governing authority of 34319
the community school. 34320

(E) (1) For the 2012-2013 school year, the department shall 34321
issue a report card including the following performance measures, 34322
but without a performance rating as described in divisions 34323
(D) (1) (a) to (c) of this section, for each community school 34324
described in division (A) (4) (a) of section 3314.35 of the Revised 34325
Code: 34326

(a) The graduation rates as described in divisions (C) (1) (a) 34327
to (c) of this section; 34328

(b) The percentage of twelfth-grade students and other 34329
students who have attained a designated passing score on high 34330
school achievement assessments as described in division (C) (2) of 34331
this section; 34332

(c) The statewide average for the graduation rates and 34333

assessment passage rates described in divisions (C) (1) (a) to (c)	34334
and (C) (2) of this section;	34335
(d) Annual measurable objectives described in division (C) (3)	34336
of this section.	34337
(2) For the 2013-2014 school year, the department shall issue	34338
a report card including the following performance measures for	34339
each community school described in division (A) (4) (a) of section	34340
3314.35 of the Revised Code:	34341
(a) The graduation rates described in divisions (C) (1) (a) to	34342
(d) of this section, including a performance rating as described	34343
in divisions (D) (1) (a) to (c) of this section;	34344
(b) The percentage of twelfth-grade students and other	34345
students who have attained a designated passing score on high	34346
school achievement assessments as described in division (C) (2) of	34347
this section, including a performance rating as described in	34348
divisions (D) (1) (a) to (c) of this section;	34349
(c) Annual measurable objectives described in division (C) (3)	34350
of this section, including a performance rating as described in	34351
divisions (D) (1) (a) to (c) of this section;	34352
(d) Both of the following without an assigned rating:	34353
(i) Growth in annual student achievement in reading and	34354
mathematics described in division (C) (4) of this section, if	34355
available;	34356
(ii) Student outcome data, including postsecondary credit	34357
earned, nationally recognized career or technical certification,	34358
military enlistment, job placement, and attendance rate.	34359
(3) Beginning with the 2014-2015 school year, and annually	34360
thereafter, the department shall issue a report card for each	34361
community school described in division (A) (4) (a) of section	34362
3314.35 of the Revised Code that includes all of the following	34363

performance measures, including a performance rating for each 34364
measure as described in divisions (D) (1) (a) to (c) of this 34365
section: 34366

(a) The graduation rates as described in division (C) (1) of 34367
this section; 34368

(b) The percentage of twelfth-grade students and other 34369
students who have attained a designated passing score on high 34370
school achievement assessments as described in division (C) (2) of 34371
this section; 34372

(c) Annual measurable objectives described in division (C) (3) 34373
of this section, including a performance rating as described in 34374
divisions (D) (1) (a) to (c) of this section; 34375

(d) Growth in annual student achievement in reading and 34376
mathematics as described in division (C) (4) of this section; 34377

(e) An overall performance designation for the school 34378
calculated under rules adopted under division (D) (2) of this 34379
section. 34380

The department shall also include student outcome data, 34381
including postsecondary credit earned, nationally recognized 34382
career or technical certification, military enlistment, job 34383
placement, attendance rate, and progress on closing achievement 34384
gaps for each school. This information shall not be included in 34385
the calculation of a school's performance rating. 34386

(F) Not later than the thirty-first day of July of each year, 34387
the department shall submit preliminary report card data for 34388
overall academic performance for each performance measure 34389
prescribed in division (E) (3) of this section for each community 34390
school to which this section applies. 34391

(G) In developing the rating and report card system required 34392
by this section, during the 2012-2013 and 2013-2014 school years, 34393

the department shall gather and analyze data as determined 34394
necessary from each community school described in division 34395
(A) (4) (a) of section 3314.35 of the Revised Code. Each such school 34396
shall cooperate with the department by supplying requested data 34397
and administering required assessments, including sample 34398
assessments for purposes of measuring student achievement growth 34399
as described in division (C) (4) of this section. The department 34400
shall consult with stakeholder groups in performing its duties 34401
under this division. 34402

The department shall also identify one or more states that 34403
have established or are in the process of establishing similar 34404
academic performance rating systems for dropout prevention and 34405
recovery programs and consult with the departments of education of 34406
those states in developing the system required by this section. 34407

(H) Not later than December 31, 2014, the state board shall 34408
review the performance levels and benchmarks for performance 34409
indicators in the report card issued under this section and may 34410
revise them based on the data collected under division (G) of this 34411
section. 34412

(I) For the purposes of division (F) of section 3314.351 of 34413
the Revised Code, the department shall recalculate the ratings for 34414
each school under division (E) (3) of this section for the 34415
2017-2018 school year and calculate the ratings under that 34416
division for the 2018-2019 school year using the indicators 34417
prescribed by division (C) of this section, as it exists on and 34418
after ~~the effective date of this amendment~~ July 18, 2019. 34419

~~(J) The state board shall coordinate a study committee 34420
consisting of one member of the Ohio senate appointed by the 34421
president of the senate, one member of the Ohio house of 34422
representatives appointed by the speaker of the house of 34423
representatives, one representative of the governor's office, one 34424
school district superintendent appointed by the state board, and 34425~~

~~one chief administrator of a community school appointed by the state board. This committee shall conduct a study regarding the classification, authorization, and report card ratings of community schools that primarily serve students enrolled in dropout prevention and recovery programs as described in division (A)(4)(a) of section 3314.35 of the Revised Code that offer two or more of the following educational models:~~

~~(1) Blended learning, as that term is defined in section 3301.079 of the Revised Code;~~

~~(2) Portfolio learning, as defined by the members of the committee;~~

~~(3) Credit flexibility, which permits credits to be awarded based on a student's demonstration of subject area competency.~~

~~The state board, on behalf of the committee, shall submit the committee's recommendations to the general assembly in accordance with section 101.68 of the Revised Code not later than six months after the effective date of this amendment.~~

Sec. 3314.02. (A) As used in this chapter:

(1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools or is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval, and with which the governing authority of a community school enters into a contract under section 3314.03 of the Revised Code.

(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project

established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly. 34457
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(3) "Challenged school district" means any of the following: 34459

(a) A school district that is part of the pilot project area; 34460

(b) A school district that meets one of the following 34461
conditions: 34462

(i) On March 22, 2013, the district was in a state of 34463
academic emergency or in a state of academic watch under section 34464
3302.03 of the Revised Code, as that section existed prior to 34465
March 22, 2013; 34466

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 34467
2015-2016 school years, the district received a grade of "D" or 34468
"F" for the performance index score and a grade of "F" for the 34469
value-added progress dimension under section 3302.03 of the 34470
Revised Code; 34471

(iii) For the 2016-2017 school year and for any school year 34472
thereafter, the district has received an overall grade of "D" or 34473
"F" under division (C)(3) of section 3302.03 of the Revised Code, 34474
or, for at least two of the three most recent school years, the 34475
district received a grade of "F" for the value-added progress 34476
dimension under division (C)(1)(e) of that section. 34477

(c) A big eight school district; 34478

(d) A school district ranked in the lowest five per cent of 34479
school districts according to performance index score under 34480
section 3302.21 of the Revised Code. 34481

(4) "Big eight school district" means a school district that 34482
for fiscal year 1997 had both of the following: 34483

(a) A percentage of children residing in the district and 34484
participating in the predecessor of Ohio works first greater than 34485
thirty per cent, as reported pursuant to section 3317.10 of the 34486

Revised Code;	34487
(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.	34488 34489 34490
(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.	34491 34492 34493 34494 34495
(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.	34496 34497 34498 34499
(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities unless a student receives career-technical education under section 3314.086 of the Revised Code.	34500 34501 34502 34503 34504 34505 34506 34507 34508 34509
A community school that operates mainly as an internet- or computer-based community school and provides career-technical education under section 3314.086 of the Revised Code shall be considered an internet- or computer-based community school, even if it provides some classroom-based instruction, so long as it provides instruction via the methods described in this division.	34510 34511 34512 34513 34514 34515
(8) "Operator" or "management company" means either of the following:	34516 34517

(a) An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator or management company and the school's governing authority;

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards.

(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code.

(B) (1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted.

(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing board of the service center.

On or after July 1, 2017, except as provided in section 3314.027 of the Revised Code, any educational service center that sponsors a community school shall be approved by and enter into a written agreement with the department as described in section 3314.015 of the Revised Code.

(3) Upon receipt of a proposal, and after an agreement has been entered into pursuant to section 3314.015 of the Revised Code, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school or

service center building, indicating the intention of the board to 34549
support the conversion to a community school. A proposing person 34550
or group that has a preliminary agreement under this division may 34551
proceed to finalize plans for the school, establish a governing 34552
authority for the school, and negotiate a contract with the board. 34553
Provided the proposing person or group adheres to the preliminary 34554
agreement and all provisions of this chapter, the board shall 34555
negotiate in good faith to enter into a contract in accordance 34556
with section 3314.03 of the Revised Code and division (C) of this 34557
section. 34558

(4) The sponsor of a conversion community school proposed to 34559
open in an alliance municipal school district shall be subject to 34560
approval by the department of education for sponsorship of that 34561
school using the criteria established under division (A) of 34562
section 3311.87 of the Revised Code. 34563

Division (B) (4) of this section does not apply to a sponsor 34564
that, on or before September 29, 2015, was exempted under section 34565
3314.021 or 3314.027 of the Revised Code from the requirement to 34566
be approved for sponsorship under divisions (A) (2) and (B) (1) of 34567
section 3314.015 of the Revised Code. 34568

(5) A school established in accordance with division (B) of 34569
this section that later enters into a sponsorship contract with an 34570
entity that is not a school district or educational service center 34571
shall, at the time of entering into the new contract, be deemed a 34572
community school established in accordance with division (C) of 34573
this section. 34574

(C) (1) Any Provided all other conditions of sponsorship and 34575
governance are satisfied, any person or group of individuals may 34576
propose under this division the establishment of a new start-up 34577
school ~~to be located in a challenged school district~~ regardless of 34578
the school's proposed location. The proposal may be made to any of 34579
the following entities: 34580

(a) The board of education of the district in which the school is proposed to be located; 34581
34582

(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located; 34583
34584
34585
34586

(c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory; 34587
34588
34589
34590

(d) The governing board of any educational service center, regardless of the location of the proposed school, may sponsor a new start-up school ~~in any challenged school district in the state~~ if all of the following are satisfied: 34591
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(i) If applicable, it satisfies the requirements of division (E) of section 3311.86 of the Revised Code; 34595
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(ii) It is approved to do so by the department; 34597

(iii) It enters into an agreement with the department under section 3314.015 of the Revised Code. 34598
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(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department under division (B)(3) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education; 34600
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(f) Any qualified tax-exempt entity under section 501(c)(3) 34611
of the Internal Revenue Code as long as all of the following 34612
conditions are satisfied: 34613

(i) The entity has been in operation for at least five years 34614
prior to applying to be a community school sponsor. 34615

(ii) The entity has assets of at least five hundred thousand 34616
dollars and a demonstrated record of financial responsibility. 34617

(iii) The department has determined that the entity is an 34618
education-oriented entity under division (B)(4) of section 34619
3314.015 of the Revised Code and the entity has a demonstrated 34620
record of successful implementation of educational programs. 34621

(iv) The entity is not a community school. 34622

(g) The mayor of a city in which the majority of the 34623
territory of a school district to which section 3311.60 of the 34624
Revised Code applies is located, regardless of whether that 34625
district has created the position of independent auditor as 34626
prescribed by that section. The mayor's sponsorship authority 34627
under this division is limited to community schools that are 34628
located in that school district. Such mayor may sponsor community 34629
schools only with the approval of the city council of that city, 34630
after establishing standards with which community schools 34631
sponsored by the mayor must comply, and after entering into a 34632
sponsor agreement with the department as prescribed under section 34633
3314.015 of the Revised Code. The mayor shall establish the 34634
standards for community schools sponsored by the mayor not later 34635
than one hundred eighty days after July 15, 2013, and shall submit 34636
them to the department upon their establishment. The department 34637
shall approve the mayor to sponsor community schools in the 34638
district, upon receipt of an application by the mayor to do so. 34639
Not later than ninety days after the department's approval of the 34640
mayor as a community school sponsor, the department shall enter 34641

into the sponsor agreement with the mayor. 34642

Any entity described in division (C) (1) of this section may 34643
enter into a preliminary agreement pursuant to division (C) (2) of 34644
this section with the proposing person or group, provided that 34645
entity has been approved by and entered into a written agreement 34646
with the department pursuant to section 3314.015 of the Revised 34647
Code. 34648

(2) A preliminary agreement indicates the intention of an 34649
entity described in division (C) (1) of this section to sponsor the 34650
community school. A proposing person or group that has such a 34651
preliminary agreement may proceed to finalize plans for the 34652
school, establish a governing authority as described in division 34653
(E) of this section for the school, and negotiate a contract with 34654
the entity. Provided the proposing person or group adheres to the 34655
preliminary agreement and all provisions of this chapter, the 34656
entity shall negotiate in good faith to enter into a contract in 34657
accordance with section 3314.03 of the Revised Code. 34658

(3) A new start-up school that is established in a school 34659
district described in either division (A) (3) (b) or (d) of this 34660
section may continue in existence once the school district no 34661
longer meets the conditions described in either division, provided 34662
there is a valid contract between the school and a sponsor. 34663

(4) A copy of every preliminary agreement entered into under 34664
this division shall be filed with the superintendent of public 34665
instruction. 34666

(D) A majority vote of the board of a sponsoring entity and a 34667
majority vote of the members of the governing authority of a 34668
community school shall be required to adopt a contract and convert 34669
the public school or educational service center building to a 34670
community school or establish the new start-up school. Beginning 34671
September 29, 2005, adoption of the contract shall occur not later 34672

than the fifteenth day of March, and signing of the contract shall 34673
occur not later than the fifteenth day of May, prior to the school 34674
year in which the school will open. The governing authority shall 34675
notify the department of education when the contract has been 34676
signed. Subject to sections 3314.013 and 3314.016 of the Revised 34677
Code, an unlimited number of community schools may be established 34678
in any school district provided that a contract is entered into 34679
for each community school pursuant to this chapter. 34680

(E) (1) As used in this division, "immediate relatives" are 34681
limited to spouses, children, parents, grandparents, and siblings, 34682
as well as in-laws residing in the same household as the person 34683
serving on the governing authority. 34684

Each new start-up community school established under this 34685
chapter shall be under the direction of a governing authority 34686
which shall consist of a board of not less than five individuals. 34687

(2) (a) No person shall serve on the governing authority or 34688
operate the community school under contract with the governing 34689
authority under any of the following circumstances: 34690

(i) The person owes the state any money or is in a dispute 34691
over whether the person owes the state any money concerning the 34692
operation of a community school that has closed. 34693

(ii) The person would otherwise be subject to division (B) of 34694
section 3319.31 of the Revised Code with respect to refusal, 34695
limitation, or revocation of a license to teach, if the person 34696
were a licensed educator. 34697

(iii) The person has pleaded guilty to or been convicted of 34698
theft in office under section 2921.41 of the Revised Code, or has 34699
pleaded guilty to or been convicted of a substantially similar 34700
offense in another state. 34701

(b) No person shall serve on the governing authority or 34702
engage in the financial day-to-day management of the community 34703

school under contract with the governing authority unless and 34704
until that person has submitted to a criminal records check in the 34705
manner prescribed by section 3319.39 of the Revised Code. 34706

(c) Each sponsor of a community school shall annually verify 34707
that a finding for recovery has not been issued by the auditor of 34708
state against any individual or individuals who propose to create 34709
a community school or any member of the governing authority, the 34710
operator, or any employee of each community school with 34711
responsibility for fiscal operations or authorization to expend 34712
money on behalf of the school. 34713

(3) No person shall serve on the governing authorities of 34714
more than five start-up community schools at the same time unless 34715
both of the following apply: 34716

(a) The person serves in a volunteer capacity and receives no 34717
compensation under division (E) (5) of this section from any 34718
governing authority on which the person serves. 34719

(b) For any school that has an operator, the operator is a 34720
nonprofit organization. 34721

(4) (a) For a community school established under this chapter 34722
that is not sponsored by a school district or an educational 34723
service center, no present or former member, or immediate relative 34724
of a present or former member, of the governing authority shall be 34725
an owner, employee, or consultant of the community school's 34726
sponsor or operator, unless at least one year has elapsed since 34727
the conclusion of the person's membership on the governing 34728
authority. 34729

(b) For a community school established under this chapter 34730
that is sponsored by a school district or an educational service 34731
center, no present or former member, or immediate relative of a 34732
present or former member, of the governing authority shall: 34733

(i) Be an officer of the district board or service center 34734

governing board that serves as the community school's sponsor, 34735
unless at least one year has elapsed since the conclusion of the 34736
person's membership on the governing authority; 34737

(ii) Serve as an employee of, or a consultant for, the 34738
department, division, or section of the sponsoring district or 34739
service center that is directly responsible for sponsoring 34740
community schools, or have supervisory authority over such a 34741
department, division, or section, unless at least one year has 34742
elapsed since the conclusion of the person's membership on the 34743
governing authority. 34744

(5) The governing authority of a start-up or conversion 34745
community school may provide by resolution for the compensation of 34746
its members. However, no individual who serves on the governing 34747
authority of a start-up or conversion community school shall be 34748
compensated more than one hundred twenty-five dollars per meeting 34749
of that governing authority and no such individual shall be 34750
compensated more than a total amount of five thousand dollars per 34751
year for all governing authorities upon which the individual 34752
serves. Each member of the governing authority may be paid 34753
compensation for attendance at an approved training program, 34754
provided that such compensation shall not exceed sixty dollars a 34755
day for attendance at a training program three hours or less in 34756
length and one hundred twenty-five dollars a day for attendance at 34757
a training program longer than three hours in length. 34758

(6) No person who is the employee of a school district or 34759
educational service center shall serve on the governing authority 34760
of any community school sponsored by that school district or 34761
service center. 34762

(7) Each member of the governing authority of a community 34763
school shall annually file a disclosure statement setting forth 34764
the names of any immediate relatives or business associates 34765
employed by any of the following within the previous three years: 34766

- (a) The sponsor or operator of that community school; 34767
- (b) A school district or educational service center that has 34768
contracted with that community school; 34769
- (c) A vendor that is or has engaged in business with that 34770
community school. 34771
- (8) No person who is a member of a school district board of 34772
education shall serve on the governing authority of any community 34773
school. 34774
- (F) (1) A new start-up school that is established prior to 34775
August 15, 2003, in an urban school district that is not also a 34776
big-eight school district may continue to operate after that date 34777
and the contract between the school's governing authority and the 34778
school's sponsor may be renewed, as provided under this chapter, 34779
after that date, ~~but no additional new start up schools may be~~ 34780
~~established in such a district unless the district is a challenged~~ 34781
~~school district as defined in this section as it exists on and~~ 34782
~~after that date.~~ 34783
- (2) A community school that was established prior to June 29, 34784
1999, and is located in a county contiguous to the pilot project 34785
area and in a school district that ~~is~~ was not a challenged school 34786
district may continue to operate after that date, provided the 34787
school complies with all provisions of this chapter. The contract 34788
between the school's governing authority and the school's sponsor 34789
may be renewed, ~~but no additional start up community school may be~~ 34790
~~established in that district unless the district is a challenged~~ 34791
~~school district.~~ 34792
- (3) Any educational service center that, on June 30, 2007, 34793
sponsors a community school that is not located in a county within 34794
the territory of the service center or in a county contiguous to 34795
such county may continue to sponsor that community school on and 34796
after June 30, 2007, and may renew its contract with the school. 34797

~~However, the educational service center shall not enter into a contract with any additional community school, unless the governing board of the service center has entered into an agreement with the department authorizing the service center to sponsor a community school in any challenged school district in the state.~~

(4) On and after the effective date of this amendment, the department of education shall not restrict the establishment of a new start-up community school to those located in a challenged school district as required by this section prior to the effective date of this amendment.

Sec. 3314.021. (A) This section applies to any entity that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and that satisfies the conditions specified in divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the Revised Code but does not satisfy the condition specified in division (C)(1)(f)(i) of that section.

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 of the Revised Code, and subject to division (D)(2) of this section, an entity described in division (A) of this section may do both of the following without obtaining the department of education's initial approval of its sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code:

(1) Succeed the board of trustees of a state university located in the pilot project area or that board's designee as the sponsor of a community school established under this chapter;

(2) Continue to sponsor that school in conformance with the terms of the contract between the board of trustees or its designee and the governing authority of the community school and renew that contract as provided in division (E) of section 3314.03 of the Revised Code.

(C) The entity that succeeds the board of trustees or the board's designee as sponsor of a community school under division (B) of this section also may enter into contracts to sponsor other community schools ~~located in any challenged school district~~ regardless of the proposed school's location, without obtaining the department's initial approval of its sponsorship of those schools under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code as long as the contracts conform with and the entity complies with all other requirements of this chapter.

(D)(1) Regardless of the entity's authority to sponsor community schools without the initial approval of the department, the entity is under the continuing oversight of the department in accordance with rules adopted under section 3314.015 of the Revised Code.

(2) If an entity described in division (A) of this section receives a rating below "effective" under division (B) of section 3314.016 of the Revised Code for two or more consecutive years, that entity shall receive approval from the department of education to sponsor community schools and enter into a written agreement with the department in accordance with division (B)(1) of section 3314.015 of the Revised Code prior to entering into any further preliminary agreements under division (C)(2) of section 3314.02 of the Revised Code or renewing any existing contract to sponsor a community school.

Sec. 3314.029. This section establishes the Ohio school sponsorship program. The department of education shall establish an office of Ohio school sponsorship to perform the department's duties prescribed by this section.

(A)(1) Notwithstanding anything to the contrary in this chapter, any person, group of individuals, or entity may apply to the department for direct authorization to establish a community

school and, upon approval of the application, may establish the 34860
school. Notwithstanding anything to the contrary in this chapter, 34861
the governing authority of an existing community school, upon the 34862
expiration or termination of its contract with the school's 34863
sponsor entered into under section 3314.03 of the Revised Code, 34864
may apply to the department for direct authorization to continue 34865
operating the school and, upon approval of the application, may 34866
continue to operate the school. The department may establish a 34867
format and deadlines for an application. 34868

Each application submitted to the department shall include 34869
the following: 34870

(a) Evidence that the applicant will be able to comply with 34871
division (C) of this section; 34872

(b) A statement indicating that the applicant agrees to 34873
comply with all applicable provisions of this chapter, including 34874
the requirement to be established as a nonprofit corporation or 34875
public benefit corporation in accordance with division (A)(1) of 34876
section 3314.03 of the Revised Code; 34877

(c) A statement attesting that no unresolved finding of 34878
recovery has been issued by the auditor of state against any 34879
person, group of individuals, or entity that is a party to the 34880
application and that no person who is party to the application has 34881
been a member of the governing authority of any community school 34882
that has permanently closed and against which an unresolved 34883
finding of recovery has been issued by the auditor of state. In 34884
the case of an application submitted by the governing authority of 34885
an existing community school, a person who is party to the 34886
application shall include each individual member of that governing 34887
authority. 34888

~~(d) A statement that the school will be nonsectarian in its 34889
programs, admission policies, employment practices, and all other 34890~~

~~operations, and will not be operated by a sectarian school or religious institution;~~ 34891
34892

~~(e)~~ A statement of whether the school is to be created by 34893
converting all or part of an existing public school or educational 34894
service center building or is to be a new start-up school. If it 34895
is a converted public school or service center building, the 34896
statement shall include a specification of any duties or 34897
responsibilities of an employer that the board of education or 34898
service center governing board that operated the school or 34899
building before conversion is delegating to the governing 34900
authority of the community school with respect to all or any 34901
specified group of employees, provided the delegation is not 34902
prohibited by a collective bargaining agreement applicable to such 34903
employees. 34904

~~(f)~~(e) A statement that the school's teachers will be 34905
licensed in the manner prescribed by division (A)(10) of section 34906
3314.03 of the Revised Code; 34907

~~(g)~~(f) A statement that the school will comply with all of 34908
the provisions of law enumerated in divisions ~~(A)(11)(d)~~ 34909
(A)(11)(c) and ~~(e)(d)~~ of section 3314.03 of the Revised Code and 34910
of division ~~(A)(11)(h)~~ (A)(11)(g) of that section, if applicable; 34911

~~(h)~~(g) A statement that the school's graduation and 34912
curriculum requirements will comply with division ~~(A)(11)(f)~~ 34913
(A)(11)(e) of section 3314.03 of the Revised Code; 34914

~~(i)~~(h) A description of each of the following: 34915

(i) The school's mission and educational program, the 34916
characteristics of the students the school is expected to attract, 34917
the ages and grade levels of students, and the focus of the 34918
curriculum; 34919

(ii) The school's governing authority, which shall be in 34920
compliance with division (E) of section 3314.02 of the Revised 34921

Code;	34922
(iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A) (5) and (6) of section 3314.03 of the Revised Code;	34923 34924 34925
(iv) The school's business plan, including a five-year financial forecast;	34926 34927
(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school;	34928 34929 34930
(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	34931 34932 34933 34934
(vii) The facilities to be used by the school and their locations;	34935 34936
(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code.	34937 34938 34939 34940 34941 34942
(2) Subject to division (A) (3) of this section, the department may approve or deny an application, taking into consideration the standards for quality authorizing, capacity requirements, financial constraints, or any other criteria it determines necessary and appropriate. The department shall adopt the criteria not later than sixty days after the effective date of this amendment <u>March 31, 2016</u> . The department shall assign each applicant school a rating established for a new start-up community school or an existing community school, as applicable.	34943 34944 34945 34946 34947 34948 34949 34950 34951

The department of education shall annually publish on its web site the criteria it uses to approve or deny an application submitted pursuant to this section.

(3) For each of five school years, beginning with the school year that begins in the calendar year in which this section takes effect, the department may approve up to twenty applications for community schools to be established or to continue operation under division (A) of this section; however, of the twenty applications that may be approved each school year, only up to five may be for the establishment of new schools.

(4) Notwithstanding division (A)(2) of this section, the department may deny an application submitted by the governing authority of an existing community school, if a previous sponsor of that school did not renew its contract or terminated its contract with the school entered into under section 3314.03 of the Revised Code.

(5) In the case of a proposed new community school to be located in an alliance municipal school district, the department shall not approve the application of that community school unless both of the following apply:

(a) The department approves the application using the requirements of divisions (A)(1)(a) to ~~(h)~~(g) of this section and the criteria developed under division (A)(2) of this section.

(b) The department has determined that the applicant has requested and received a recommendation from the alliance in the manner prescribed by divisions (E)(1) and (2) of section 3311.86 of the Revised Code.

As used in this section, "alliance municipal school district" and "alliance" have the same meanings as in section 3311.86 of the Revised Code.

(B) The department and the governing authority of each

community school authorized under this section shall enter into a contract under section 3314.03 of the Revised Code. Notwithstanding division (A) (13) of that section, the contract with an existing community school may begin at any time during the academic year. The length of the initial contract of any community school under this section may be for any term up to five years. The contract may be renewed in accordance with division (E) of that section. The contract may provide for the school's governing authority to pay a fee for oversight and monitoring of the school that does not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(C) The department may require a community school authorized under this section to post and file with the superintendent of public instruction a bond payable to the state or to file with the state superintendent a guarantee, which shall be used to pay the state any moneys owed by the community school in the event the school closes.

(D) Except as otherwise provided in this section, a community school authorized under this section shall comply with all applicable provisions of this chapter. The department may take any action that a sponsor may take under this chapter to enforce the school's compliance with this division and the terms of the contract entered into under division (B) of this section.

(E) Not later than December 31, 2012, and annually thereafter, the department shall issue a report on the program, including information about the number of community schools participating in the program and their compliance with the provisions of this chapter. In its fifth report, the department shall include a complete evaluation of the program and recommendations regarding the program's continuation. Each report shall be provided to the general assembly, in accordance with

section 101.68 of the Revised Code, and to the governor. 35015

Sec. 3314.03. A copy of every contract entered into under 35016
this section shall be filed with the superintendent of public 35017
instruction. The department of education shall make available on 35018
its web site a copy of every approved, executed contract filed 35019
with the superintendent under this section. 35020

(A) Each contract entered into between a sponsor and the 35021
governing authority of a community school shall specify the 35022
following: 35023

(1) That the school shall be established as either of the 35024
following: 35025

(a) A nonprofit corporation established under Chapter 1702. 35026
of the Revised Code, if established prior to April 8, 2003; 35027

(b) A public benefit corporation established under Chapter 35028
1702. of the Revised Code, if established after April 8, 2003. 35029

(2) The education program of the school, including the 35030
school's mission, the characteristics of the students the school 35031
is expected to attract, the ages and grades of students, and the 35032
focus of the curriculum; 35033

(3) The academic goals to be achieved and the method of 35034
measurement that will be used to determine progress toward those 35035
goals, which shall include the statewide achievement assessments; 35036

(4) Performance standards, including but not limited to all 35037
applicable report card measures set forth in section 3302.03 or 35038
3314.017 of the Revised Code, by which the success of the school 35039
will be evaluated by the sponsor; 35040

(5) The admission standards of section 3314.06 of the Revised 35041
Code and, if applicable, section 3314.061 of the Revised Code; 35042

(6) (a) Dismissal procedures; 35043

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:

(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code.

(11) That the school will comply with the following requirements:	35074 35075
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	35076 35077 35078
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	35079 35080 35081
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	35082 35083 35084 35085
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, <u>3313.6026</u> , 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, <u>3319.318</u> , 3319.321, 3319.39, 3319.391, <u>3319.393</u> , 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.	35086 35087 35088 35089 35090 35091 35092 35093 35094 35095 35096 35097 35098 35099 35100 35101 35102 35103
(e) <u>(d)</u> The school shall comply with Chapter 102. and section	35104

2921.42 of the Revised Code. 35105

~~(f)~~(e) The school will comply with sections 3313.61, 35106
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 35107
Revised Code, except that for students who enter ninth grade for 35108
the first time before July 1, 2010, the requirement in sections 35109
3313.61 and 3313.611 of the Revised Code that a person must 35110
successfully complete the curriculum in any high school prior to 35111
receiving a high school diploma may be met by completing the 35112
curriculum adopted by the governing authority of the community 35113
school rather than the curriculum specified in Title XXXIII of the 35114
Revised Code or any rules of the state board of education. 35115
Beginning with students who enter ninth grade for the first time 35116
on or after July 1, 2010, the requirement in sections 3313.61 and 35117
3313.611 of the Revised Code that a person must successfully 35118
complete the curriculum of a high school prior to receiving a high 35119
school diploma shall be met by completing the requirements 35120
prescribed in division (C) of section 3313.603 of the Revised 35121
Code, unless the person qualifies under division (D) or (F) of 35122
that section. Each school shall comply with the plan for awarding 35123
high school credit based on demonstration of subject area 35124
competency, and beginning with the 2017-2018 school year, with the 35125
updated plan that permits students enrolled in seventh and eighth 35126
grade to meet curriculum requirements based on subject area 35127
competency adopted by the state board of education under divisions 35128
(J) (1) and (2) of section 3313.603 of the Revised Code. Beginning 35129
with the 2018-2019 school year, the school shall comply with the 35130
framework for granting units of high school credit to students who 35131
demonstrate subject area competency through work-based learning 35132
experiences, internships, or cooperative education developed by 35133
the department under division (J) (3) of section 3313.603 of the 35134
Revised Code. 35135

~~(g)~~(f) The school governing authority will submit within four 35136

months after the end of each school year a report of its 35137
activities and progress in meeting the goals and standards of 35138
divisions (A) (3) and (4) of this section and its financial status 35139
to the sponsor and the parents of all students enrolled in the 35140
school. 35141

~~(h)~~(g) The school, unless it is an internet- or 35142
computer-based community school, will comply with section 3313.801 35143
of the Revised Code as if it were a school district. 35144

~~(i)~~(h) If the school is the recipient of moneys from a grant 35145
awarded under the federal race to the top program, Division (A), 35146
Title XIV, Sections 14005 and 14006 of the "American Recovery and 35147
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 35148
school will pay teachers based upon performance in accordance with 35149
section 3317.141 and will comply with section 3319.111 of the 35150
Revised Code as if it were a school district. 35151

~~(j)~~(i) If the school operates a preschool program that is 35152
licensed by the department of education under sections 3301.52 to 35153
3301.59 of the Revised Code, the school shall comply with sections 35154
3301.50 to 3301.59 of the Revised Code and the minimum standards 35155
for preschool programs prescribed in rules adopted by the state 35156
board under section 3301.53 of the Revised Code. 35157

~~(k)~~(j) The school will comply with sections 3313.6021 and 35158
3313.6023 of the Revised Code as if it were a school district 35159
unless it is either of the following: 35160

(i) An internet- or computer-based community school; 35161

(ii) A community school in which a majority of the enrolled 35162
students are children with disabilities as described in division 35163
(A) (4) (b) of section 3314.35 of the Revised Code. 35164

~~(l)~~(k) The school will comply with section 3321.191 of the 35165
Revised Code, unless it is an internet- or computer-based 35166
community school that is subject to section 3314.261 of the 35167

Revised Code.	35168
(12) Arrangements for providing health and other benefits to employees;	35169 35170
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	35171 35172 35173 35174
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	35175 35176
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	35177 35178 35179
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	35180 35181 35182
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	35183 35184 35185 35186 35187 35188 35189 35190 35191 35192 35193
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	35194 35195 35196
(19) A provision requiring the governing authority to adopt a	35197

policy regarding the admission of students who reside outside the 35198
district in which the school is located. That policy shall comply 35199
with the admissions procedures specified in sections 3314.06 and 35200
3314.061 of the Revised Code and, at the sole discretion of the 35201
authority, shall do one of the following: 35202

(a) Prohibit the enrollment of students who reside outside 35203
the district in which the school is located; 35204

(b) Permit the enrollment of students who reside in districts 35205
adjacent to the district in which the school is located; 35206

(c) Permit the enrollment of students who reside in any other 35207
district in the state. 35208

(20) A provision recognizing the authority of the department 35209
of education to take over the sponsorship of the school in 35210
accordance with the provisions of division (C) of section 3314.015 35211
of the Revised Code; 35212

(21) A provision recognizing the sponsor's authority to 35213
assume the operation of a school under the conditions specified in 35214
division (B) of section 3314.073 of the Revised Code; 35215

(22) A provision recognizing both of the following: 35216

(a) The authority of public health and safety officials to 35217
inspect the facilities of the school and to order the facilities 35218
closed if those officials find that the facilities are not in 35219
compliance with health and safety laws and regulations; 35220

(b) The authority of the department of education as the 35221
community school oversight body to suspend the operation of the 35222
school under section 3314.072 of the Revised Code if the 35223
department has evidence of conditions or violations of law at the 35224
school that pose an imminent danger to the health and safety of 35225
the school's students and employees and the sponsor refuses to 35226
take such action. 35227

(23) A description of the learning opportunities that will be 35228
offered to students including both classroom-based and 35229
non-classroom-based learning opportunities that is in compliance 35230
with criteria for student participation established by the 35231
department under division (H) (2) of section 3314.08 of the Revised 35232
Code; 35233

(24) The school will comply with sections 3302.04 and 35234
3302.041 of the Revised Code, except that any action required to 35235
be taken by a school district pursuant to those sections shall be 35236
taken by the sponsor of the school. However, the sponsor shall not 35237
be required to take any action described in division (F) of 35238
section 3302.04 of the Revised Code. 35239

(25) Beginning in the 2006-2007 school year, the school will 35240
open for operation not later than the thirtieth day of September 35241
each school year, unless the mission of the school as specified 35242
under division (A) (2) of this section is solely to serve dropouts. 35243
In its initial year of operation, if the school fails to open by 35244
the thirtieth day of September, or within one year after the 35245
adoption of the contract pursuant to division (D) of section 35246
3314.02 of the Revised Code if the mission of the school is solely 35247
to serve dropouts, the contract shall be void. 35248

(26) Whether the school's governing authority is planning to 35249
seek designation for the school as a STEM school equivalent under 35250
section 3326.032 of the Revised Code; 35251

(27) That the school's attendance and participation policies 35252
will be available for public inspection; 35253

(28) That the school's attendance and participation records 35254
shall be made available to the department of education, auditor of 35255
state, and school's sponsor to the extent permitted under and in 35256
accordance with the "Family Educational Rights and Privacy Act of 35257
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 35258

regulations promulgated under that act, and section 3319.321 of the Revised Code; 35259
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(29) If a school operates using the blended learning model, 35261
as defined in section 3301.079 of the Revised Code, all of the 35262
following information: 35263

(a) An indication of what blended learning model or models 35264
will be used; 35265

(b) A description of how student instructional needs will be 35266
determined and documented; 35267

(c) The method to be used for determining competency, 35268
granting credit, and promoting students to a higher grade level; 35269

(d) The school's attendance requirements, including how the 35270
school will document participation in learning opportunities; 35271

(e) A statement describing how student progress will be 35272
monitored; 35273

(f) A statement describing how private student data will be 35274
protected; 35275

(g) A description of the professional development activities 35276
that will be offered to teachers. 35277

(30) A provision requiring that all moneys the school's 35278
operator loans to the school, including facilities loans or cash 35279
flow assistance, must be accounted for, documented, and bear 35280
interest at a fair market rate; 35281

(31) A provision requiring that, if the governing authority 35282
contracts with an attorney, accountant, or entity specializing in 35283
audits, the attorney, accountant, or entity shall be independent 35284
from the operator with which the school has contracted. 35285

(32) A provision requiring the governing authority to adopt 35286
an enrollment and attendance policy that requires a student's 35287
parent to notify the community school in which the student is 35288

enrolled when there is a change in the location of the parent's or 35289
student's primary residence. 35290

(33) A provision requiring the governing authority to adopt a 35291
student residence and address verification policy for students 35292
enrolling in or attending the school. 35293

(B) The community school shall also submit to the sponsor a 35294
comprehensive plan for the school. The plan shall specify the 35295
following: 35296

(1) The process by which the governing authority of the 35297
school will be selected in the future; 35298

(2) The management and administration of the school; 35299

(3) If the community school is a currently existing public 35300
school or educational service center building, alternative 35301
arrangements for current public school students who choose not to 35302
attend the converted school and for teachers who choose not to 35303
teach in the school or building after conversion; 35304

(4) The instructional program and educational philosophy of 35305
the school; 35306

(5) Internal financial controls. 35307

When submitting the plan under this division, the school 35308
shall also submit copies of all policies and procedures regarding 35309
internal financial controls adopted by the governing authority of 35310
the school. 35311

(C) A contract entered into under section 3314.02 of the 35312
Revised Code between a sponsor and the governing authority of a 35313
community school may provide for the community school governing 35314
authority to make payments to the sponsor, which is hereby 35315
authorized to receive such payments as set forth in the contract 35316
between the governing authority and the sponsor. The total amount 35317
of such payments for monitoring, oversight, and technical 35318

assistance of the school shall not exceed three per cent of the 35319
total amount of payments for operating expenses that the school 35320
receives from the state. 35321

(D) The contract shall specify the duties of the sponsor 35322
which shall be in accordance with the written agreement entered 35323
into with the department of education under division (B) of 35324
section 3314.015 of the Revised Code and shall include the 35325
following: 35326

(1) Monitor the community school's compliance with all laws 35327
applicable to the school and with the terms of the contract; 35328

(2) Monitor and evaluate the academic and fiscal performance 35329
and the organization and operation of the community school on at 35330
least an annual basis; 35331

(3) Report on an annual basis the results of the evaluation 35332
conducted under division (D)(2) of this section to the department 35333
of education and to the parents of students enrolled in the 35334
community school; 35335

(4) Provide technical assistance to the community school in 35336
complying with laws applicable to the school and terms of the 35337
contract; 35338

(5) Take steps to intervene in the school's operation to 35339
correct problems in the school's overall performance, declare the 35340
school to be on probationary status pursuant to section 3314.073 35341
of the Revised Code, suspend the operation of the school pursuant 35342
to section 3314.072 of the Revised Code, or terminate the contract 35343
of the school pursuant to section 3314.07 of the Revised Code as 35344
determined necessary by the sponsor; 35345

(6) Have in place a plan of action to be undertaken in the 35346
event the community school experiences financial difficulties or 35347
closes prior to the end of a school year. 35348

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.034. (A) Subject to ~~division~~ divisions (B) and (E) of this section, any community school to which either of the following conditions apply shall be prohibited from entering into a contract with a new sponsor:

(1) The community school has received a grade of "D" or "F" for the performance index score, under division (C)(1)(b) of section 3302.03 of the Revised Code, and an overall grade of "D" or "F" for the value-added progress dimension or another measure of student academic progress if adopted by the state board of education, under division (C)(1)(e) of that section, on the most recent report card issued for the school pursuant to that section.

(2) The community school is one in which a majority of the

students are enrolled in a dropout prevention and recovery 35380
program, and it has received a rating of "does not meet standards" 35381
for the annual student growth measure and combined graduation 35382
rates on the most recent report card issued for the school under 35383
section 3314.017 of the Revised Code. 35384

(B) A community school to which division (A) of this section 35385
applies may enter into a contract with a new sponsor if all of the 35386
following conditions are satisfied: 35387

(1) The proposed sponsor received a rating of "effective" or 35388
higher pursuant to division (B)(6) of section 3314.016 of the 35389
Revised Code on its most recent evaluation conducted according to 35390
that section, or the proposed sponsor is the office of Ohio school 35391
sponsorship established in section 3314.029 of the Revised Code. 35392

(2) The community school submits a request to enter into a 35393
new contract with a sponsor. 35394

(3) The community school has not submitted a prior request 35395
that was granted. 35396

(4) The department grants the school's request pursuant to 35397
division (C) of this section. 35398

(C) A school shall submit a request to change sponsors under 35399
this section not later than on the fifteenth day of February of 35400
the year in which the school wishes to do so. The department shall 35401
grant or deny the request not later than thirty days after the 35402
department receives it. If the department denies the request, the 35403
community school may submit an appeal to the state board of 35404
education, which shall hold a hearing in accordance with Chapter 35405
119. of the Revised Code. The community school shall file its 35406
notice of appeal to the state board not later than ten days after 35407
receiving the decision from the department. The state board shall 35408
conduct the hearing not later than thirty days after receiving the 35409
school's notice of appeal and act upon the determination of the 35410

hearing officer not later than the twenty-fifth day of June of the 35411
year in which the school wishes to change sponsors. 35412

(D) Factors to be considered during a hearing held pursuant 35413
to division (C) of this section include, but are not limited to, 35414
the following: 35415

(1) The school's impact on the students and the community or 35416
communities it serves; 35417

(2) The quality and quantity of academic and administrative 35418
support the school receives from its current sponsor to help the 35419
school to improve; 35420

(3) The sponsor's annual evaluations of the community school 35421
under division (D) (2) of section 3314.03 of the Revised Code for 35422
the previous three years; 35423

(4) The academic performance of the school, taking into 35424
account the demographic information of the students enrolled in 35425
the school; 35426

(5) The academic performance of alternative schools that 35427
serve comparable populations of students as those served by the 35428
community school; 35429

(6) The fiscal stability of the school; 35430

(7) The results of any audits of the school by the auditor of 35431
state; 35432

(8) The length of time the school has been under the 35433
oversight of its current sponsor; 35434

(9) The number of times the school has changed sponsors prior 35435
to the current request; 35436

(10) Parent and student satisfaction rates as demonstrated by 35437
surveys, if available. 35438

(E) The restrictions on entering into a contract with a new 35439

sponsor prescribed by this section do not apply to any community 35440
school in which a majority of the enrolled students are children 35441
with disabilities receiving special education and related services 35442
in accordance with Chapter 3323. of the Revised Code. 35443

Sec. 3314.037. The members of the governing authority of a 35444
community school, the designated fiscal officer of the school, the 35445
chief administrative officer and other administrative employees of 35446
the school, and all individuals performing supervisory or 35447
administrative services for the school under a contract with the 35448
operator of the school shall complete training on an annual basis 35449
on the public records and open meetings laws, so that they may 35450
comply with those laws as prescribed by division ~~(A)(11)(d)~~ 35451
(A)(11)(c) of section 3314.03 of the Revised Code. 35452

Sec. 3314.05. (A) The contract between the community school 35453
and the sponsor shall specify the facilities to be used for the 35454
community school and the method of acquisition. Except as provided 35455
in divisions (B)(3) and (4) of this section, no community school 35456
shall be established in more than one school district under the 35457
same contract. 35458

(B) Division (B) of this section shall not apply to internet- 35459
or computer-based community schools. 35460

(1) A community school may be located in multiple facilities 35461
under the same contract only if the limitations on availability of 35462
space prohibit serving all the grade levels specified in the 35463
contract in a single facility or division (B)(2), (3), or (4) of 35464
this section applies to the school. The school shall not offer the 35465
same grade level classrooms in more than one facility. 35466

(2) A community school may be located in multiple facilities 35467
under the same contract and, notwithstanding division (B)(1) of 35468
this section, may assign students in the same grade level to 35469

multiple facilities, as long as all of the following apply: 35470

(a) The governing authority has entered into and maintains a 35471
contract with an operator of the type described in division 35472
(A) (8) (b) of section 3314.02 of the Revised Code. 35473

(b) The contract with that operator qualified the school to 35474
be established pursuant to division (A) of former section 3314.016 35475
of the Revised Code. 35476

(c) The school's rating under section 3302.03 of the Revised 35477
Code does not fall below a combination of any of the following for 35478
two or more consecutive years: 35479

(i) A rating of "in need of continuous improvement" under 35480
section 3302.03 of the Revised Code, as that section existed prior 35481
to March 22, 2013; 35482

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 35483
school years, a rating of "C" for both the performance index score 35484
under division (A) (1) (b) or (B) (1) (b) and the value-added 35485
dimension under division (A) (1) (e) or (B) (1) (e) of section 3302.03 35486
of the Revised Code; or if the building serves only grades ten 35487
through twelve, the building received a grade of "C" for the 35488
performance index score under division (A) (1) (b) or (B) (1) (b) of 35489
section 3302.03 of the Revised Code; 35490

(iii) For the 2016-2017 school year and for any school year 35491
thereafter, an overall grade of "C" under division (C) (3) of 35492
section 3302.03 of the Revised Code or an overall performance 35493
designation of "meets standards" under division (E) (3) (e) of 35494
section 3314.017 of the Revised Code. 35495

(3) A On and after the effective date of this amendment, a 35496
new start-up community school may be established in two school 35497
districts under the same contract regardless of the proposed 35498
location of either district if ~~all~~ both of the following apply: 35499

~~(a) At least one of the school districts in which the school is established is a challenged school district;~~ 35500
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~~(b) The school operates not more than one facility in each school district and, in accordance with division (B)(1) of this section, the school does not offer the same grade level classrooms in both facilities; and~~ 35502
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~~(c)(b) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.~~ 35506
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~~In the case of a community school to which division (B)(3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that district shall be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all other purposes of this chapter and shall notify the department of education of that designation.~~ 35509
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(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply: 35523
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(a) The facilities are all located in the same county. 35527

(b) Either of the following conditions are satisfied: 35528

(i) The community school is sponsored by a board of education of a city, local, or exempted village school district having 35529
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territory in the same county where the facilities of the community school are located; 35531
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(ii) The community school is managed by an operator. 35533

In the case of a community school to which division (B)(4) of this section applies and that maintains facilities in more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation. 35534
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(5) Any facility used for a community school shall meet all health and safety standards established by law for school buildings. 35543
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(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school. 35546
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(D) Two or more separate community schools may be located in the same facility. 35554
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(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of 35556
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funds paid under this chapter, or to compute any data required for 35562
the report cards issued under section 3314.012 of the Revised 35563
Code, for each facility separately. The department shall make all 35564
such calculations or computations for the school as a whole. 35565

(F) (1) In the case of a community school that exists prior to 35566
the effective date of this amendment to which division (B) (3) of 35567
this section applies, if only one of the school districts in which 35568
the school is established was located in a challenged school 35569
district prior to the effective date of this amendment, that 35570
district continues to be considered the school's primary location 35571
and the district in which the school is located for the purposes 35572
of division (A) (19) of section 3314.03 and divisions (C) and (H) 35573
of section 3314.06 of the Revised Code and for all other purposes 35574
of this chapter unless and until the school's governing authority 35575
designates a different school district as the school's primary 35576
location in accordance with division (F) (2) of this section. If 35577
both of the school districts in which the school is established 35578
were challenged school districts on that date, and the primary 35579
location was already designated by the school's governing 35580
authority pursuant to the requirements of this section as it 35581
existed prior to the effective date of this amendment, that 35582
designation remains unless and until the school's governing 35583
authority designates a different primary location. 35584

(2) (a) On and after the effective date of this amendment, 35585
when a new start-up community school is established in two school 35586
districts under the same contract, the school's governing 35587
authority shall designate one of those districts to be considered 35588
the school's primary location and the district in which the school 35589
is located for the purposes of division (A) (19) of section 3314.03 35590
and divisions (C) and (H) of section 3314.06 of the Revised Code 35591
and for all other purposes of this chapter and shall notify the 35592
department of education of that designation. 35593

(b) A community school governing authority that elects to 35594
modify a community school's primary location, whether in 35595
accordance with division (F) (1) of this section or otherwise, 35596
shall notify the department of that modification. 35597

Sec. 3314.06. The governing authority of each community 35598
school established under this chapter shall adopt admission 35599
procedures that specify the following: 35600

(A) That, except as otherwise provided in this section, 35601
admission to the school shall be open to any individual age five 35602
to twenty-two entitled to attend school pursuant to section 35603
3313.64 or 3313.65 of the Revised Code in a school district in the 35604
state. 35605

Additionally, except as otherwise provided in this section, 35606
admission to the school may be open on a tuition basis to any 35607
individual age five to twenty-two who is not a resident of this 35608
state. The school shall not receive state funds under section 35609
~~3314.08~~ 3317.022 of the Revised Code for any student who is not a 35610
resident of this state. 35611

An individual younger than five years of age may be admitted 35612
to the school in accordance with division (A) (2) of section 35613
3321.01 of the Revised Code. The school shall receive funds for an 35614
individual admitted under that division in the manner provided 35615
under section ~~3314.08~~ 3317.022 of the Revised Code. 35616

If the school operates a program that uses the Montessori 35617
method endorsed by the American Montessori society, the Montessori 35618
accreditation council for teacher education, or the association 35619
Montessori internationale as its primary method of instruction, 35620
admission to the school may be open to individuals younger than 35621
five years of age. ~~The department of education shall pay the~~ 35622
~~school an amount equal to the formula amount, as defined in~~ 35623
~~section 3317.02 of the Revised Code, for each of these students~~ 35624

~~younger than four years of age. However, but~~ the school shall not 35625
~~receive any other funds under this chapter~~ section 3317.022 of the 35626
Revised Code for those individuals. Notwithstanding anything to 35627
the contrary in this chapter, individuals younger than five years 35628
of age who are enrolled in a Montessori program shall be offered 35629
at least four hundred fifty-five hours of learning opportunities 35630
per school year. 35631

If the school operates a preschool program that is licensed 35632
by the department of education under sections 3301.52 to 3301.59 35633
of the Revised Code, admission to the school may be open to 35634
individuals who are younger than five years of age, but the school 35635
shall not receive funds under this chapter for those individuals. 35636

(B) (1) That admission to the school may be limited to 35637
students who have attained a specific grade level or are within a 35638
specific age group; to students that meet a definition of 35639
"at-risk," as defined in the contract; to residents of a specific 35640
geographic area within the district, as defined in the contract; 35641
or to separate groups of autistic students and nondisabled 35642
students, as authorized in section 3314.061 of the Revised Code 35643
and as defined in the contract. 35644

(2) For purposes of division (B) (1) of this section, 35645
"at-risk" students may include those students identified as gifted 35646
students under section 3324.03 of the Revised Code. 35647

(C) Whether enrollment is limited to students who reside in 35648
the district in which the school is located or is open to 35649
residents of other districts, as provided in the policy adopted 35650
pursuant to the contract. 35651

(D) (1) That there will be no discrimination in the admission 35652
of students to the school on the basis of race, creed, color, 35653
disability, or sex except that: 35654

(a) The governing authority may do either of the following 35655

for the purpose described in division (G) of this section: 35656

(i) Establish a single-gender school for either sex; 35657

(ii) Establish single-gender schools for each sex under the 35658
same contract, provided substantially equal facilities and 35659
learning opportunities are offered for both boys and girls. Such 35660
facilities and opportunities may be offered for each sex at 35661
separate locations. 35662

(b) The governing authority may establish a school that 35663
simultaneously serves a group of students identified as autistic 35664
and a group of students who are not disabled, as authorized in 35665
section 3314.061 of the Revised Code. However, unless the total 35666
capacity established for the school has been filled, no student 35667
with any disability shall be denied admission on the basis of that 35668
disability. 35669

(2) That upon admission of any student with a disability, the 35670
community school will comply with all federal and state laws 35671
regarding the education of students with disabilities. 35672

(E) That the school may not limit admission to students on 35673
the basis of intellectual ability, measures of achievement or 35674
aptitude, or athletic ability, except that a school may limit its 35675
enrollment to students as described in division (B) of this 35676
section. 35677

(F) That the community school will admit the number of 35678
students that does not exceed the capacity of the school's 35679
programs, classes, grade levels, or facilities. 35680

(G) That the purpose of single-gender schools that are 35681
established shall be to take advantage of the academic benefits 35682
some students realize from single-gender instruction and 35683
facilities and to offer students and parents residing in the 35684
district the option of a single-gender education. 35685

(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year. Preference also may be given to students who are the children of full-time staff members employed by the school, provided the total number of students receiving this preference is less than five per cent of the school's total enrollment.

Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order.

Sec. 3314.08. (A) As used in this section:

~~(1) (a) "Category one career technical education student" means a student who is receiving the career technical education services described in division (A) of section 3317.014 of the Revised Code.~~

~~(b) "Category two career technical student" means a student who is receiving the career technical education services described in division (B) of section 3317.014 of the Revised Code.~~

~~(c) "Category three career technical student" means a student who is receiving the career technical education services described in division (C) of section 3317.014 of the Revised Code.~~

~~(d) "Category four career technical student" means a student~~

~~who is receiving the career technical education services described in division (D) of section 3317.014 of the Revised Code.~~ 35716
35717

~~(c) "Category five career technical education student" means a student who is receiving the career technical education services described in division (E) of section 3317.014 of the Revised Code.~~ 35718
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~~(2) (a) "Category one English learner" means an English learner described in division (A) of section 3317.016 of the Revised Code.~~ 35721
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~~(b) "Category two English learner" means an English learner described in division (B) of section 3317.016 of the Revised Code.~~ 35724
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~~(c) "Category three English learner" means an English learner described in division (C) of section 3317.016 of the Revised Code.~~ 35726
35727

~~(3) (a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.~~ 35728
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~~(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.~~ 35732
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~~(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.~~ 35735
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~~(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.~~ 35739
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~~(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.~~ 35742
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~~(f) "Category six special education student" means a student~~ 35745

~~who is receiving special education services for a disability~~ 35746
~~specified in division (F) of section 3317.013 of the Revised Code.~~ 35747

~~(4) "Formula amount" has the same meaning as in section~~ 35748
~~3317.02 of the Revised Code.~~ 35749

~~(5)(1) "IEP" has the same meaning as in section 3323.01 of~~ 35750
~~the Revised Code.~~ 35751

~~(6)(2) "Resident district" means the school district in which~~ 35752
~~a student is entitled to attend school under section 3313.64 or~~ 35753
~~3313.65 of the Revised Code.~~ 35754

~~(7) "State education aid" has the same meaning as in section~~ 35755
~~5751.20 of the Revised Code.~~ 35756

(B) The state board of education shall adopt rules requiring 35757
~~both of the following:~~ 35758

~~(1) The board of education of each city, exempted village,~~ 35759
~~and local school district to annually report the number of~~ 35760
~~students entitled to attend school in the district who are~~ 35761
~~enrolled in each grade kindergarten through twelve in a community~~ 35762
~~school established under this chapter, and for each child, the~~ 35763
~~community school in which the child is enrolled.~~ 35764

~~(2) The the governing authority of each community school~~ 35765
~~established under this chapter to annually report all of the~~ 35766
~~following:~~ 35767

~~(a)(1) The number of students enrolled in grades one through~~ 35768
~~twelve and the full-time equivalent number of students enrolled in~~ 35769
~~kindergarten in the school who are not receiving special education~~ 35770
~~and related services pursuant to an IEP;~~ 35771

~~(b)(2) The number of enrolled students in grades one through~~ 35772
~~twelve and the full-time equivalent number of enrolled students in~~ 35773
~~kindergarten, who are receiving special education and related~~ 35774
~~services pursuant to an IEP;~~ 35775

~~(e)~~(3) The number of students reported under division 35776
~~(B)(2)(b)~~ (B)(2) of this section receiving special education and 35777
related services pursuant to an IEP for a disability described in 35778
each of divisions (A) to (F) of section 3317.013 of the Revised 35779
Code; 35780

~~(d)~~(4) The full-time equivalent number of students reported 35781
under divisions ~~(B)(2)(a)~~ (B)(1) and ~~(b)~~ (2) of this section who 35782
are enrolled in career-technical education programs or classes 35783
described in each of divisions (A) to (E) of section 3317.014 of 35784
the Revised Code that are provided by the community school; 35785

~~(e)~~(5) The number of students reported under divisions 35786
~~(B)(2)(a)~~ (B)(1) and ~~(b)~~ (2) of this section who are not reported 35787
under division ~~(B)(2)(d)~~ (B)(4) of this section but who are 35788
enrolled in career-technical education programs or classes 35789
described in each of divisions (A) to (E) of section 3317.014 of 35790
the Revised Code at a joint vocational school district or another 35791
district in the career-technical planning district to which the 35792
school is assigned; 35793

~~(f)~~(6) The number of students reported under divisions 35794
~~(B)(2)(a)~~ (B)(1) and ~~(b)~~ (2) of this section who are category one 35795
to three English learners described in each of divisions (A) to 35796
(C) of section 3317.016 of the Revised Code; 35797

~~(g)~~(7) The number of students reported under divisions 35798
~~(B)(2)(a)~~ (B)(1) and ~~(b)~~ (2) of this section who are economically 35799
disadvantaged, as defined by the department. A student shall not 35800
be categorically excluded from the number reported under division 35801
~~(B)(2)(g)~~ (B)(7) of this section based on anything other than 35802
family income. 35803

~~(h)~~(8) For each student, the city, exempted village, or local 35804
school district in which the student is entitled to attend school 35805
under section 3313.64 or 3313.65 of the Revised Code. 35806

~~(i)(9)~~ The number of students enrolled in a preschool program 35807
operated by the school that is licensed by the department of 35808
education under sections 3301.52 to 3301.59 of the Revised Code 35809
who are not receiving special education and related services 35810
pursuant to an IEP. 35811

A school district board and a community school governing 35812
authority shall include in their respective reports under division 35813
(B) of this section any child admitted in accordance with division 35814
(A) (2) of section 3321.01 of the Revised Code. 35815

A governing authority of a community school shall not include 35816
in its report under divisions ~~(B) (2) (a)~~ (B) (1) to ~~(h) (9)~~ of this 35817
section any student for whom tuition is charged under division (F) 35818
of this section. 35819

~~(C) (1) Except as provided in division (C) (2) of this section,~~ 35820
~~and subject to divisions (C) (3), (4), (5), (6), and (7) of this~~ 35821
~~section, on a full time equivalency basis, for each student~~ 35822
~~enrolled in a community school established under this chapter, the~~ 35823
~~department of education annually shall deduct from the state~~ 35824
~~education aid of a student's resident district and, if necessary,~~ 35825
~~from the payment made to the district under sections 321.24 and~~ 35826
~~323.156 of the Revised Code and pay to the community school the~~ 35827
~~sum of the following:~~ 35828

~~(a) An opportunity grant in an amount equal to the formula~~ 35829
~~amount;~~ 35830

~~(b) The per pupil amount of targeted assistance funds~~ 35831
~~calculated under division (A) of section 3317.0217 of the Revised~~ 35832
~~Code for the student's resident district, as determined by the~~ 35833
~~department, X 0.25;~~ 35834

~~(c) Additional state aid for special education and related~~ 35835
~~services provided under Chapter 3323. of the Revised Code as~~ 35836
~~follows:~~ 35837

(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	35838 35839 35840
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	35841 35842 35843
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	35844 35845 35846
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	35847 35848 35849
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	35850 35851 35852
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	35853 35854 35855
(d) If the student is in kindergarten through third grade, an additional amount of \$320;	35856 35857
(e) If the student is economically disadvantaged, an additional amount equal to the following:	35858 35859
\$272 X the resident district's economically disadvantaged index	35860 35861
(f) English learner funds as follows:	35862
(i) If the student is a category one English learner, the amount specified in division (A) of section 3317.016 of the Revised Code;	35863 35864 35865
(ii) If the student is a category two English learner, the amount specified in division (B) of section 3317.016 of the	35866 35867

Revised Code,	35868
(iii) If the student is a category three English learner, the amount specified in division (C) of section 3317.016 of the Revised Code.	35869 35870 35871
(g) If the student is reported under division (B)(2)(d) of this section, career technical education funds as follows:	35872 35873
(i) If the student is a category one career technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code,	35874 35875 35876
(ii) If the student is a category two career technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code,	35877 35878 35879
(iii) If the student is a category three career technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code,	35880 35881 35882
(iv) If the student is a category four career technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code,	35883 35884 35885
(v) If the student is a category five career technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	35886 35887 35888
Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career technical planning district or the department of education under section 3317.161 of the Revised Code.	35889 35890 35891 35892
(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet or computer based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a),	35893 35894 35895 35896 35897

~~(c), and (g) of this section.~~ 35898

~~No deductions or payments shall be made for a student
enrolled in such school under division (C) (1) (b), (d), (e), or (f)
of this section.~~ 35899
35900
35901

~~(3) (a) (C) (1) (a)~~ If a community school's costs for a fiscal 35902
year for a student receiving special education and related 35903
services pursuant to an IEP for a disability described in 35904
divisions (B) to (F) of section 3317.013 of the Revised Code 35905
exceed the threshold ~~eatastrophie~~ cost for serving the student as 35906
specified in division (B) of section 3317.0214 of the Revised 35907
Code, the school may submit to the superintendent of public 35908
instruction documentation, as prescribed by the superintendent, of 35909
all its costs for that student. Upon submission of documentation 35910
for a student of the type and in the manner prescribed, the 35911
department shall pay to the community school an amount equal to 35912
the school's costs for the student in excess of the threshold 35913
~~eatastrophie~~ costs. 35914

(b) The community school shall report under division 35915
~~(C) (3) (a)~~ (C) (1) (a) of this section, and the department shall pay 35916
for, only the costs of educational expenses and the related 35917
services provided to the student in accordance with the student's 35918
individualized education program. Any legal fees, court costs, or 35919
other costs associated with any cause of action relating to the 35920
student may not be included in the amount. 35921

~~(4) (2)~~ In any fiscal year, a community school receiving funds 35922
under ~~division (C) (1) (g)~~ divisions (A) (8) and (11) of ~~this~~ section 35923
3317.022 of the Revised Code shall spend those funds only for the 35924
purposes that the department designates as approved for 35925
career-technical education expenses. Career-technical education 35926
expenses approved by the department shall include only expenses 35927
connected to the delivery of career-technical programming to 35928
career-technical students. The department shall require the school 35929

to report data annually so that the department may monitor the 35930
school's compliance with the requirements regarding the manner in 35931
which funding received under division ~~(C) (1) (g)~~ divisions (A) (8) 35932
and (11) of this section 3317.022 of the Revised Code may be 35933
spent. 35934

~~(5) (3)~~ Notwithstanding anything to the contrary in section 35935
3313.90 of the Revised Code, except as provided in division ~~(C) (9)~~ 35936
(C) (5) of this section, all funds received under division 35937
~~(C) (1) (g)~~ divisions (A) (8) and (11) of this section 3317.022 of 35938
the Revised Code shall be spent in the following manner: 35939

(a) At least seventy-five per cent of the funds shall be 35940
spent on curriculum development, purchase, and implementation; 35941
instructional resources and supplies; industry-based program 35942
certification; student assessment, credentialing, and placement; 35943
curriculum specific equipment purchases and leases; 35944
career-technical student organization fees and expenses; home and 35945
agency linkages; work-based learning experiences; professional 35946
development; and other costs directly associated with 35947
career-technical education programs including development of new 35948
programs. 35949

(b) Not more than twenty-five per cent of the funds shall be 35950
used for personnel expenditures. 35951

~~(6) (4)~~ A community school shall spend the funds it receives 35952
under division ~~(C) (1) (e)~~ (A) (5) of this section 3317.022 of the 35953
Revised Code in accordance with section 3317.25 of the Revised 35954
Code. 35955

~~(7) If the sum of the payments computed under divisions~~ 35956
~~(C) (1) and (8) (a) of this section for the students entitled to~~ 35957
~~attend school in a particular school district under sections~~ 35958
~~3313.64 and 3313.65 of the Revised Code exceeds the sum of that~~ 35959
~~district's state education aid and its payment under sections~~ 35960

~~321.24 and 323.156 of the Revised Code, the department shall 35961
calculate and apply a proration factor to the payments to all 35962
community schools under that division for the students entitled to 35963
attend school in that district. 35964~~

~~(8) (a) Subject to division (C) (7) of this section, the 35965
department annually shall pay to each community school, including 35966
each internet or computer based community school, an amount equal 35967
to the following: 35968~~

~~(The number of students reported by the community school 35969
under division (B) (2) (c) of this section X the formula amount X 35970
.20) 35971~~

~~(b) For each payment made to a community school under 35972
division (C) (8) (a) of this section, the department shall deduct 35973
from the state education aid of each city, local, and exempted 35974
village school district and, if necessary, from the payment made 35975
to the district under sections 321.24 and 323.156 of the Revised 35976
Code an amount equal to the following: 35977~~

~~(The number of the district's students reported by the 35978
community school under division (B) (2) (c) of this section X the 35979
formula amount X .20) 35980~~

~~(9) (5) The department may waive the requirement in division 35981
(C) (5) (C) (3) of this section for any community school that 35982
exclusively provides one or more career-technical workforce 35983
development programs in arts and communications that are not 35984
equipment-intensive, as determined by the department. 35985~~

(D) A board of education sponsoring a community school may 35986
utilize local funds to make enhancement grants to the school or 35987
may agree, either as part of the contract or separately, to 35988
provide any specific services to the community school at no cost 35989
to the school. 35990

(E) A community school may not levy taxes or issue bonds 35991

secured by tax revenues. 35992

(F) No community school shall charge tuition for the 35993
enrollment of any student who is a resident of this state. A 35994
community school may charge tuition for the enrollment of any 35995
student who is not a resident of this state. 35996

(G) (1) (a) A community school may borrow money to pay any 35997
necessary and actual expenses of the school in anticipation of the 35998
receipt of any portion of the payments to be received by the 35999
school pursuant to ~~division (C) of this~~ section 3317.022 of the 36000
Revised Code. The school may issue notes to evidence such 36001
borrowing. The proceeds of the notes shall be used only for the 36002
purposes for which the anticipated receipts may be lawfully 36003
expended by the school. 36004

(b) A school may also borrow money for a term not to exceed 36005
fifteen years for the purpose of acquiring facilities. 36006

(2) Except for any amount guaranteed under section 3318.50 of 36007
the Revised Code, the state is not liable for debt incurred by the 36008
governing authority of a community school. 36009

(H) The department of education shall adjust the amounts 36010
~~subtracted and paid under division (C) of this~~ section 3317.022 of 36011
the Revised Code to reflect any enrollment of students in 36012
community schools for less than the equivalent of a full school 36013
year. The state board of education within ninety days after April 36014
8, 2003, shall adopt in accordance with Chapter 119. of the 36015
Revised Code rules governing the payments to community schools 36016
under ~~this~~ section 3317.022 of the Revised Code including initial 36017
payments in a school year and adjustments and reductions made in 36018
subsequent periodic payments to community schools ~~and~~ 36019
~~corresponding deductions from school district accounts~~ as provided 36020
under ~~division (C) of this~~ section 3317.022 of the Revised Code. 36021
For purposes of this ~~section~~ division: 36022

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H) (3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee of the community school. A student's enrollment shall be considered to cease on the date on which any of the following occur:

(a) The community school receives documentation from a parent terminating enrollment of the student.

(b) The community school is provided documentation of a student's enrollment in another public or private school.

(c) The community school ceases to offer learning opportunities to the student pursuant to the terms of the contract with the sponsor or the operation of any provision of this chapter.

Except as otherwise specified in this paragraph, beginning in 36054
the 2011-2012 school year, any student who completed the prior 36055
school year in an internet- or computer-based community school 36056
shall be considered to be enrolled in the same school in the 36057
subsequent school year until the student's enrollment has ceased 36058
as specified in division (H) (2) of this section. The department 36059
shall continue ~~subtracting and~~ paying amounts for the student 36060
under ~~division (C) of this section~~ 3317.022 of the Revised Code 36061
without interruption at the start of the subsequent school year. 36062
However, if the student without a legitimate excuse fails to 36063
participate in the first seventy-two consecutive hours of learning 36064
opportunities offered to the student in that subsequent school 36065
year, the student shall be considered not to have re-enrolled in 36066
the school for that school year and the department shall 36067
recalculate the payments to the school for that school year to 36068
account for the fact that the student is not enrolled. 36069

(3) The department shall determine each community school 36070
student's percentage of full-time equivalency based on the 36071
percentage of learning opportunities offered by the community 36072
school to that student, reported either as number of hours or 36073
number of days, is of the total learning opportunities offered by 36074
the community school to a student who attends for the school's 36075
entire school year. However, no internet- or computer-based 36076
community school shall be credited for any time a student spends 36077
participating in learning opportunities beyond ten hours within 36078
any period of twenty-four consecutive hours. Whether it reports 36079
hours or days of learning opportunities, each community school 36080
shall offer not less than nine hundred twenty hours of learning 36081
opportunities during the school year. 36082

(4) With respect to the calculation of full-time equivalency 36083
under division (H) (3) of this section, the department shall waive 36084
the number of hours or days of learning opportunities not offered 36085

to a student because the community school was closed during the 36086
school year due to disease epidemic, hazardous weather conditions, 36087
law enforcement emergencies, inoperability of school buses or 36088
other equipment necessary to the school's operation, damage to a 36089
school building, or other temporary circumstances due to utility 36090
failure rendering the school building unfit for school use, so 36091
long as the school was actually open for instruction with students 36092
in attendance during that school year for not less than the 36093
minimum number of hours required by this chapter. The department 36094
shall treat the school as if it were open for instruction with 36095
students in attendance during the hours or days waived under this 36096
division. 36097

(I) The department of education shall reduce the amounts paid 36098
under ~~this~~ section 3317.022 of the Revised Code to reflect 36099
payments made to colleges under section 3365.07 of the Revised 36100
Code. 36101

(J) (1) No student shall be considered enrolled in any 36102
internet- or computer-based community school or, if applicable to 36103
the student, in any community school that is required to provide 36104
the student with a computer pursuant to division (C) of section 36105
3314.22 of the Revised Code, unless both of the following 36106
conditions are satisfied: 36107

(a) The student possesses or has been provided with all 36108
required hardware and software materials and all such materials 36109
are operational so that the student is capable of fully 36110
participating in the learning opportunities specified in the 36111
contract between the school and the school's sponsor as required 36112
by division (A) (23) of section 3314.03 of the Revised Code; 36113

(b) The school is in compliance with division (A) of section 36114
3314.22 of the Revised Code, relative to such student. 36115

(2) In accordance with policies adopted by the superintendent 36116

of public instruction, in consultation with the auditor of state, 36117
the department shall reduce the amounts otherwise payable under 36118
~~division (C) of this~~ section 3317.022 of the Revised Code to any 36119
community school that includes in its program the provision of 36120
computer hardware and software materials to any student, if such 36121
hardware and software materials have not been delivered, 36122
installed, and activated for each such student in a timely manner 36123
or other educational materials or services have not been provided 36124
according to the contract between the individual community school 36125
and its sponsor. 36126

The superintendent of public instruction and the auditor of 36127
state shall jointly establish a method for auditing any community 36128
school to which this division pertains to ensure compliance with 36129
this section. 36130

The superintendent, auditor of state, and the governor shall 36131
jointly make recommendations to the general assembly for 36132
legislative changes that may be required to assure fiscal and 36133
academic accountability for such schools. 36134

(K) (1) If the department determines that a review of a 36135
community school's enrollment is necessary, such review shall be 36136
completed and written notice of the findings shall be provided to 36137
the governing authority of the community school and its sponsor 36138
within ninety days of the end of the community school's fiscal 36139
year, unless extended for a period not to exceed thirty additional 36140
days for one of the following reasons: 36141

(a) The department and the community school mutually agree to 36142
the extension. 36143

(b) Delays in data submission caused by either a community 36144
school or its sponsor. 36145

(2) If the review results in a finding that additional 36146
funding is owed to the school, such payment shall be made within 36147

thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department ~~shall not subtract from a school district's state aid account and~~ shall not pay to a community school under ~~division (C) of this section~~ 3317.022 of the Revised Code any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one

or more of the assessments required by that section and was not 36178
excused pursuant to division (C)(1) or (3) of that section, unless 36179
the superintendent of public instruction grants the student a 36180
waiver from the requirement to take the assessment and a parent is 36181
not paying tuition for the student pursuant to section 3314.26 of 36182
the Revised Code. The superintendent may grant a waiver only for 36183
good cause in accordance with rules adopted by the state board of 36184
education. 36185

(4) Any student who has attained the age of twenty-two years, 36186
except for veterans of the armed services whose attendance was 36187
interrupted before completing the recognized twelve-year course of 36188
the public schools by reason of induction or enlistment in the 36189
armed forces and who apply for enrollment in a community school 36190
not later than four years after termination of war or their 36191
honorable discharge. If, however, any such veteran elects to 36192
enroll in special courses organized for veterans for whom tuition 36193
is paid under federal law, or otherwise, the department ~~shall not~~ 36194
~~subtract from a school district's state aid account and~~ shall not 36195
pay to a community school under ~~division (C) of this~~ section 36196
3317.022 of the Revised Code any amount for that veteran. 36197

Sec. 3314.083. If the department of education pays a joint 36198
vocational school district under division (C)(3) of section 36199
3317.16 of the Revised Code for excess costs of providing special 36200
education and related services to a student with a disability who 36201
is enrolled in a community school, as calculated under division 36202
(C)(1) of that section, the department shall deduct the amount of 36203
that payment from the amount calculated for payment to the 36204
community school under section ~~3314.08~~ 3317.022 of the Revised 36205
Code. 36206

Sec. 3314.084. (A) As used in this section: 36207

(1) "Formula ADM" has the same meaning as in section 3317.03 of the Revised Code. 36208
36209

(2) "Home" has the same meaning as in section 3313.64 of the Revised Code. 36210
36211

(3) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code; however, a community school established under this chapter is not a "school district of residence" for purposes of this section. 36212
36213
36214
36215

(B) Notwithstanding anything to the contrary in section 3314.08 or 3317.03 of the Revised Code, all of the following apply in the case of a child who is enrolled in a community school and is also living in a home: 36216
36217
36218
36219

~~(1) For purposes of the report required under division (B)(1) of section 3314.08 of the Revised Code, the child's school district of residence, and not the school district in which the home that the child is living in is located, shall be considered to be the school district in which the child is entitled to attend school. That school district of residence, therefore, shall make the report required under division (B)(1) of section 3314.08 of the Revised Code with respect to the child.~~ 36220
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36222
36223
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36225
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36227

~~(2)~~ For purposes of the report required under division ~~(B)(2)~~ (B) of section 3314.08 of the Revised Code, the community school shall report the name of the child's school district of residence. 36228
36229
36230

~~(3)(2)~~ The child's school district of residence shall count the child in that district's formula ADM. 36231
36232

~~(4)(3)~~ The school district in which the home that the child is living in is located shall not count the child in that district's formula ADM. 36233
36234
36235

~~(5) The department of education shall deduct the applicable amounts prescribed under division (C) of section 3314.08 of the~~ 36236
36237

~~Revised Code from the child's school district of residence and~~ 36238
~~shall not deduct those amounts from the school district in which~~ 36239
~~the home that the child is living in is located.~~ 36240

~~(6)(4)~~ The department shall make the payments prescribed in 36241
~~division (C) of section 3314.08~~ 3317.022 of the Revised Code, as 36242
applicable, to the community school. 36243

Sec. 3314.086. A community school established under this 36244
chapter, including an internet- or computer-based community 36245
school, may provide career-technical education in the manner 36246
prescribed by section 3313.90 of the Revised Code. The community 36247
school may contract with any public agency, board, or bureau or 36248
with any private individual or firm for the purchase of any 36249
career-technical education or vocational rehabilitation service 36250
for any student enrolled in the community school and may pay for 36251
such services with funds received under section ~~3314.08~~ 3317.022 36252
of the Revised Code. 36253

Sec. 3314.087. (A) As used in this section: 36254

(1) "Career-technical program" means career-technical 36255
programs or classes described in division (A), (B), (C), (D), or 36256
(E) of section 3317.014 of the Revised Code in which a student is 36257
enrolled. 36258

(2) ~~"Formula ADM," "category~~ "Category one through five 36259
career-technical education ADM," and "FTE basis" have the same 36260
meanings as in section 3317.02 of the Revised Code. 36261

(3) "Resident school district" means the city, exempted 36262
village, or local school district in which a student is entitled 36263
to attend school under section 3313.64 or 3313.65 of the Revised 36264
Code. 36265

(B) Notwithstanding anything to the contrary in this chapter 36266
or Chapter 3317. of the Revised Code, a student enrolled in a 36267

community school may simultaneously enroll in the career-technical 36268
program operated by the career-technical planning district to 36269
which the student's resident district belongs. On an FTE basis, 36270
the student's resident school district shall count the student in 36271
the category one through five career-technical education ADM for 36272
the proportion of the time the student is enrolled in a 36273
career-technical program of the career-technical planning district 36274
to which the student's resident district belongs and, accordingly, 36275
the department of education shall calculate funds under Chapter 36276
3317. for the resident district attributable to the student for 36277
the proportion of time the student attends the career-technical 36278
program. The community school shall count the student in its 36279
enrollment report under section 3314.08 of the Revised Code and 36280
shall report to the department the proportion of time that the 36281
student attends classes at the community school. The department 36282
shall pay the community school ~~and deduct from the student's~~ 36283
~~resident school district~~ the amount computed for the student under 36284
section ~~3314.08~~ 3317.022 of the Revised Code in proportion to the 36285
fraction of the time on an FTE basis that the student attends 36286
classes at the community school. "Full-time equivalency" for a 36287
community school student, as defined in division (H) of section 36288
3314.08 of the Revised Code, does not apply to the student. 36289

Sec. 3314.091. (A) A school district is not required to 36290
provide transportation for any native student enrolled in a 36291
community school if the district board of education has entered 36292
into an agreement with the community school's governing authority 36293
that designates the community school as responsible for providing 36294
or arranging for the transportation of the district's native 36295
students to and from the community school. For any such agreement 36296
to be effective, it must be certified by the superintendent of 36297
public instruction as having met all of the following 36298
requirements: 36299

(1) It is submitted to the department of education by a 36300
deadline which shall be established by the department. 36301

(2) In accordance with divisions (C) (1) and (2) of this 36302
section, it specifies qualifications, such as residing a minimum 36303
distance from the school, for students to have their 36304
transportation provided or arranged. 36305

(3) The transportation provided by the community school is 36306
subject to all provisions of the Revised Code and all rules 36307
adopted under the Revised Code pertaining to pupil transportation. 36308

(4) The sponsor of the community school also has signed the 36309
agreement. 36310

(B) (1) For the school year that begins on July 1, 2007, a 36311
school district is not required to provide transportation for any 36312
native student enrolled in a community school, if the community 36313
school during the previous school year transported the students 36314
enrolled in the school or arranged for the students' 36315
transportation, even if that arrangement consisted of having 36316
parents transport their children to and from the school, but did 36317
not enter into an agreement to transport or arrange for 36318
transportation for those students under division (A) of this 36319
section, and if the governing authority of the community school by 36320
July 15, 2007, submits written notification to the district board 36321
of education stating that the governing authority is accepting 36322
responsibility for providing or arranging for the transportation 36323
of the district's native students to and from the community 36324
school. 36325

(2) Except as provided in division (B) (4) of this section, 36326
for any school year subsequent to the school year that begins on 36327
July 1, 2007, a school district is not required to provide 36328
transportation for any native student enrolled in a community 36329
school if the governing authority of the community school, by the 36330

~~thirty first~~ first day of January of the previous school year 36331
August, submits written notification to the district board of 36332
education stating that the governing authority is accepting 36333
responsibility for providing or arranging for the transportation 36334
of the district's native students to and from the community 36335
school. If the governing authority of the community school has 36336
previously accepted responsibility for providing or arranging for 36337
the transportation of a district's native students to and from the 36338
community school, under division (B) (1) or (2) of this section, 36339
and has since relinquished that responsibility under division 36340
(B) (3) of this section, the governing authority shall not accept 36341
that responsibility again unless the district board consents to 36342
the governing authority's acceptance of that responsibility. 36343

(3) A governing authority's acceptance of responsibility 36344
under division (B) (1) or (2) of this section shall cover an entire 36345
school year, and shall remain in effect for subsequent school 36346
years unless the governing authority submits written notification 36347
to the district board that the governing authority is 36348
relinquishing the responsibility. However, a governing authority 36349
shall not relinquish responsibility for transportation before the 36350
end of a school year, and shall submit the notice relinquishing 36351
responsibility by the thirty-first day of January, in order to 36352
allow the school district reasonable time to prepare 36353
transportation for its native students enrolled in the school. 36354

(4) (a) For any school year that begins on or after July 1, 36355
2014, a school district is not required to provide transportation 36356
for any native student enrolled in a community school scheduled to 36357
open for operation in the current school year, if the governing 36358
authority of the community school, by the fifteenth day of April 36359
of the previous school year, submits written notification to the 36360
district board of education stating that the governing authority 36361
is accepting responsibility for providing or arranging for the 36362

transportation of the district's native students to and from the 36363
community school. 36364

(b) The governing authority of a community school that 36365
accepts responsibility for transporting its students under 36366
division (B) (4) (a) of this section shall comply with divisions 36367
(B) (2) and (3) of this section to renew or relinquish that 36368
authority for subsequent school years. 36369

(C) (1) A community school governing authority that enters 36370
into an agreement under division (A) of this section, or that 36371
accepts responsibility under division (B) of this section, shall 36372
provide or arrange transportation free of any charge for each of 36373
its enrolled students who is required to be transported under 36374
section 3327.01 of the Revised Code. The governing authority shall 36375
report to the department of education the number of students 36376
transported or for whom transportation is arranged under this 36377
section in accordance with rules adopted by the state board of 36378
education. 36379

(2) The governing authority may provide or arrange 36380
transportation for any other enrolled student who is not eligible 36381
for transportation in accordance with division (C) (1) of this 36382
section and may charge a fee for such service up to the actual 36383
cost of the service. 36384

(3) Notwithstanding anything to the contrary in division 36385
(C) (1) or (2) of this section, a community school governing 36386
authority shall provide or arrange transportation free of any 36387
charge for any disabled student enrolled in the school for whom 36388
the student's individualized education program developed under 36389
Chapter 3323. of the Revised Code specifies transportation. 36390

~~(D) (1) If a school district board and a community school 36391
governing authority elect to enter into an agreement under 36392
division (A) of this section, the department of education shall 36393~~

~~make payments to the community school according to the terms of 36394
the agreement for each student actually transported under division 36395
(C) (1) of this section. 36396~~

~~If a community school governing authority accepts 36397
transportation responsibility under division (B) of this section, 36398
the department shall make payments to the community school for 36399
each student actually transported or for whom transportation is 36400
arranged by the community school under division (C) (1) of this 36401
section, calculated as follows: 36402~~

~~(a) For any fiscal year which the general assembly has 36403
specified that transportation payments to school districts be 36404
based on an across the board percentage of the district's payment 36405
for the previous school year, the per pupil payment to the 36406
community school shall be the following quotient: 36407~~

~~(i) The total amount calculated for the school district in 36408
which the child is entitled to attend school for student 36409
transportation other than transportation of children with 36410
disabilities, divided by 36411~~

~~(ii) The number of students included in the district's 36412
transportation ADM for the current fiscal year, as calculated 36413
under section 3317.03 of the Revised Code, plus the number of 36414
students enrolled in the community school not counted in the 36415
district's transportation ADM who are transported under division 36416
(B) (1) or (2) of this section. 36417~~

~~(b) For any fiscal year which the general assembly has 36418
specified that the transportation payments to school districts be 36419
calculated in accordance with section 3317.0212 of the Revised 36420
Code and any rules of the state board of education implementing 36421
that section, the payment to the community school shall be the 36422
amount so calculated on a per rider basis that otherwise would be 36423
paid to the school district in which the student is entitled to 36424~~

~~attend school by the method of transportation the district would 36425
have used. The community school, however, is not required to use 36426
the same method to transport that student. 36427~~

~~(c) Divisions (D) (1) (a) and (b) of this section do not apply 36428
to fiscal years 2012 and 2013. Rather, for each of those fiscal 36429
years, the per pupil payment to a community school for 36430
transporting a student shall be the total amount paid under former 36431
section 3306.12 of the Revised Code for fiscal year 2011 to the 36432
school district in which the child is entitled to attend school 36433
divided by that district's "qualifying ridership," as defined in 36434
that section for fiscal year 2011. 36435~~

~~As used in this division "entitled to attend school" means 36436
entitled to attend school under section 3313.64 or 3313.65 of the 36437
Revised Code. 36438~~

~~(2) The department shall deduct the payment under division 36439
(D) (1) of this section from the state education aid, as defined in 36440
section 3314.08 of the Revised Code, and, if necessary, the 36441
payment under sections 321.14 and 323.156 of the Revised Code, 36442
that is otherwise paid to the school district in which the student 36443
enrolled in the community school is entitled to attend school. The 36444
department shall include the number of the district's native 36445
students for whom payment is made to a community school under 36446
division (D) (1) of this section in the calculation of the 36447
district's transportation payment under section 3317.0212 of the 36448
Revised Code and the operating appropriations act. 36449~~

~~(3) A community school shall be paid under division (D) (1) of 36450
this section only for students who are eligible as specified in 36451
section 3327.01 of the Revised Code and division (C) (1) of this 36452
section, and whose transportation to and from school is actually 36453
provided, who actually utilized transportation arranged, or for 36454
whom a payment in lieu of transportation is made by the community 36455
school's governing authority. To qualify for the payments, the 36456~~

~~community school shall report to the department, in the form and 36457
manner required by the department, data on the number of students 36458
transported or whose transportation is arranged, the number of 36459
miles traveled, cost to transport, and any other information 36460
requested by the department. 36461~~

(4) A community school shall use payments received under ~~this~~ 36462
division (H) of section 3317.0212 of the Revised Code solely to 36463
pay the costs of providing or arranging for the transportation of 36464
students who are eligible as specified in section 3327.01 of the 36465
Revised Code and division (C)(1) of this section, which may 36466
include payments to a parent, guardian, or other person in charge 36467
of a child in lieu of transportation. 36468

(E) Except when arranged through payment to a parent, 36469
guardian, or person in charge of a child, transportation provided 36470
or arranged for by a community school pursuant to an agreement 36471
under this section is subject to all provisions of the Revised 36472
Code, and all rules adopted under the Revised Code, pertaining to 36473
the construction, design, equipment, and operation of school buses 36474
and other vehicles transporting students to and from school. The 36475
drivers and mechanics of the vehicles are subject to all 36476
provisions of the Revised Code, and all rules adopted under the 36477
Revised Code, pertaining to drivers and mechanics of such 36478
vehicles. The community school also shall comply with sections 36479
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 36480
of section 3327.16 of the Revised Code and, subject to division 36481
(C)(1) of this section, sections 3327.01 and 3327.02 of the 36482
Revised Code, as if it were a school district. 36483

Sec. 3314.11. (A) The governing authority of each community 36484
school established under this chapter monthly shall review the 36485
residency records of students enrolled in that community school. 36486
Upon the enrollment of each student and on an annual basis, the 36487

governing authority shall verify to the department of education 36488
the school district in which the student is entitled to attend 36489
school under section 3313.64 or 3313.65 of the Revised Code. 36490

The school district may review the determination made by the 36491
community school under division (A) of this section. 36492

(B) (1) For purposes of its initial reporting of the school 36493
districts in which its students are entitled to attend school, the 36494
governing authority of a community school shall adopt a policy 36495
that prescribes the number of documents listed in division (E) of 36496
this section required to verify a student's residency. This policy 36497
shall supersede any policy concerning the number of documents for 36498
initial residency verification adopted by the district the student 36499
is entitled to attend. 36500

(2) For purposes of the annual reporting of the school 36501
districts in which its students are entitled to attend school, the 36502
governing authority of a community school shall adopt a policy 36503
that prescribes the information required to verify a student's 36504
residency. This information may be obtained through any type of 36505
document, including any of the documents listed in division (E) of 36506
this section, or any type of communication with a government 36507
official authorized to provide such information. 36508

(C) For purposes of making the determinations required under 36509
this section, the school district in which a parent or child 36510
resides is the location the parent or student has established as 36511
the primary residence and where substantial family activity takes 36512
place. 36513

(D) If a community school's determination under division (A) 36514
of this section of the school district a student is entitled to 36515
attend under section 3313.64 or 3313.65 of the Revised Code 36516
differs from a district's determination, the community school that 36517
made the determination under division (A) of this section shall 36518

provide the school district with documentation of the student's 36519
residency and shall make a good faith effort to accurately 36520
identify the correct residence of the student. 36521

(E) For purposes of this section, the following documents may 36522
serve as evidence of primary residence: 36523

(1) A deed, mortgage, lease, current home owner's or renter's 36524
insurance declaration page, or current real property tax bill; 36525

(2) A utility bill or receipt of utility installation issued 36526
within ninety days of enrollment; 36527

(3) A paycheck or paystub issued to the parent or student 36528
within ninety days of the date of enrollment that includes the 36529
address of the parent's or student's primary residence; 36530

(4) The most current available bank statement issued to the 36531
parent or student that includes the address of the parent's or 36532
student's primary residence; 36533

(5) Any other official document issued to the parent or 36534
student that includes the address of the parent's or student's 36535
primary residence. The superintendent of public instruction shall 36536
develop guidelines for determining what qualifies as an "official 36537
document" under this division. 36538

(F) When a student loses permanent housing and becomes a 36539
homeless child or youth, as defined in 42 U.S.C. 11434a, or when a 36540
child who is such a homeless child or youth changes temporary 36541
living arrangements, the district in which the student is entitled 36542
to attend school shall be determined in accordance with division 36543
(F) (13) of section 3313.64 of the Revised Code and the 36544
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq. 36545

(G) In the event of a disagreement as to which school 36546
district a student is entitled to attend, the community school, 36547
after complying with division (D) of this section, but not more 36548

than sixty days after the monthly deadline established by the 36549
department of education for reporting of community school 36550
enrollment, may present the matter to the superintendent of public 36551
instruction. Not later than thirty days after the community school 36552
presents the matter, the state superintendent, or the state 36553
superintendent's designee, shall determine which district the 36554
student is entitled to attend and shall direct any necessary 36555
adjustments to payments ~~and deductions~~ under section ~~3314.08~~ 36556
3317.022 of the Revised Code based on that determination. 36557

Sec. 3314.191. Notwithstanding any provision to the contrary 36558
in the Revised Code, the department of education shall make no 36559
payment under section ~~3314.08~~ 3317.022 of the Revised Code to a 36560
community school opening for its first year of operation until the 36561
sponsor of that school confirms all of the following: 36562

(A) The school is in compliance with the provisions described 36563
in divisions (A), (H), (I), and (J)(3) of section 3314.19 of the 36564
Revised Code. 36565

(B) The sponsor has approved the financial controls required 36566
by the comprehensive plan for the school under division (B)(5) of 36567
section 3314.03 of the Revised Code. 36568

(C) The school facilities will be ready and open for use by 36569
the date prescribed in the contract entered into under section 36570
3314.03 of the Revised Code, and the sponsor has reviewed any 36571
lease, purchase agreement, permits required by statute or 36572
contract, and construction plans. 36573

(D) The chief administrator of the community school actively 36574
is managing daily operations at the school. 36575

(E) The projected enrollment reported to the department is 36576
accurate. 36577

Sec. 3314.20. (A) As used in this section: 36578

(1) "Base enrollment" for an internet- or computer-based community school means either of the following:	36579 36580
(a) If the school was open for instruction on the effective date of this section, the number of students enrolled in the school at the end of the 2012-2013 school year;	36581 36582 36583
(b) If the school opens for instruction after the effective date of this section, one thousand students.	36584 36585
(2) "Enrollment limit" for an internet- or computer-based community school means the following:	36586 36587
(a) For the 2014-2015 school year, the base enrollment increased by the prescribed annual rate of growth, as calculated by the department of education.	36588 36589 36590
(b) For the 2015-2016 school year and each school year thereafter, the previous school year's enrollment limit increased by the prescribed annual rate of growth, as calculated by the department.	36591 36592 36593 36594
(3) "Prescribed annual rate of growth" for an internet- or computer-based community school means either of the following:	36595 36596
(a) For a school with an enrollment limit equal to or greater than three thousand students, fifteen per cent.	36597 36598
(b) For a school with an enrollment limit of less than three thousand students, twenty-five per cent.	36599 36600
(B) Beginning in the 2014-2015 school year, no internet- or computer-based community school shall enroll more students than the number permitted by its enrollment limit.	36601 36602 36603
(C) If, in any school year, an internet- or computer-based community school enrolls more students than permitted under the enrollment limit, the department shall deduct from the community school the amount of state funds credited to the community school attributable to each student enrolled in excess of the enrollment	36604 36605 36606 36607 36608

limit, as determined by the department. ~~The department shall~~ 36609
~~distribute the deducted amounts to the school districts to which~~ 36610
~~the students enrolled in the community school are entitled to~~ 36611
~~attend school under section 3313.64 or 3313.65 of the Revised~~ 36612
~~Code. Such amounts shall be distributed on a pro rata basis~~ 36613
~~according to each district's share of the total enrollment in the~~ 36614
~~community school.~~ 36615

Sec. 3314.24. (A) On or after July 1, 2004, no internet- or 36616
computer-based community school shall enter into a contract with a 36617
nonpublic school to use or rent any facility space at the 36618
nonpublic school for the provision of instructional services to 36619
students enrolled in the internet- or computer-based community 36620
school. 36621

(B) ~~If, on or after July 1, 2004,~~ an internet- or 36622
computer-based community school has a contract with a nonpublic 36623
school as described in division (A) of this section, the 36624
department of education shall not make any payments under section 36625
~~3314.08~~ 3317.022 of the Revised Code to the internet- or 36626
computer-based community school for any student who is enrolled in 36627
the internet- or computer-based community school and receives any 36628
instructional services from the internet- or computer-based 36629
community school at the nonpublic school. 36630

Sec. 3314.261. This section shall not apply to an internet- 36631
or computer-based community school in which a majority of the 36632
students are enrolled in a dropout prevention and recovery 36633
program. 36634

(A) For purposes of this section, "instructional activities" 36635
means the following classroom-based or nonclassroom-based 36636
activities that a student is expected to complete, participate in, 36637
or attend during any given school day: 36638

(1) Online logins to curriculum or programs;	36639
(2) Offline activities;	36640
(3) Completed assignments within a particular program, curriculum, or class;	36641 36642
(4) Testing;	36643
(5) Face-to-face communications or meetings with school staff or service providers;	36644 36645
(6) Telephone or video conferences with school staff or service providers;	36646 36647
(7) Other documented communication with school staff or service providers related to school curriculum or programs.	36648 36649
(B) (1) Each internet- or computer-based community school's attendance policy adopted in accordance with division (A) (6) (b) of section 3314.03 of the Revised Code shall specify that a student is considered in attendance at the school when the student satisfies either of the following conditions:	36650 36651 36652 36653 36654
(a) The student participates in at least ninety per cent of the hours of instructional activities offered by the school in that school year;	36655 36656 36657
(b) The student is on pace for on-time completion of any course in which the student is enrolled. The school's attendance policy shall define "on pace for on-time completion" for purposes of division (B) (1) (b) of this section.	36658 36659 36660 36661
(2) If a student is not considered in attendance under division (B) (1) of this section, the student shall be considered absent for those hours of instructional activities offered by the school in that school year in which the student does not participate.	36662 36663 36664 36665 36666
(3) In the event that a student has thirty or more hours of unexcused absences in any semester, the internet- or	36667 36668

computer-based community school in which the student is enrolled 36669
shall submit a written report to the student's parent, guardian, 36670
or custodian. 36671

(C) Notwithstanding section 3321.191 of the Revised Code, 36672
each internet- or computer-based community school shall develop 36673
and adopt a policy regarding failure to participate in 36674
instructional activities. The policy shall state that a student 36675
shall become subject to certain consequences, including 36676
disenrollment from the school, if both of the following conditions 36677
are satisfied: 36678

(1) After the student's parent, guardian, or custodian 36679
receives a written report under division (B)(2) of this section, 36680
the student fails to comply with the policy adopted under division 36681
(C) of this section within a reasonable period of time specified 36682
by the school; 36683

(2) Other intervention strategies contained in the policy 36684
adopted under division (C) of this section fail to cause a 36685
student's attendance to comply with the policy. 36686

(D) If an internet- or computer-based community school 36687
disenrolled a student pursuant to a policy adopted under division 36688
(C) of this section, the student shall not be eligible to ~~enroll~~ 36689
re-enroll in that school ~~or another internet- or computer-based~~ 36690
~~community school~~ for ~~one~~ the remainder of the school year ~~from the~~ 36691
~~date of the student's disenrollment~~ in which the student is 36692
disenrolled. This division does not prohibit a disenrolled student 36693
from enrolling in another internet- or computer-based community 36694
school ~~if a majority of the students of that school are enrolled~~ 36695
~~in a dropout prevention and recovery program.~~ 36696

(E) If an internet- or computer-based community school 36697
disenrolls a student pursuant to a policy adopted under division 36698
(C) of this section, the school shall do both of the following: 36699

(1) Provide the student's parent, guardian, or custodian with a list of alternative educational options available to the student;

(2) Within forty-eight hours of the student's disenrollment, notify the student's resident school district in writing.

(F) Nothing in this section shall be construed to affect the procedure for automatically withdrawing a student from school that must be adopted as part of a school's attendance policy in accordance with division (A) (6) (b) of section 3314.03 of the Revised Code.

Sec. 3314.262. Notwithstanding anything to the contrary in section 3314.26 of the Revised Code, no student enrolled in an internet- or computer-based community school shall be subject to automatic withdrawal who, in any school year prior to the 2020-2021 school year, failed to participate in the spring administration of any assessment prescribed under section 3301.0710 or 3301.0712 of the Revised Code for the student's grade level and was not excused from the assessment pursuant to division (C) (1) or (3) of section 3301.0711 of the Revised Code, regardless of whether a waiver was granted for the student under division (E) of section 3317.03 of the Revised Code. Accordingly, the 2020-2021 school year shall begin a new starting point for automatic withdrawal of students enrolled in internet- or computer-based schools under section 3314.26 of the Revised Code.

Sec. 3314.271. (A) Each internet- or computer-based community school shall offer a student orientation course and shall notify each student who enrolls in that school of that student's opportunity to participate in the student orientation course.

(B) The department of education shall provide guidance to

internet- or computer-based community schools for developing and 36730
delivering the orientation course. 36731

(C) Each internet- or computer-based community school may, at 36732
the time of a particular student's enrollment in that school, ask 36733
the student's parent or guardian to estimate the length of time 36734
the student will attend the school. Any information collected 36735
pursuant to this division shall be included in an aggregated 36736
format in the school's annual report required by division 36737
~~(A)(11)(g)~~ (A)(11)(f) of section 3314.03 of the Revised Code. 36738

(D) Each internet- or computer-based community school, on a 36739
periodic basis throughout each school year, shall communicate with 36740
each student's parent, guardian, or custodian regarding the 36741
performance and progress of that student. Each internet- or 36742
computer-based community school also shall provide opportunities 36743
for parent-teacher conferences, shall document the school's 36744
requests for such conferences, and may permit students to 36745
participate in the conferences. Parent-teacher conferences may be 36746
conducted through electronic means. 36747

Sec. 3314.353. ~~each~~ Each year, the department of education 36748
shall publish separate lists of the following: 36749

(A) Community schools that have become subject to permanent 36750
closure under section 3314.35 or 3314.351 of the Revised Code; 36751

(B) Community schools that are at risk of becoming subject to 36752
permanent closure under section 3314.35 or 3314.351 of the Revised 36753
Code if their academic performance, as prescribed in those 36754
sections, does not improve on the next state report cards issued 36755
under section 3302.03 or 3314.017 of the Revised Code; 36756

~~(C) All "challenged school districts" in which new start-up 36757
community schools may be located, as prescribed in section 3314.02 36758
of the Revised Code. 36759~~

On and after the effective date of this amendment, the 36760
department of education shall not adopt any rules, enforce any 36761
procedures or policies, or otherwise restrict the establishment or 36762
sponsorship of a new start-up community school based upon whether 36763
the school's proposed location is in a challenged school district. 36764

Sec. 3314.355. No community school shall be subject to 36765
closure under section 3314.35 or 3314.351 of the Revised Code 36766
based on any report card issued for that school for the 2019-2020, 36767
2020-2021, or 2021-2022 school years. Furthermore, the report card 36768
ratings of any previous years shall not be considered in 36769
determining whether a community school is subject to automatic 36770
closure under section 3314.35 or 3314.351 of the Revised Code. 36771
Accordingly, the 2022-2023 school year shall begin a new starting 36772
point for automatic closure of community schools under either of 36773
those sections. 36774

Sec. 3314.38. (A) An individual who is at least twenty-two 36775
years of age and who is an eligible individual as defined in 36776
section 3317.23 of the Revised Code may enroll for up to two 36777
consecutive school years in a dropout prevention and recovery 36778
program operated by a community school that is designed to allow 36779
enrollees to earn a high school diploma. An individual enrolled 36780
under this division may elect to satisfy the requirements to earn 36781
a high school diploma by successfully completing a 36782
competency-based educational program, as defined in section 36783
3317.23 of the Revised Code, that complies with the standards 36784
adopted by the department of education under section 3317.231 of 36785
the Revised Code. The community school shall report that 36786
individual's enrollment on a full-time equivalency basis to the 36787
department. This report shall be in addition to the report 36788
required under division (B) of section 3314.08 of the Revised 36789
Code. An individual enrolled under this division shall not be 36790

assigned to classes or settings with students who are younger than 36791
eighteen years of age. 36792

(B) (1) For each community school that enrolls individuals 36793
under division (A) of this section, the department annually shall 36794
certify the enrollment and attendance, on a full-time equivalency 36795
basis, of each individual reported by the school under that 36796
division. 36797

(2) For each individual enrolled in a community school under 36798
division (A) of this section, the department annually shall pay 36799
the community school up to \$5,000, as determined by the department 36800
based on the extent of the individual's successful completion of 36801
the graduation requirements prescribed under division ~~(A) (11) (f)~~ 36802
(A) (11) (e) of section 3314.03 of the Revised Code. 36803

(C) A community school that enrolls individuals under 36804
division (A) of this section shall be subject to the program 36805
administration standards adopted by the department under section 36806
3317.231 of the Revised Code, as applicable. 36807

Sec. 3317.011. (A) As used in this section: 36808

(1) "Average benefits percentage" means the following 36809
quotient: 36810

(The average classroom teacher compensation - the average 36811
classroom teacher salary) / (the average classroom teacher salary) 36812

(2) "Average classroom teacher compensation" means the 36813
average salary and benefits paid to regular classroom teachers 36814
employed by city, local, and exempted village school districts in 36815
this state calculated based on staff employment records and 36816
expenditure codes of the education management information system 36817
established under section 3301.0714 of the Revised Code. 36818

(3) "Average classroom teacher salary" means the average 36819
salary paid to regular classroom teachers employed by city, local, 36820

and exempted village school districts calculated based on staff 36821
employment records in the education management information system 36822
established under section 3301.0714 of the Revised Code. 36823

(4) "Building administration and operations cost" means the 36824
amount spent by city, local, and exempted village school districts 36825
in this state for building administration and operations 36826
calculated based on staff employment records and expenditure codes 36827
of the education management information system established under 36828
section 3301.0714 of the Revised Code. 36829

(5) "Classroom teacher salaries and benefits" means the 36830
amount spent by city, local, and exempted village school districts 36831
in this state for regular classroom teacher salaries and benefits 36832
calculated based on staff employment records and expenditure codes 36833
of the education management information system established under 36834
section 3301.0714 of the Revised Code. 36835

(6) "District administration salaries and benefits" means the 36836
amount spent by city, local, and exempted village school districts 36837
in this state for district administration salaries and benefits 36838
calculated based on staff employment records and expenditure codes 36839
of the education management information system established under 36840
section 3301.0714 of the Revised Code. 36841

(7) "School district operating funding" means the operating 36842
funding for all city, local, and exempted village school districts 36843
in this state, excluding federal funding and operating funding for 36844
student transportation, that is attributable to state and local 36845
shares of foundation funding and local property tax revenue and 36846
school district income tax revenue in excess of the local share 36847
required for foundation funding. 36848

(8) "Student support cost" means the amount spent by city, 36849
local, and exempted village school districts in this state for 36850
student support calculated based on expenditure codes of the 36851

education management information system established under section 3301.0714 of the Revised Code. 36852
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(B) (1) Division (C) of this section describes the model for the calculation of the base cost per pupil for fiscal year 2022 and each fiscal year thereafter that has been established as the result of deliberations by the general assembly. To guide its deliberations on the base cost per pupil, the general assembly adopted the following principles, which have been incorporated into the model as part of the calculation of the "state share multiplier" under division (C) (2) (b) of this section: 36854
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(a) The average classroom teacher salary used in the model is required to include the portion that is funded by state and local shares of foundation funding. 36862
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(b) The average classroom teacher salary used in the model may include the portion of the average classroom teacher salary that is funded by local property tax revenue and school district income tax revenue in excess of the local share required for foundation funding, if the general assembly chooses to include it, in order to enhance the model's funding for teacher salaries. 36865
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(2) It is the intent of the general assembly that, following the initial calculation of the base cost per pupil for fiscal years 2022 and 2023 as described in division (D) of this section, each of the following variables in the base cost per pupil calculation shall be reexamined by the general assembly as part of the deliberations for each biennial budget act and that the base cost per pupil may be recalculated in each of those biennial budget acts using different numbers for these variables based on the general assembly's reexamination of them: 36871
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(a) The percentages determined by the general assembly for purposes of calculating the "supplemental state share multiplier" under division (C) (2) (b) (ii) of this section that is used in the 36880
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<u>calculation of the "state share multiplier" under division</u>	36883
<u>(C) (2) (b) of this section;</u>	36884
<u>(b) The teacher-to-student ratio that is used in the</u>	36885
<u>calculation of the per-pupil classroom teacher compensation</u>	36886
<u>component under division (C) (2) (a) of this section;</u>	36887
<u>(c) The number of funded professional development days for a</u>	36888
<u>school year that is used in the calculation of the teacher</u>	36889
<u>professional development component under division (C) (6) of this</u>	36890
<u>section;</u>	36891
<u>(d) The number of teacher contract days for a school year</u>	36892
<u>that is used in the calculation of the teacher professional</u>	36893
<u>development component under division (C) (6) of this section.</u>	36894
<u>(3) It is the intent of the general assembly that, following</u>	36895
<u>the initial calculation of the base cost per pupil for fiscal</u>	36896
<u>years 2022 and 2023 as described in division (D) of this section,</u>	36897
<u>the base cost per pupil shall be updated as part of the biennial</u>	36898
<u>budget act enacted for fiscal years 2024 and 2025 and as part of</u>	36899
<u>every third biennial budget enacted by the general assembly</u>	36900
<u>thereafter by recalculating the base cost per pupil under division</u>	36901
<u>(C) of this section using both of the following:</u>	36902
<u>(a) Any different number for the variables specified in</u>	36903
<u>divisions (B) (2) (a) to (d) of this section that are determined in</u>	36904
<u>accordance with division (B) (2) of this section;</u>	36905
<u>(b) Data based on analyses conducted by the legislative</u>	36906
<u>service commission and presented to the general assembly in</u>	36907
<u>accordance with division (E) of this section.</u>	36908
<u>(C) (1) In accordance with division (B) of this section, the</u>	36909
<u>base cost per pupil shall equal the sum of the following</u>	36910
<u>components:</u>	36911
<u>(a) An amount for per-pupil classroom teacher compensation,</u>	36912

<u>determined in accordance with division (C) (2) of this section;</u>	36913
<u>(b) An amount for per-pupil building administration and operations costs, determined in accordance with division (C) (3) of this section;</u>	36914 36915 36916
<u>(c) An amount for per-pupil district administration salaries and benefits, determined in accordance with division (C) (4) of this section;</u>	36917 36918 36919
<u>(d) An amount for per-pupil district student support, determined in accordance with division (C) (5) of this section;</u>	36920 36921
<u>(e) An amount for teacher professional development, determined in accordance with division (C) (6) of this section.</u>	36922 36923
<u>(2) (a) The amount for the per-pupil classroom teacher compensation component of the base cost per pupil shall equal the following sum:</u>	36924 36925 36926
<u>(The state share multiplier determined in accordance with division (C) (2) (b) of this section X the average classroom teacher salary X the teacher-to-student ratio determined by the general assembly) +</u>	36927 36928 36929
<u>(the state share multiplier determined in accordance with division (C) (2) (b) of this section X the average classroom teacher salary X the teacher-to-student ratio determined by the general assembly X</u>	36930 36931 36932
<u>the average benefits percentage)</u>	36933
<u>(b) For purposes of division (C) (2) (a) of this section, the "state share multiplier" equals the sum of the required state share multiplier and, if the general assembly decides to include it, the supplemental state share multiplier.</u>	36934 36935 36936 36937
<u>Where:</u>	36938
<u>(i) The "required state share multiplier" is calculated by determining the amount of school district operating funding that is attributable to the state and local share of foundation funding and then dividing that amount by the amount of school district</u>	36939 36940 36941 36942

operating funding. 36943

(ii) The "supplemental state share multiplier" is calculated 36944
as the following product: 36945

A percentage determined by the general assembly X (the amount of 36946
school district operating funding that is attributable to local 36947
property tax revenue and school district income tax revenue in 36948
excess of the local share required for foundation funding / the 36949
amount of school district operating funding) 36950

(3) For each fiscal year, the amount for the per-pupil 36951
building administration and operations costs component of the base 36952
cost per pupil equals the following product: 36953

(The building administration and operations cost / the classroom 36954
teacher salaries and benefits) X the amount for per-pupil 36955
classroom teacher compensation determined under division (C) (2) of 36956
this section 36957

(4) For each fiscal year, the amount for the per-pupil 36958
district administration salaries and benefits component of the 36959
base cost per pupil equals the following product: 36960

(The district administration salaries and benefits / the classroom 36961
teacher salaries and benefits) X the amount for per-pupil 36962
classroom teacher compensation determined under division (C) (2) of 36963
this section 36964

(5) For each fiscal year, the amount for the per-pupil 36965
district student support component of the base cost per pupil 36966
equals the following product: 36967

(The student support cost / the classroom teacher salaries and 36968
benefits) X the amount for per-pupil classroom teacher 36969
compensation determined under division (C) (2) of this section 36970

(6) For each fiscal year, the amount for the teacher 36971
professional development component of the base cost per pupil 36972
equals the following product: 36973

(The number of funded professional development days for a school year as determined by the general assembly / the number of teacher contract days for a school year as determined by the general assembly) X the amount for per-pupil classroom teacher compensation determined under division (C)(2) of this section 36974
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(D)(1) For the initial implementation of this model for fiscal years 2022 and 2023, the base cost per pupil was calculated in accordance with division (C) of this section using the following variables: 36979
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(a) Fiscal year 2019 data, for the "average benefits percentage," "average classroom teacher compensation," "average classroom teacher salary," "building administration and operations cost," "classroom teacher salaries and benefits," "district administration salaries and benefits," "school district operating funding," and "student support cost"; 36983
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(b) Ten per cent, for the percentage determined by the general assembly for purposes of calculating the "supplemental state share multiplier" under division (C)(2)(b)(ii) of this section that is used in the calculation of the "state share multiplier" under division (C)(2)(b) of this section; 36989
36990
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(c) A ratio of one teacher to twenty students, for the teacher-to-student ratio that is used in the calculation of the per-pupil classroom teacher compensation component under division (C)(2) of this section; 36994
36995
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(d) Eight professional development days, for the number of funded professional development days for a school year that is used in the calculation of the teacher professional development component under division (C)(6) of this section; 36998
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37001

(e) One hundred eighty teacher contract days, for the number of teacher contract days for a school year that is used in the calculation of the teacher professional development component 37002
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under division (C)(6) of this section. 37005

(2) For the initial implementation of this model for fiscal years 2022 and 2023, the "state share multiplier" was calculated in accordance with division (C)(2)(b) of this section as follows: 37006
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(a) Using school district operating funding for fiscal year 2019 that equaled \$17.5 billion, the following information was determined: 37009
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(i) The portion of the statewide regular teacher salary that was funded by the state and local share of foundation funding equaled approximately \$13.8 billion, or 78.82 per cent. 37012
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37014

(ii) The portion of the statewide regular teacher salary that was funded by additional local property tax revenue and school district income tax revenue in excess of the required local contribution for foundation funding equaled approximately \$3.7 billion, or 21.18 per cent. 37015
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(b) Using the information specified in division (D)(2)(a) of this section, both of the following were determined: 37020
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(i) The "required state share multiplier" calculated under division (C)(2)(b)(i) of this section equaled 78.82 per cent. 37022
37023

(ii) The "supplemental state share multiplier" calculated under division (C)(2)(b)(ii) of this section equaled 2.12 per cent, which is ten per cent of the percentage determined under division (D)(2)(a)(ii) of this section. 37024
37025
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(c) The "state share multiplier" equaled 80.94 per cent, which is the sum of the percentages determined under divisions (D)(2)(b)(i) and (ii) of this section. 37028
37029
37030

(3) For the initial implementation of this model for fiscal years 2022 and 2023, the base cost per pupil equals \$6,110, which is the sum of the following components: 37031
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37033

(a) An amount for per-pupil classroom teacher compensation of 37034

\$3,622 calculated in accordance with division (C)(2) of this section as follows: 37035
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(The state share multiplier of 80.94 per cent calculated under division (D)(2) of this section X the average classroom teacher salary for fiscal year 2019 of \$64,905 determined in accordance with division (D)(1)(a) of this section X the teacher-to-student ratio of 1/20 determined by the general assembly under division (D)(1)(c) of this section) + (the state share multiplier of 80.94 per cent calculated under division (D)(2) of this section X the average classroom teacher salary for fiscal year 2019 of \$64,905 determined in accordance with division (D)(1)(a) of this section X the teacher-to-student ratio of 1/20 determined by the general assembly in accordance with division (D)(1)(c) of this section X the average benefits percentage for fiscal year 2019 of 37.89 per cent determined in accordance with division (D)(1)(a) of this section) 37037
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(b) An amount for per-pupil building administration and operations costs of \$1,357 calculated in accordance with division (C)(3) of this section as the product of the following: 37051
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37053

(i) 37.47 per cent, which is the quotient of the building administration and operations cost for fiscal year 2019 and the classroom teacher salaries and benefits for fiscal year 2019, both of which were determined in accordance with division (D)(1)(a) of this section; 37054
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37056
37057
37058

(ii) The amount for per-pupil classroom teacher compensation determined under division (D)(3)(a) of this section. 37059
37060

(c) An amount for per-pupil district administration salaries and benefits of \$344 calculated in accordance with division (C)(4) of this section as the product of the following: 37061
37062
37063

(i) 9.49 per cent, which is the quotient of the district administration and salaries for fiscal year 2019 and the classroom 37064
37065

teacher salaries and benefits for fiscal year 2019, both of which 37066
were determined in accordance with division (D)(1)(a) of this 37067
section; 37068

(ii) The amount for per-pupil classroom teacher compensation 37069
determined under division (D)(3)(a) of this section. 37070

(d) An amount for per-pupil district student support of \$625 37071
calculated in accordance with division (C)(5) of this section as 37072
the product of the following: 37073

(i) 17.26 per cent, which is the quotient of the student 37074
support cost for fiscal year 2019 and the classroom teacher 37075
salaries and benefits for fiscal year 2019, both of which were 37076
determined in accordance with division (D)(1)(a) of this section; 37077

(ii) The amount for per-pupil classroom teacher compensation 37078
determined under division (D)(3)(a) of this section. 37079

(e) An amount for teacher professional development of \$161 37080
calculated in accordance with division (C)(6) of this section as 37081
the following product: 37082

(8, which is the number of funded professional development days 37083
determined by the general assembly under division (D)(1)(d) of 37084
this section / 180, which is the number of teacher contract days 37085
determined by the general assembly under division (D)(1)(e) of 37086
this section) X the amount for per-pupil classroom teacher 37087
compensation determined under division (D)(3)(a) of this section 37088

(E)(1) To assist the general assembly in updating the base 37089
cost per pupil as part of the biennial budget enacted by the 37090
general assembly for fiscal years 2024 and 2025 and as part of 37091
every third biennial budget enacted by the general assembly 37092
thereafter, the legislative service commission shall conduct 37093
analyses of the data required for the model of the calculation of 37094
the base cost per pupil under division (C) of this section using 37095
the information obtained under division (E)(2) of this section and 37096

the variables specified in division (E)(3) of this section. Not 37097
later than the thirtieth day of November prior to a calendar year 37098
in which the general assembly intends for an update of the base 37099
cost per pupil to occur in accordance with division (B)(3) of this 37100
section, the commission shall present the analyses to the general 37101
assembly. 37102

(2) Not later than the first day of October of any calendar 37103
year in which the legislative service commission conducts analyses 37104
under division (E)(1) of this section, the commission shall submit 37105
to the department of education a written request itemizing all the 37106
information that is needed for purposes of conducting its analyses 37107
in accordance with division (E)(1) of this section. The department 37108
shall provide the requested information not later than the 37109
thirty-first day of October of the year in which the request is 37110
made. 37111

(3) When conducting its analyses under division (E)(1) of 37112
this section, the legislative service commission may use the 37113
following variables: 37114

(a) For the update as part of the biennial budget enacted by 37115
the general assembly for fiscal years 2024 and 2025, the variables 37116
specified under divisions (D)(1)(b) to (e) of this section; 37117

(b) For the update as part of every third biennial budget 37118
enacted by the general assembly thereafter, the following 37119
variables as specified by the general assembly in its most recent 37120
update to the base cost per pupil: 37121

(i) The percentage determined by the general assembly for the 37122
"supplemental state share multiplier" under division (C)(2)(b)(ii) 37123
of this section that is used in the calculation of the "state 37124
share multiplier" under division (C)(2)(b) of this section; 37125

(ii) The teacher-to-student ratio that is used in the 37126
calculation of the per-pupil classroom teacher compensation 37127

<u>component under division (C)(2) of this section;</u>	37128
<u>(iii) The number of funded professional development days for a school year that is used in the calculation of the teacher professional development component under division (C)(6) of this section;</u>	37129 37130 37131 37132
<u>(iv) The number of teacher contract days for a school year that is used in the calculation of the teacher professional development component under division (C)(6) of this section.</u>	37133 37134 37135
<u>(F) It is the intent of the general assembly that, for those fiscal years for which the general assembly does not intend for an update of the base cost per pupil to occur in accordance with division (B)(3) of this section, the general assembly may adjust the average classroom teacher salary. In doing so, the general assembly may consider the annual changes to the average classroom teacher salary, the consumer price index (all items), or any other factors the general assembly considers to be appropriate.</u>	37136 37137 37138 37139 37140 37141 37142 37143
Sec. 3317.017. The department of education shall compute a school district's state share index as follows:	37144 37145
(A) Calculate the district's valuation index, which equals the following quotient:	37146 37147
(The district's three-year average valuation / the district's total ADM) / (the statewide three-year average valuation for school districts with a total ADM greater than zero / the statewide total ADM)	37148 37149 37150 37151
(B)(1) Calculate the district's median income index, which equals the following quotient:	37152 37153
(The district's median Ohio adjusted gross income / the median of the median Ohio adjusted gross income of all districts statewide with a total ADM greater than zero)	37154 37155 37156
(2) Calculate the district's income index, which equals the	37157

following sum: 37158

(The district's median income index X 0.5) + {[the three-year 37159
average federal adjusted gross income of the school district's 37160
residents / the district's ~~formula~~ enrolled ADM for fiscal year 37161
2017) / (the three-year average federal adjusted gross income of 37162
all districts statewide with a ~~formula~~ enrolled ADM for fiscal 37163
year 2017 greater than zero / the statewide ~~formula~~ enrolled ADM 37164
for fiscal year 2017)] X 0.5} 37165

(C) Determine the district's wealth index as follows: 37166

(1) If the district's income index is less than the 37167
district's valuation index and the district's median income index 37168
is less than or equal to 1.5, then the district's wealth index 37169
shall be equal to [(0.4 X the district's income index) + (0.6 X 37170
the district's valuation index)]. 37171

(2) If the district's income index does not meet both of the 37172
conditions described in division (C) (1) of this section, then the 37173
district's wealth index shall be equal to the district's valuation 37174
index. 37175

(D) ~~Determine~~ (1) Prior to fiscal year 2022, determine the 37176
district's state share index as follows: 37177

~~(1)~~ (a) If the district's wealth index is less than or equal 37178
to 0.35, then the district's state share index shall be equal to 37179
0.90. 37180

~~(2)~~ (b) If the district's wealth index is greater than 0.35 37181
but less than or equal to 0.90, then the district's state share 37182
index shall be equal to {0.40 X [(0.90 - the district's wealth 37183
index) / 0.55]} + 0.50. 37184

~~(3)~~ (c) If the district's wealth index is greater than 0.90 37185
but less than 1.8, then the district's state share index shall be 37186
equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} + 37187
0.05. 37188

~~(4)~~(d) If the district's wealth index is greater than or equal to 1.8, then the district's state share index shall be equal to 0.05. 37189
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(2) For fiscal year 2022 and each fiscal year thereafter, determine the district's state share index as follows: 37192
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(a) If the district's wealth index is less than or equal to 0.425, then the district's state share index shall be equal to 0.90. 37194
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(b) If the district's wealth index is greater than 0.425 but less than or equal to 0.895, then the district's state share index shall be equal to $\{0.40 \times [(0.895 - \text{the district's wealth index}) / 0.47]\} + 0.50.$ 37197
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(c) If the district's wealth index is greater than 0.895 but less than 1.575, then the district's state share index shall be equal to $\{0.45 \times [(1.575 - \text{the district's wealth index}) / 0.68]\} + 0.05.$ 37201
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(d) If the district's wealth index is greater than or equal to 1.575, then the district's state share index shall be equal to 0.05. 37205
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(E) (1) For each school district for which the tax-exempt value of the district, as certified under division (A) (4) of section 3317.021 of the Revised Code, equals or exceeds thirty per cent of the potential value of the district, the department shall calculate the difference between the district's tax-exempt value and thirty per cent of the district's potential value. For this purpose, the "potential value" of a school district is the three-year average valuation of the district plus the tax-exempt value of the district. 37208
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(2) For each school district to which division (E) (1) of this section applies, the department shall adjust the district's three-year average valuation used in the calculation under 37217
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division (A) of this section by subtracting from it the amount 37220
calculated under division (E)(1) of this section. The department 37221
shall not, however, make any adjustments to the statewide 37222
three-year average valuation used in the calculation under 37223
division (A) of this section. 37224

(F)(1) Except as provided in division (F)(3) of this section, 37225
for purposes of division (F) of this section, for fiscal year 2018 37226
or 2019, an "eligible school district" is a school district that 37227
satisfies all of the following for that fiscal year: 37228

(a) The total taxable value of public utility personal 37229
property in the district is at least ten per cent of the 37230
district's total taxable value for the tax year immediately 37231
preceding the most recent tax year for which data is available. 37232

(b) The total taxable value of public utility personal 37233
property in the district for the most recent tax year for which 37234
data is available is at least ten per cent less than the total 37235
taxable value of public utility property in the district for the 37236
tax year immediately preceding the most recent tax year for which 37237
data is available. 37238

(c) The total taxable value of power plants in the district 37239
for the most recent tax year for which data is available is at 37240
least ten per cent less than the total taxable value of power 37241
plants in the district for the tax year immediately preceding the 37242
most recent tax year for which data is available. 37243

(2) Notwithstanding divisions (A) to (E) of this section, the 37244
department shall compute each eligible school district's state 37245
share index as follows: 37246

(a) Calculate the district's valuation index in accordance 37247
with division (A) of this section, except that, if the district's 37248
total taxable value for the most recent tax year for which data is 37249
available is less than the district's "three-year average 37250

valuation," the district's "three-year average valuation" shall be 37251
replaced in that calculation with the district's total taxable 37252
value for the most recent tax year for which data is available; 37253

(b) Calculate the district's median income index and income 37254
index in accordance with division (B) of this section; 37255

(c) Determine the district's wealth index in accordance with 37256
division (C) of this section using the district's valuation index, 37257
median income index, and income index as calculated under 37258
divisions (F) (2) (a) and (b) of this section; 37259

(d) Determine the district's state share index in accordance 37260
with division (D) of this section using the district's wealth 37261
index as determined under division (F) (2) (c) of this section. 37262

(3) For purposes of division (F) of this section, if a 37263
district is an eligible school district for fiscal year 2018 but 37264
is not an eligible school district for fiscal year 2019, the 37265
district's state share index for fiscal year 2019 shall be equal 37266
to the district's state share index for 2018. 37267

(G) When performing the calculations required under this 37268
section, the department shall not round to fewer than four decimal 37269
places. 37270

For purposes of these calculations for fiscal years 2018 and 37271
2019, "total ADM" means the total ADM for fiscal year 2017; 37272
"median Ohio adjusted gross income" means the median Ohio adjusted 37273
gross income, as that term is defined in section 5747.01 of the 37274
Revised Code, for tax year 2015; "three-year average federal 37275
adjusted gross income" means the average of the federal adjusted 37276
gross income for tax years 2013, 2014, and 2015 as reported under 37277
section 3317.021 of the Revised Code; and "tax-exempt value" means 37278
the tax-exempt value for tax year 2016. 37279

Sec. 3317.02. As used in this chapter: 37280

(A)(1)(A) "Alternative school" has the same meaning as in section 3313.974 of the Revised Code. 37281
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(B) "Autism scholarship unit" means a unit that consists of all of the students for whom autism scholarships are awarded under section 3310.41 of the Revised Code. 37283
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(C)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code. 37286
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(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (B) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code. 37297
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(3) "Category three career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (C) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted 37308
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village, or joint vocational school district, certified under 37313
division (B) (13) or (D) (2) (j) of section 3317.03 of the Revised 37314
Code or, in the case of the community and STEM school unit, 37315
reported by all community and STEM schools statewide under 37316
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 37317
and division (D) of section 3326.32 of the Revised Code. 37318

(4) "Category four career-technical education ADM" means the 37319
enrollment of students during the school year on a full-time 37320
equivalency basis in career-technical education programs described 37321
in division (D) of section 3317.014 of the Revised Code and, in 37322
the case of a funding unit that is a city, local, exempted 37323
village, or joint vocational school district, certified under 37324
division (B) (14) or (D) (2) (k) of section 3317.03 of the Revised 37325
Code or, in the case of the community and STEM school unit, 37326
reported by all community and STEM schools statewide under 37327
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 37328
and division (D) of section 3326.32 of the Revised Code. 37329

(5) "Category five career-technical education ADM" means the 37330
enrollment of students during the school year on a full-time 37331
equivalency basis in career-technical education programs described 37332
in division (E) of section 3317.014 of the Revised Code and, in 37333
the case of a funding unit that is a city, local, exempted 37334
village, or joint vocational school district, certified under 37335
division (B) (15) or (D) (2) (l) of section 3317.03 of the Revised 37336
Code or, in the case of the community and STEM school unit, 37337
reported by all community and STEM schools statewide under 37338
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 37339
and division (D) of section 3326.32 of the Revised Code. 37340

~~(B) (1)~~ (D) (1) "Category one English learner ADM" means the 37341
full-time equivalent number of English learners described in 37342
division (A) of section 3317.016 of the Revised Code and, in the 37343
case of a funding unit that is a city, local, exempted village, or 37344

joint vocational school district, certified under division (B) (16) 37345
or (D) (2) (m) of section 3317.03 of the Revised Code or, in the 37346
case of the community and STEM school unit, reported by all 37347
community and STEM schools statewide under division (B) (6) of 37348
section 3314.08 of the Revised Code and division (E) of section 37349
3326.32 of the Revised Code. 37350

(2) "Category two English learner ADM" means the full-time 37351
equivalent number of English learners described in division (B) of 37352
section 3317.016 of the Revised Code and, in the case of a funding 37353
unit that is a city, local, exempted village, or joint vocational 37354
school district, certified under division (B) (17) or (D) (2) (n) of 37355
section 3317.03 of the Revised Code or, in the case of the 37356
community and STEM school unit, reported by all community and STEM 37357
schools statewide under division (B) (6) of section 3314.08 of the 37358
Revised Code and division (E) of section 3326.32 of the Revised 37359
Code. 37360

(3) "Category three English learner ADM" means the full-time 37361
equivalent number of English learners described in division (C) of 37362
section 3317.016 of the Revised Code and, in the case of a funding 37363
unit that is a city, local, exempted village, or joint vocational 37364
school district, certified under division (B) (18) or (D) (2) (o) of 37365
section 3317.03 of the Revised Code or, in the case of the 37366
community and STEM school unit, reported by all community and STEM 37367
schools statewide under division (B) (6) of section 3314.08 of the 37368
Revised Code and division (E) of section 3326.32 of the Revised 37369
Code. 37370

~~(C) (1)~~ (E) (1) "Category one special education ADM" means the 37371
full-time equivalent number of children with disabilities 37372
receiving special education services for the disability specified 37373
in division (A) of section 3317.013 of the Revised Code and, in 37374
the case of a funding unit that is a city, local, exempted 37375
village, or joint vocational school district, certified under 37376

division (B) (5) or (D) (2) (b) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (7) or (D) (2) (d) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational

school district, certified under division (B)(8) or (D)(2)(e) of 37409
section 3317.03 of the Revised Code or, in the case of the 37410
community and STEM school unit, reported by all community and STEM 37411
schools statewide under division (B)(3) of section 3314.08 of the 37412
Revised Code and division (C) of section 3326.32 of the Revised 37413
Code. 37414

(5) "Category five special education ADM" means the full-time 37415
equivalent number of students receiving special education services 37416
for the disabilities specified in division (E) of section 3317.013 37417
of the Revised Code and, in the case of a funding unit that is a 37418
city, local, exempted village, or joint vocational school 37419
district, certified under division (B)(9) or (D)(2)(f) of section 37420
3317.03 of the Revised Code or, in the case of the community and 37421
STEM school unit, reported by all community and STEM schools 37422
statewide under division (B)(3) of section 3314.08 of the Revised 37423
Code and division (C) of section 3326.32 of the Revised Code. 37424

(6) "Category six special education ADM" means the full-time 37425
equivalent number of students receiving special education services 37426
for the disabilities specified in division (F) of section 3317.013 37427
of the Revised Code and, in the case of a funding unit that is a 37428
city, local, exempted village, or joint vocational school 37429
district, certified under division (B)(10) or (D)(2)(g) of section 37430
3317.03 of the Revised Code or, in the case of the community and 37431
STEM school unit, reported by all community and STEM schools 37432
statewide under division (B)(3) of section 3314.08 of the Revised 37433
Code and division (C) of section 3326.32 of the Revised Code. 37434

~~(D)~~(F) "Community and STEM school unit" means a unit that 37435
consists of all of the students enrolled in community schools 37436
established under Chapter 3314. of the Revised Code and science, 37437
technology, engineering, and mathematics schools established under 37438
Chapter 3326. of the Revised Code. 37439

(G) "Economically disadvantaged index for a school district" 37440

means the square of the quotient of that district's percentage of 37441
students in its adjusted total ADM, in the case of a city, local, 37442
or exempted village school district, or total ADM, in the case of 37443
a joint vocational school district, who are identified as 37444
economically disadvantaged as defined by the department of 37445
education, divided by the percentage of students in the statewide 37446
~~total~~ ADM identified as economically disadvantaged. For purposes 37447
of this calculation: 37448

(1) For a city, local, or exempted village school district, 37449
"adjusted total ADM" equals the district's total ADM plus the 37450
enrollment reported for the district under divisions (A) (2) (a) and 37451
(i) of section 3317.03 of the Revised Code. 37452

(2) For a city, local, or exempted village school district, 37453
the "statewide ~~total~~ ADM" equals the sum of the adjusted total ADM 37454
for all city, local, and exempted village school districts 37455
combined. 37456

~~(2)~~(3) For a joint vocational school district, the "statewide 37457
~~total~~ ADM" equals the sum of the formula ADM for all joint 37458
vocational school districts combined. 37459

~~(E)~~(1)~~(H)~~ "Educational choice scholarship unit" means a unit 37460
that consists of all of the students for whom educational choice 37461
scholarships are awarded under sections 3310.03 and 3310.032 of 37462
the Revised Code. 37463

(I) "Enrolled ADM" means the following: 37464

(1) For a city, local, or exempted village school district, 37465
the enrollment reported under division (A) of section 3317.03 of 37466
the Revised Code, as verified by the superintendent of public 37467
instruction and adjusted if so ordered under division (K) of that 37468
section, and as further adjusted by the department of education as 37469
follows: 37470

(a) Subtract the students counted under divisions (A) (2) (a), 37471

<u>(b), (g), (h), and (i) of section 3317.03 of the Revised Code;</u>	37472
<u>(b) Count only twenty per cent of the number of joint vocational school district students counted under division (A) (3) of section 3317.03 of the Revised Code;</u>	37473 37474 37475
<u>(c) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.</u>	37476 37477 37478 37479
<u>(2) For the community and STEM school unit, the sum of the number of students reported as enrolled in community schools under divisions (B) (1) and (2) of section 3314.08 of the Revised Code and the number of students reported as enrolled in STEM schools under division (A) of section 3326.32 of the Revised Code;</u>	37480 37481 37482 37483 37484
<u>(3) For the educational choice scholarship unit, the number of students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code as reported under division (A) (2) (g) of section 3317.03 of the Revised Code;</u>	37485 37486 37487 37488 37489
<u>(4) For the pilot project scholarship unit, the number of students for whom pilot project scholarships are awarded under sections 3313.974 to 3313.979 of the Revised Code as reported under division (A) (2) (b) of section 3317.03 of the Revised Code;</u>	37490 37491 37492 37493
<u>(5) For the autism scholarship unit, the number of students for whom autism scholarships are awarded under section 3310.41 of the Revised Code as reported under division (A) (2) (h) of section 3317.03 of the Revised Code;</u>	37494 37495 37496 37497
<u>(6) For the Jon Peterson special needs scholarship unit, the number of students for whom Jon Peterson special needs scholarships are awarded under sections 3310.51 to 3310.64 of the Revised Code as reported under division (A) (2) (h) of section 3317.03 of the Revised Code.</u>	37498 37499 37500 37501 37502

(J)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

~~(F)(K)~~ "Formula amount" means ~~\$6,010, for fiscal year 2018,~~ and ~~\$6,020, for fiscal year 2019~~ the base cost per pupil calculated under section 3317.011 of the Revised Code.

~~(G)(L)~~ "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code.

(M) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in enrolled ADM and formula ADM,

in the case of a city, local, or exempted village school district, 37534
or formula ADM, in the case of a joint vocational school district. 37535

~~(H)~~(N) "Funding unit" means any of the following: 37536

(1) A city, local, exempted village, or joint vocational 37537
school district; 37538

(2) The community and STEM school unit; 37539

(3) The educational choice scholarship unit; 37540

(4) The pilot project scholarship unit; 37541

(5) The autism scholarship unit; 37542

(6) The Jon Peterson special needs scholarship unit. 37543

(O) "Jon Peterson special needs scholarship unit" means a 37544
unit that consists of all of the students for whom Jon Peterson 37545
scholarships are awarded under sections 3310.51 to 3310.64 of the 37546
Revised Code. 37547

(P) "Internet- or computer-based community school" has the 37548
same meaning as in section 3314.02 of the Revised Code. 37549

~~(I)~~(Q) "LRE student with a disability" means a child with a 37550
disability who has an individualized education program providing 37551
for the student to spend more than half of each school day in a 37552
regular school setting with nondisabled students. For purposes of 37553
this division, "individualized education program" and "child with 37554
a disability" have the same meanings as in section 3323.01 of the 37555
Revised Code, and "LRE" is an abbreviation for "least restrictive 37556
environment." 37557

(R) "Medically fragile child" means a child to whom all of 37558
the following apply: 37559

(1) The child requires the services of a doctor of medicine 37560
or osteopathic medicine at least once a week due to the 37561
instability of the child's medical condition. 37562

(2) The child requires the services of a registered nurse on a daily basis. 37563
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(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities. 37565
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~~(J)(1)~~(S)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply: 37568
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(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child." 37573
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(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child. 37577
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(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division ~~(J)(1)(a)~~ (S)(1)(a) or (b) of this section. 37582
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~~(K)(T)~~ "Pilot project scholarship unit" means a unit that consists of all of the students for whom pilot project scholarships are awarded under sections 3313.974 to 3313.979 of the Revised Code. 37588
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(U) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who 37592
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is at least age three but is not of compulsory school age, as 37594
defined in section 3321.01 of the Revised Code, and who is not 37595
currently enrolled in kindergarten. 37596

~~(L) "Preschool scholarship ADM" means the number of preschool 37597
children with disabilities certified under division (B)(3)(h) of 37598
section 3317.03 of the Revised Code. 37599~~

~~(M)~~ (V) "Related services" includes: 37600

(1) Child study, special education supervisors and 37601
coordinators, speech and hearing services, adaptive physical 37602
development services, occupational or physical therapy, teacher 37603
assistants for children with disabilities whose disabilities are 37604
described in division (B) of section 3317.013 or division ~~(B)(3)~~ 37605
(E)(3) of this section, behavioral intervention, interpreter 37606
services, work study, nursing services, and specialized 37607
integrative services as those terms are defined by the department; 37608

(2) Speech and language services provided to any student with 37609
a disability, including any student whose primary or only 37610
disability is a speech and language disability; 37611

(3) Any related service not specifically covered by other 37612
state funds but specified in federal law, including but not 37613
limited to, audiology and school psychological services; 37614

(4) Any service included in units funded under former 37615
division (O)(1) of section 3317.024 of the Revised Code; 37616

(5) Any other related service needed by children with 37617
disabilities in accordance with their individualized education 37618
programs. 37619

~~(N)~~ (W) "School district," unless otherwise specified, means 37620
city, local, and exempted village school districts. 37621

~~(O)~~ (X) "Separately educated student with a disability" has 37622
the same meaning as in section 3313.974 of the Revised Code. 37623

(Y) "State education aid" has the same meaning as in section 37624
5751.20 of the Revised Code. 37625

~~(P)~~(Z) "State share index" means the state share index 37626
calculated for a district under section 3317.017 of the Revised 37627
Code. 37628

~~(Q)~~(AA) "STEM school" means a science, technology, 37629
engineering, and mathematics school established under Chapter 37630
3326. of the Revised Code. 37631

(BB) "Taxes charged and payable" means the taxes charged and 37632
payable against real and public utility property after making the 37633
reduction required by section 319.301 of the Revised Code, plus 37634
the taxes levied against tangible personal property. 37635

~~(R)~~~~(1)~~(CC) A city, local, or exempted village school 37636
district's, community school's, or STEM school's "third-grade 37637
reading proficiency percentage" means the percentage of the 37638
district's school's students scoring at a proficient level of 37639
skill or higher on the third-grade English language arts 37640
assessment prescribed under division (A)(1)(a) of section 37641
3301.0710 of the Revised Code for the immediately preceding school 37642
year, as reported on the district's or school's report card under 37643
section 3302.03 of the Revised Code. 37644

(DD) (1) For purposes of section 3317.017 of the Revised Code, 37645
"three-year average valuation" means the average of total taxable 37646
value for tax years 2014, 2015, and 2016. 37647

(2) For purposes of sections 3317.0217, 3317.0218, and 37648
3317.16 of the Revised Code, "three-year average valuation" means 37649
the following: 37650

(a) For fiscal year 2018, the average of total taxable value 37651
for tax years 2014, 2015, and 2016; 37652

(b) For fiscal year 2019, the average of total taxable value 37653

for tax years 2015, 2016, and 2017. 37654

~~(S)~~(EE) "Total ADM" means, for a city, local, or exempted 37655
village school district, the enrollment reported under division 37656
(A) of section 3317.03 of the Revised Code minus the enrollment 37657
reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that 37658
section, as verified by the superintendent of public instruction 37659
and adjusted if so ordered under division (K) of that section. 37660

~~(T)~~(FF) "Total special education ADM" means the sum of 37661
categories one through six special education ADM. 37662

~~(U)~~(GG) "Total taxable value" means the sum of the amounts 37663
certified for a city, local, exempted village, or joint vocational 37664
school district under divisions (A)(1) and (2) of section 3317.021 37665
of the Revised Code. 37666

(HH) "Tuition discount" means any deduction from the base 37667
tuition amount per student charged by a chartered nonpublic 37668
school, to which the student's family is entitled due to one or 37669
more of the following conditions: 37670

(1) The student's family has multiple children enrolled in 37671
the same school. 37672

(2) The student's family is a member of or affiliated with a 37673
religious or secular organization that provides oversight of the 37674
school or from which the school has agreed to enroll students. 37675

(3) The student's parent is an employee of the school. 37676

(4) Some other qualification not based on the income of the 37677
student's family or the student's athletic or academic ability and 37678
for which all students in the school may qualify. 37679

Sec. 3317.022. (A) The department of education shall compute 37680
and distribute state core foundation funding to each eligible 37681
funding unit that is a city, local, or exempted village school 37682
district, the community and STEM school unit, the educational 37683

choice scholarship unit, the pilot project scholarship unit, the 37684
autism scholarship unit, and the Jon Peterson special needs 37685
scholarship unit for the fiscal year, using the information 37686
obtained under section 3317.021 of the Revised Code in the 37687
calendar year in which the fiscal year begins as appropriate, as 37688
prescribed in the following divisions: 37689

(1) AmIf the funding unit is a city, local, or exempted 37690
village school district or the community and STEM school unit, an 37691
opportunity grant calculated according to as the product of the 37692
following ~~formula~~factors: 37693

(a) The formula amount X (formula; 37694

(b) If the funding unit is a city, local, or exempted village 37695
school district, the district's enrolled ADM + preschool 37696
scholarship ADM) X the; 37697

(c) If the funding unit is the community and STEM school 37698
unit, the unit's enrolled ADM; 37699

(d) If the funding unit is a city, local, or exempted village 37700
school district, the district's state share index. 37701

(2) Targeted assistance funds calculated as follows: 37702

(a) If the funding unit is a city, local, or exempted village 37703
school district, targeted assistance funds calculated under 37704
divisions (A) and (B) of section 3317.0217 of the Revised Code; 37705

(b) If the funding unit is the community and STEM school 37706
unit, targeted assistance funds calculated by the department as 37707
follows: 37708

(i) For each student in the funding unit's enrolled ADM that 37709
is not enrolled in an internet- or computer-based community 37710
school, determine the per pupil amount of targeted assistance 37711
funds calculated under division (A) of section 3317.0217 of the 37712
Revised Code for the student's resident district; 37713

<u>(ii) Calculate the sum of the amounts determined under</u>	37714
<u>division (A)(2)(b)(i) of this section;</u>	37715
<u>(iii) Compute the funding unit's targeted assistance funds by</u>	37716
<u>multiplying the amount calculated under division (A)(2)(b)(ii) of</u>	37717
<u>this section by 0.25.</u>	37718
(3) Additional <u>If the funding unit is a city, local, or</u>	37719
<u>exempted village school district or the community and STEM school</u>	37720
<u>unit, additional</u> state aid for special education and related	37721
services provided under Chapter 3323. of the Revised Code	37722
calculated as the sum of the following:	37723
(a) The district's <u>funding unit's</u> category one special	37724
education ADM X the amount specified in division (A) of section	37725
3317.013 of the Revised Code X <u>if the funding unit is a city,</u>	37726
<u>local, or exempted village school district,</u> the district's state	37727
share index;	37728
(b) The district's <u>funding unit's</u> category two special	37729
education ADM X the amount specified in division (B) of section	37730
3317.013 of the Revised Code X <u>if the funding unit is a city,</u>	37731
<u>local, or exempted village school district,</u> the district's state	37732
share index;	37733
(c) The district's <u>funding unit's</u> category three special	37734
education ADM X the amount specified in division (C) of section	37735
3317.013 of the Revised Code X <u>if the funding unit is a city,</u>	37736
<u>local, or exempted village school district,</u> the district's state	37737
share index;	37738
(d) The district's <u>funding unit's</u> category four special	37739
education ADM X the amount specified in division (D) of section	37740
3317.013 of the Revised Code X <u>if the funding unit is a city,</u>	37741
<u>local, or exempted village school district,</u> the district's state	37742
share index;	37743
(e) The district's <u>funding unit's</u> category five special	37744

education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X if the funding unit is a city, local, or exempted village school district, the district's state share index;

(f) The ~~district's~~ funding unit's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X if the funding unit is a city, local, or exempted village school district, the district's state share index.

(4) ~~Kindergarten~~ If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, kindergarten through third grade literacy funds calculated according to the following ~~formula~~s follows:

(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following:

(\$193 X ~~formula~~ the district's enrolled ADM for grades kindergarten through three X the district's state share index) + (\$127 X ~~formula~~ the district's enrolled ADM for grades kindergarten through three)

~~For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet or computer based community school who are in grades kindergarten through three.~~ (b) If the funding unit is the community and STEM school unit, \$320 X (the number of students in the funding unit's enrolled ADM who are enrolled in kindergarten through third grade - the number of students in the funding unit's enrolled ADM who are enrolled in kindergarten through third grade who are enrolled in an internet- or computer-based community school).

(5) ~~Economically~~If the funding unit is a city, local, or 37776
exempted village school district or the community and STEM school 37777
unit, disadvantaged funds pupil impact aid calculated according to 37778
the following formula: 37779

(a) If the funding unit is a city, local, or exempted village 37780
school district, an amount equal to the following: 37781

\$272 X (the district's economically disadvantaged index) X 37782
the number of students who are economically disadvantaged as 37783
certified under division (B) (21) of section 3317.03 of the Revised 37784
Code 37785

(b) If the funding unit is the community and STEM school 37786
unit, an amount calculated as follows: 37787

(i) For each student in the funding unit's enrolled ADM who 37788
is economically disadvantaged and is not enrolled in an internet- 37789
or computer-based community school, multiply \$272 by the 37790
economically disadvantaged index of the city, local, or exempted 37791
village school district in which the student resides; 37792

(ii) Compute the funding unit's disadvantaged pupil impact 37793
aid by calculating the sum of the amounts determined under 37794
division (A) (5) (b) (i) of this section. 37795

(6) If the funding unit is a city, local, or exempted village 37796
school district or the community and STEM school unit, English 37797
learner funds calculated as the sum of the following: 37798

(a) The ~~district's~~ funding unit's category one English 37799
learner ADM X the amount specified in division (A) of section 37800
3317.016 of the Revised Code X if the funding unit is a city, 37801
local, or exempted village school district, the district's state 37802
share index; 37803

(b) The ~~district's~~ funding unit's category two English 37804
learner ADM X the amount specified in division (B) of section 37805

3317.016 of the Revised Code X if the funding unit is a city, 37806
local, or exempted village school district, the district's state 37807
share index; 37808

(c) The ~~district's~~ funding unit's category three English 37809
learner ADM X the amount specified in division (C) of section 37810
3317.016 of the Revised Code X if the funding unit is a city, 37811
local, or exempted village school district, the district's state 37812
share index. 37813

~~(7)(a)(7)~~ If the funding unit is a city, local, or exempted 37814
village school district, both of the following: 37815

(a) Gifted identification funds calculated according to the 37816
following formula: 37817

$\$5.05 \times$ the district's ~~formula~~ enrolled ADM 37818

(b) Gifted unit funding calculated under section 3317.051 of 37819
the Revised Code. 37820

(8) ~~Career technical~~ If the funding unit is a city, local, or 37821
exempted village school district or the community and STEM school 37822
unit, career-technical education funds calculated as the sum of 37823
the following: 37824

(a) The ~~district's~~ funding unit's category one 37825
career-technical education ADM X the amount specified in division 37826
(A) of section 3317.014 of the Revised Code X if the funding unit 37827
is a city, local, or exempted village school district, the 37828
district's state share index; 37829

(b) The ~~district's~~ funding unit's category two 37830
career-technical education ADM X the amount specified in division 37831
(B) of section 3317.014 of the Revised Code X if the funding unit 37832
is a city, local, or exempted village school district, the 37833
district's state share index; 37834

(c) The ~~district's~~ funding unit's category three 37835

career-technical education ADM X the amount specified in division 37836
(C) of section 3317.014 of the Revised Code X if the funding unit 37837
is a city, local, or exempted village school district, the 37838
district's state share index; 37839

(d) The ~~district's~~ funding unit's category four 37840
career-technical education ADM X the amount specified in division 37841
(D) of section 3317.014 of the Revised Code X if the funding unit 37842
is a city, local, or exempted village school district, the 37843
district's state share index; 37844

(e) The ~~district's~~ funding unit's category five 37845
career-technical education ADM X the amount specified in division 37846
(E) of section 3317.014 of the Revised Code X if the funding unit 37847
is a city, local, or exempted village school district, the 37848
district's state share index. 37849

Payment of funds under division (A) (8) of this section is 37850
subject to approval under section 3317.161 of the Revised Code. 37851

(9) ~~Career-technical~~ If the funding unit is a city, local, or 37852
exempted village school district or the community and STEM school 37853
unit, career-technical education associated services funds 37854
calculated according to the following formula: 37855

The district's state share index, if the funding unit is a city, 37856
local, or exempted village school district X the amount for 37857
career-technical education associated services specified in 37858
section 3317.014 of the Revised Code X the sum of the funding 37859
unit's categories one through five career-technical education ADM 37860

(10) ~~Capacity~~ If the funding unit is a city, local, or 37861
exempted village school district or the community and STEM school 37862
unit, career awareness and exploration funds calculated as 37863
follows: 37864

The funding unit's enrolled ADM X \$2.50, for fiscal year 2022, \$5, 37865
for fiscal year 2023, \$7.50, for fiscal year 2024, or \$10, for 37866

fiscal year 2025 and each fiscal year thereafter 37867

(11) If the funding unit is a city, local, or exempted 37868
village school district or the community and STEM school unit, a 37869
career-technical education lab program supplement calculated as 37870
follows: 37871

\$225, for fiscal year 2022, or \$1,050, for fiscal year 2023 and 37872
each fiscal year thereafter X the full-time equivalency of the 37873
funding unit's categories one through five career-technical ADM 37874
that is equivalent to the amount of time the funding unit's 37875
career-technical education students participate in lab programs, 37876
as determined by the department 37877

(12) If the funding unit is a city, local, or exempted 37878
village school district, capacity aid funds calculated under 37879
section 3317.0218 of the Revised Code; 37880

~~(11) A~~ (13) If the funding unit is a city, local, or exempted 37881
village school district or the community and STEM school unit, a 37882
graduation bonus calculated as follows: 37883

(a) If the funding unit is a city, local, or exempted village 37884
school district, a graduation bonus calculated under section 37885
3317.0215 of the Revised Code; 37886

(b) If the funding unit is the community and STEM school 37887
unit, a graduation bonus calculated as follows: 37888

(i) For each community school and STEM school in the 37889
community and STEM school unit, as determined by the department, 37890
calculate the following product: 37891

The school's four-year adjusted cohort graduation rate on its most 37892
recent report card issued by the department under section 3302.03 37893
or 3314.017 of the Revised Code X 0.075 X the formula amount X the 37894
number of the school's graduates reported to the department, in 37895
accordance with the guidelines adopted under section 3301.0714 of 37896
the Revised Code, for the same school year for which the most 37897

<u>recent report card was issued</u>	37898
<u>(ii) Compute the sum of the amounts calculated under division</u>	37899
<u>(A) (13) (b) (i) of this section.</u>	37900
<u>(12) A(14) If the funding unit is a city, local, or exempted</u>	37901
<u>village school district or the community and STEM school unit, a</u>	37902
<u>third-grade reading bonus calculated as follows:</u>	37903
<u>(a) If the funding unit is a city, local, or exempted village</u>	37904
<u>school district, a third-grade reading bonus calculated under</u>	37905
<u>section 3317.0216 of the Revised Code;</u>	37906
<u>(b) If the funding unit is the community and STEM school</u>	37907
<u>unit, a third-grade reading bonus calculated as follows:</u>	37908
<u>(i) For each community school and STEM school in the</u>	37909
<u>community and STEM school unit, as determined by the department,</u>	37910
<u>calculate the following product:</u>	37911
<u>The school's third-grade reading proficiency percentage X 0.075 X</u>	37912
<u>the formula amount X the number of the school's students scoring</u>	37913
<u>at a proficient level or higher on the third-grade English</u>	37914
<u>language arts assessment prescribed under division (A) (1) (a) of</u>	37915
<u>section 3301.0710 of the Revised Code for the immediately</u>	37916
<u>preceding school year</u>	37917
<u>(ii) Compute the sum of the amounts calculated under division</u>	37918
<u>(A) (14) (b) (i) of this section.</u>	37919
<u>(15) If the funding unit is the community and STEM school</u>	37920
<u>unit, an amount equal to the following:</u>	37921
<u>(The number of students in the funding unit's enrolled ADM who are</u>	37922
<u>reported under division (B) (5) of section 3314.08 of the Revised</u>	37923
<u>Code X the formula amount X .20)</u>	37924
<u>(16) If the funding unit is the educational choice</u>	37925
<u>scholarship unit, an amount calculated as follows:</u>	37926
<u>(a) For each student in the funding unit's enrolled ADM,</u>	37927

<u>determine the lesser of the following:</u>	37928
<u>(i) The base tuition of the chartered nonpublic school in</u>	37929
<u>which the student is enrolled minus the total amount of any</u>	37930
<u>applicable tuition discounts for which the student qualifies;</u>	37931
<u>(ii) \$5,500, if the student is in grades kindergarten through</u>	37932
<u>eight, or \$7,500, if the student is in grades nine through twelve.</u>	37933
<u>The amounts specified in division (A) (16) (a) (ii) of this</u>	37934
<u>section shall increase in future fiscal years by the same</u>	37935
<u>percentage that the base cost per pupil increases in future fiscal</u>	37936
<u>years in accordance with section 3317.011 of the Revised Code.</u>	37937
<u>(b) Compute the sum of the amounts calculated under division</u>	37938
<u>(A) (16) (a) of this section.</u>	37939
<u>(17) If the funding unit is the pilot project scholarship</u>	37940
<u>unit, an amount calculated as follows:</u>	37941
<u>(a) For each student in the funding unit's enrolled ADM,</u>	37942
<u>determine the lesser of the following:</u>	37943
<u>(i) The net tuition charges of the student's alternative</u>	37944
<u>school;</u>	37945
<u>(ii) \$5,500, if the student is in grades kindergarten through</u>	37946
<u>eight, or \$7,500, if the student is in grades nine through twelve.</u>	37947
<u>The amounts specified in division (A) (17) (a) (ii) of this</u>	37948
<u>section shall increase in future fiscal years by the same</u>	37949
<u>percentage that the base cost per pupil increases in future fiscal</u>	37950
<u>years in accordance with section 3317.011 of the Revised Code.</u>	37951
<u>For purposes of division (A) (17) (a) of this section, the net</u>	37952
<u>tuition and fees charged to a student shall be the tuition amount</u>	37953
<u>specified by the alternative school minus all other financial aid,</u>	37954
<u>discounts, and adjustments received for the student. In cases</u>	37955
<u>where discounts are offered for multiple students from the same</u>	37956
<u>family, and not all students in the same family are scholarship</u>	37957

recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled. 37958
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The department shall provide for an increase in the amount determined for any student who is an LRE student with a disability and shall further increase such amount in the case of any separately educated student with a disability, as that term is defined in section 3313.974 of the Revised Code. Such increases shall take into account the instruction, related services, and transportation costs of educating such students. 37961
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(b) Compute the sum of the amounts calculated under division (A) (17) (a) of this section. 37968
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(18) If the funding unit is the autism scholarship unit, an amount calculated as follows: 37970
37971

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following: 37972
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(i) The tuition charged for the student's special education program, as that term is defined in section 3310.41 of the Revised Code; 37974
37975
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(ii) \$31,500, for fiscal year 2022, and \$32,445, for fiscal year 2023 and each fiscal year thereafter. 37977
37978

(b) Compute the sum of the amounts calculated under division (A) (18) (a) of this section. 37979
37980

(19) If the funding unit is the Jon Peterson special needs scholarship unit, an amount calculated as follows: 37981
37982

(a) For each student in the funding unit's enrolled ADM, determine the least of the following: 37983
37984

(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the 37985
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<u>Revised Code;</u>	37988
<u>(ii) The formula amount plus an amount determined as follows:</u>	37989
<u>(I) If the student is receiving special education services</u>	37990
<u>for a disability specified in division (A) of section 3317.013 of</u>	37991
<u>the Revised Code, the amount specified in that division;</u>	37992
<u>(II) If the student is receiving special education services</u>	37993
<u>for a disability specified in division (B) of section 3317.013 of</u>	37994
<u>the Revised Code, the amount specified in that division;</u>	37995
<u>(III) If the student is receiving special education services</u>	37996
<u>for a disability specified in division (C) of section 3317.013 of</u>	37997
<u>the Revised Code, the amount specified in that division;</u>	37998
<u>(IV) If the student is receiving special education services</u>	37999
<u>for a disability specified in division (D) of section 3317.013 of</u>	38000
<u>the Revised Code, the amount specified in that division;</u>	38001
<u>(V) If the student is receiving special education services</u>	38002
<u>for a disability specified in division (E) of section 3317.013 of</u>	38003
<u>the Revised Code, the amount specified in that division;</u>	38004
<u>(VI) If the student is receiving special education services</u>	38005
<u>for a disability specified in division (F) of section 3317.013 of</u>	38006
<u>the Revised Code, the amount specified in that division.</u>	38007
<u>(iii) \$27,000.</u>	38008
<u>(b) Compute the sum of the amounts calculated under division</u>	38009
<u>(A)(19)(a) of this section.</u>	38010
<u>(20) If the funding unit is a city, local, or exempted</u>	38011
<u>village school district, a minimum state share opportunity grant</u>	38012
<u>supplement calculated as follows:</u>	38013
<u>(The formula amount X the district's enrolled ADM X 0.075) - (the</u>	38014
<u>amount calculated for the district under division (A)(1) of this</u>	38015
<u>section)</u>	38016
<u>If the amount calculated under division (A)(20) of this</u>	38017

section is less than zero, the district's minimum state share 38018
opportunity grant supplement shall be equal to zero. 38019

(B) In any fiscal year, a funding unit that is a city, local, 38020
or exempted village school district shall spend for purposes that 38021
the department designates as approved for special education and 38022
related services expenses at least the amount calculated as 38023
follows: 38024

(The formula amount X the total special education ADM) + (the 38025
district's category one special education ADM X the amount 38026
specified in division (A) of section 3317.013 of the Revised Code) 38027
+ (the district's category two special education ADM X the amount 38028
specified in division (B) of section 3317.013 of the Revised Code) 38029
+ (the district's category three special education ADM X the 38030
amount specified in division (C) of section 3317.013 of the 38031
Revised Code) + (the district's category four special education 38032
ADM X the amount specified in division (D) of section 3317.013 of 38033
the Revised Code) + (the district's category five special 38034
education ADM X the amount specified in division (E) of section 38035
3317.013 of the Revised Code) + (the district's category six 38036
special education ADM X the amount specified in division (F) of 38037
section 3317.013 of the Revised Code) 38038

The purposes approved by the department for special education 38039
expenses shall include, but shall not be limited to, 38040
identification of children with disabilities, compliance with 38041
state rules governing the education of children with disabilities 38042
and prescribing the continuum of program options for children with 38043
disabilities, provision of speech language pathology services, and 38044
the portion of the school district's overall administrative and 38045
overhead costs that are attributable to the district's special 38046
education student population. 38047

~~The scholarships deducted from the school district's account~~ 38048
~~under sections 3310.41 and 3310.55 of the Revised Code shall be~~ 38049

~~considered to be an approved special education and related services expense for the purpose of the school district's compliance with this division.~~ 38050
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(C) In any fiscal year, a funding unit that is a city, local, or exempted village school district ~~receiving~~ that receives funds under ~~division~~ divisions (A) (8) and (11) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under ~~division~~ divisions (A) (8) and (11) of this section may be spent. 38053
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(D) In any fiscal year, a funding unit that is a city local, or exempted village school district ~~receiving~~ that receives funds under ~~division~~ divisions (A) (9) and (10) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment under ~~division~~ divisions (A) (9) and (10) of this section to any district that the department determines is not operating those services or is using funds paid under ~~division~~ divisions (A) (9) and (10) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes. 38066
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(E) All funds received under ~~division~~ divisions (A) (8) and 38082
(11) of this section by a funding unit that is a city, local, or 38083
exempted village school district shall be spent in the following 38084
manner: 38085

(1) At least seventy-five per cent of the funds shall be 38086
spent on curriculum development, purchase, and implementation; 38087
instructional resources and supplies; industry-based program 38088
certification; student assessment, credentialing, and placement; 38089
curriculum specific equipment purchases and leases; 38090
career-technical student organization fees and expenses; home and 38091
agency linkages; work-based learning experiences; professional 38092
development; and other costs directly associated with 38093
career-technical education programs including development of new 38094
programs. 38095

(2) Not more than twenty-five per cent of the funds shall be 38096
used for personnel expenditures. 38097

(F) A funding unit that is a city, local, or exempted village 38098
school district shall spend the funds it receives under division 38099
(A) (5) of this section in accordance with section 3317.25 of the 38100
Revised Code. 38101

(G) (1) The department shall distribute to each community 38102
school established under Chapter 3314. of the Revised Code and to 38103
each STEM school established under Chapter 3326. of the Revised 38104
Code, from the funds paid to the community and STEM school unit 38105
under this section, an amount for each student enrolled in the 38106
school equal to the sum of the following: 38107

(a) The formula amount; 38108

(b) If the school is not an internet- or computer-based 38109
community school, the amount calculated for the student under 38110
division (A) (2) (b) (i) of this section X 0.25; 38111

(c) If the student is a special education student, the amount 38112

<u>specified for the student's special education category under</u>	38113
<u>section 3317.013 of the Revised Code;</u>	38114
<u>(d) If the school is not an internet- or computer-based</u>	38115
<u>community school and the student is enrolled in kindergarten</u>	38116
<u>through third grade, \$320;</u>	38117
<u>(e) If the school is not an internet- or computer-based</u>	38118
<u>community school and the student is economically disadvantaged,</u>	38119
<u>the amount calculated for the student under division (A) (5) (b) (i)</u>	38120
<u>of this section;</u>	38121
<u>(f) If the school is not an internet- or computer-based</u>	38122
<u>community school and the student is an English learner, the amount</u>	38123
<u>specified for the student's English learner category under section</u>	38124
<u>3317.016 of the Revised Code;</u>	38125
<u>(g) If the student is a career-technical education student,</u>	38126
<u>the amount specified for the student's career-technical education</u>	38127
<u>category under section 3317.014 of the Revised Code;</u>	38128
<u>(h) If the student is a career-technical education student,</u>	38129
<u>the amount for career-technical associated services specified</u>	38130
<u>under section 3317.014 of the Revised Code;</u>	38131
<u>(i) An amount for career awareness and exploration equal to</u>	38132
<u>\$2.50, for fiscal year 2022, \$5, for fiscal year 2023, \$7.50, for</u>	38133
<u>fiscal year 2024, or \$10, for fiscal year 2025 and each fiscal</u>	38134
<u>year thereafter;</u>	38135
<u>(j) A career-technical education lab program supplement equal</u>	38136
<u>to \$225, for fiscal year 2022, or \$1,050, for fiscal year 2023 and</u>	38137
<u>each fiscal year thereafter, times the student's full-time</u>	38138
<u>equivalency for the amount of time the student participates in a</u>	38139
<u>career-technical education lab program as determined by the</u>	38140
<u>department.</u>	38141
<u>(2) The department shall distribute to each community school</u>	38142

established under Chapter 3314. of the Revised Code and to each 38143
STEM school established under Chapter 3326. of the Revised Code, 38144
from the funds paid to the community and STEM school unit under 38145
this section, an amount equal to the sum of the following: 38146

(a) The amount calculated for the school under division 38147
(A) (13) (b) (i) of this section; 38148

(b) The amount calculated for the school under division 38149
(A) (14) (b) (i) of this section; 38150

(c) The amount calculated for the school under division 38151
(A) (15) of this section. 38152

(H) The department shall distribute to the parent of each 38153
student for whom an educational choice scholarship is awarded 38154
under section 3310.03 or 3310.032 of the Revised Code, or to the 38155
student if at least eighteen years of age, from the funds paid to 38156
the educational choice scholarship unit under this section, a 38157
scholarship equal to the amount calculated for the student under 38158
division (A) (16) (a) of this section. The scholarship shall be 38159
distributed in monthly partial payments, and the department shall 38160
proportionately reduce or terminate the payments for any student 38161
who withdraws from a chartered nonpublic school prior to the end 38162
of the school year. 38163

(I) If a student is awarded a pilot project scholarship under 38164
sections 3313.974 to 3313.979 of the Revised Code, the department 38165
shall distribute to the parent of the student, if the student is 38166
attending a registered private school as defined in section 38167
3313.974 of the Revised Code, or the student's school district of 38168
attendance, if the scholarship is to be used for payments to a 38169
public school in a school district adjacent to the pilot project 38170
school district pursuant to section 3327.06 of the Revised Code, a 38171
scholarship from the funds paid to the pilot project scholarship 38172
unit under this section that is equal to the amount calculated for 38173

the student under division (A)(17)(a) of this section. 38174

In the case of a scholarship distributed to a student's 38175
parent, the scholarship shall be distributed from time to time in 38176
partial payments. The scholarship amount shall be proportionately 38177
reduced in the case of any such student who is not enrolled in a 38178
registered private school, as that term is defined in section 38179
3313.974 of the Revised Code, for the entire school year. The 38180
first payment shall be made by the last day of November and shall 38181
equal one-third of the estimated total amount that will be due to 38182
the parent for the school year. 38183

In the case of a scholarship distributed to a student's 38184
school district of attendance, the department shall, on behalf of 38185
the student's parents, use the scholarship to make the tuition 38186
payments required by section 3327.06 of the Revised Code to the 38187
student's school district of attendance, except that, 38188
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 38189
Revised Code, the total payments in any school year shall not 38190
exceed the scholarship amount calculated for the student under 38191
division (A)(17)(a) of this section. 38192

(J) The department shall distribute to the parent of each 38193
student for whom an autism scholarship is awarded under section 38194
3310.41 of the Revised Code, from the funds paid to the autism 38195
scholarship unit under this section, a scholarship equal to the 38196
amount calculated for the student under division (A)(18)(a) of 38197
this section. The scholarship shall be distributed from time to 38198
time in partial payments. The scholarship amount shall be 38199
proportionately reduced in the case of any student who is not 38200
enrolled in the special education program for which a scholarship 38201
was awarded under section 3310.41 of the Revised Code for the 38202
entire school year. The department shall make no payments to the 38203
parent of a student while any administrative or judicial mediation 38204
or proceedings with respect to the content of the student's 38205

individualized education program are pending. 38206

(K) The department shall distribute to the parent of each student for whom a Jon Peterson special needs scholarship is awarded under sections 3310.51 to 3310.64 of the Revised Code, from the funds paid to the Jon Peterson special needs scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A) (19) (a) of this section. The scholarship shall be distributed in periodic payments, and the department shall proportionately reduce or terminate the payments for any student who is not enrolled in the special education program of an alternative public provider or a registered private provider, as those terms are defined in section 3310.51 of the Revised Code, for the entire school year. 38207
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Sec. 3317.023. (A) The amounts required to be paid to a district under this chapter shall be adjusted by the amount of the computations made under divisions (B) to (K) of this section. 38219
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As used in this section: 38222

(1) "Career-technical planning district" or "CTPD" means a school district or group of school districts designated by the department of education as being responsible for the planning for and provision of career-technical education services to students within the district or group. A community school established under Chapter 3314. of the Revised Code or a STEM school established under Chapter 3326. of the Revised Code that is serving students in any of grades seven through twelve shall be assigned to a career-technical planning district by the department. 38223
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(2) "Lead district" means a school district, including a joint vocational school district, designated by the department as a CTPD, or designated to provide primary career-technical education leadership within a CTPD composed of a group of districts, community schools assigned to the CTPD, and STEM 38232
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schools assigned to the CTPD. 38237

(B) If a local, city, or exempted village school district to 38238
which a governing board of an educational service center provides 38239
services pursuant to an agreement entered into under section 38240
3313.843 of the Revised Code, deduct the amount of the payment 38241
required for the reimbursement of the governing board under that 38242
section. 38243

(C) (1) If the district is required to pay to or entitled to 38244
receive tuition from another school district under division (C) (2) 38245
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 38246
or if the superintendent of public instruction is required to 38247
determine the correct amount of tuition and make a deduction or 38248
credit under section 3317.08 of the Revised Code, deduct and 38249
credit such amounts as provided in division (J) of section 3313.64 38250
or section 3317.08 of the Revised Code. 38251

(2) For each child for whom the district is responsible for 38252
tuition or payment under division (A) (1) of section 3317.082 or 38253
section 3323.091 of the Revised Code, deduct the amount of tuition 38254
or payment for which the district is responsible. 38255

(D) If the district has been certified by the superintendent 38256
of public instruction under section 3313.90 of the Revised Code as 38257
not in compliance with the requirements of that section, deduct an 38258
amount equal to ten per cent of the amount computed for the 38259
district under this chapter. 38260

(E) If the district has received a loan from a commercial 38261
lending institution for which payments are made by the 38262
superintendent of public instruction pursuant to division (E) (3) 38263
of section 3313.483 of the Revised Code, deduct an amount equal to 38264
such payments. 38265

(F) (1) If the district is a party to an agreement entered 38266
into under division (D), (E), or (F) of section 3311.06 or 38267

division (B) of section 3311.24 of the Revised Code and is 38268
obligated to make payments to another district under such an 38269
agreement, deduct an amount equal to such payments if the district 38270
school board notifies the department in writing that it wishes to 38271
have such payments deducted. 38272

(2) If the district is entitled to receive payments from 38273
another district that has notified the department to deduct such 38274
payments under division (F)(1) of this section, add the amount of 38275
such payments. 38276

(G) If the district is required to pay an amount of funds to 38277
a cooperative education district pursuant to a provision described 38278
by division (B)(4) of section 3311.52 or division (B)(8) of 38279
section 3311.521 of the Revised Code, deduct such amounts as 38280
provided under that provision and credit those amounts to the 38281
cooperative education district for payment to the district under 38282
division (B)(1) of section 3317.19 of the Revised Code. 38283

(H)(1) If a district is educating a student entitled to 38284
attend school in another district pursuant to a shared education 38285
contract, compact, or cooperative education agreement other than 38286
an agreement entered into pursuant to section 3313.842 of the 38287
Revised Code, credit to that educating district on an FTE basis 38288
both of the following: 38289

(a) An amount equal to the formula amount. 38290

(b) Any amount applicable to the student pursuant to section 38291
3317.013 or 3317.014 of the Revised Code. 38292

(2) Deduct any amount credited pursuant to division (H)(1) of 38293
this section from amounts paid to the school district in which the 38294
student is entitled to attend school pursuant to section 3313.64 38295
or 3313.65 of the Revised Code. 38296

(3) If the district is required by a shared education 38297
contract, compact, or cooperative education agreement to make 38298

payments to an educational service center, deduct the amounts from 38299
payments to the district and add them to the amounts paid to the 38300
service center. 38301

(I) (1) If a district, including a joint vocational school 38302
district, is a lead district of a CTPD, credit to that district 38303
the amount calculated for each school district within that CTPD 38304
under ~~division~~ divisions (A) (9) and (10) of section 3317.022 of 38305
the Revised Code or ~~division~~ divisions (A) (6) and (7) of section 38306
3317.16 of the Revised Code, as applicable, and for each community 38307
school and STEM school within the CTPD under divisions (G) (1) (h) 38308
and (i) of section 3317.022 of the Revised Code. 38309

(2) Deduct from each appropriate district that is not a lead 38310
district, or from the appropriate community school or STEM school, 38311
the amount attributable to that district or school that is 38312
credited to a lead district under division (I) (1) of this section. 38313

(J) If the department pays a joint vocational school district 38314
under division (C) (3) of section 3317.16 of the Revised Code for 38315
excess costs of providing special education and related services 38316
to a student with a disability, as calculated under division 38317
(C) (1) of that section, the department shall deduct the amount of 38318
that payment from the city, local, or exempted village school 38319
district that is responsible as specified in that section for the 38320
excess costs. 38321

(K) (1) If the district reports an amount of excess cost for 38322
special education services for a child under division (C) of 38323
section 3323.14 of the Revised Code, the department shall pay that 38324
amount to the district. 38325

(2) If the district reports an amount of excess cost for 38326
special education services for a child under division (C) of 38327
section 3323.14 of the Revised Code, the department shall deduct 38328
that amount from the district of residence of that child. 38329

Sec. 3317.024. The following shall be distributed monthly, 38330
quarterly, or annually as may be determined by the state board of 38331
education: 38332

(A) An amount for each island school district and each joint 38333
state school district for the operation of each high school and 38334
each elementary school maintained within such district and for 38335
capital improvements for such schools. Such amounts shall be 38336
determined on the basis of standards adopted by the state board of 38337
education. However, for fiscal years 2012 and 2013, an island 38338
district shall receive the lesser of its actual cost of operation, 38339
as certified to the department of education, or ninety-three per 38340
cent of the amount the district received in state operating 38341
funding for fiscal year 2011. If an island district received no 38342
funding for fiscal year 2011, it shall receive no funding for 38343
either of fiscal year 2012 or 2013. 38344

(B) An amount for each school district required to pay 38345
tuition for a child in an institution maintained by the department 38346
of youth services pursuant to section 3317.082 of the Revised 38347
Code, provided the child was not included in the calculation of 38348
the district's formula ADM, as that term is defined in section 38349
3317.02 of the Revised Code, for the preceding school year. 38350

(C) An amount for the approved cost of transporting eligible 38351
pupils with disabilities attending a special education program 38352
approved by the department of education whom it is impossible or 38353
impractical to transport by regular school bus in the course of 38354
regular route transportation provided by the school district or 38355
educational service center. No district or service center is 38356
eligible to receive a payment under this division for the cost of 38357
transporting any pupil whom it transports by regular school bus 38358
and who is included in the district's transportation ADM. The 38359
state board of education shall establish standards and guidelines 38360

for use by the department of education in determining the approved 38361
cost of such transportation for each district or service center. 38362

(D) An amount to each school district, including each 38363
cooperative education school district, pursuant to section 3313.81 38364
of the Revised Code to assist in providing free lunches to needy 38365
children. The amounts shall be determined on the basis of rules 38366
adopted by the state board of education. 38367

(E) (1) An amount for auxiliary services to each school 38368
district, for each pupil attending a chartered nonpublic 38369
elementary or high school within the district that ~~is either of~~ 38370
~~the following:~~ 38371

~~(a) A school affiliated with a religious order, sect, church,~~ 38372
~~or denomination or has a curriculum or mission that contains~~ 38373
~~religious content, religious courses, devotional exercises,~~ 38374
~~religious training, or any other religious activity;~~ 38375

~~(b) A school not described in division (E) (1) (a) of this~~ 38376
~~section that~~ has not elected to receive funds under division 38377
(E) (2) of this section. 38378

(2) (a) An amount for auxiliary services paid directly to each 38379
chartered nonpublic school that has elected to receive funds under 38380
division (E) (2) of this section for each pupil attending the 38381
school. To elect to receive funds under division (E) (2) of this 38382
section, a school, by the first day of April of each odd-numbered 38383
year, shall notify the department and the school district in which 38384
the school is located of the election and shall submit to the 38385
department an affidavit certifying that the school ~~is not~~ 38386
~~affiliated with a religious order, sect, church, or denomination~~ 38387
~~and does not have a curriculum or mission that contains religious~~ 38388
~~content, religious courses, devotional exercises, religious~~ 38389
~~training, or any other religious activity~~ shall expend the funds 38390
in the manner outlined in section 3317.062 of the Revised Code. 38391

The election shall take effect the following first day of July, 38392
~~unless the department determines that the school meets the~~ 38393
~~criteria in division (E)(1)(a) of this section.~~ The school 38394
subsequently may rescind its election, but it may do so only in an 38395
odd-numbered year by notifying the department and the school 38396
district in which the school is located of the rescission not 38397
later than the first day of April of that year. Beginning the 38398
following first day of July after the rescission, the school shall 38399
receive funds under division (E)(1) of this section. 38400

(b) A chartered nonpublic school that elects to receive 38401
auxiliary services funds under division (E)(2) of this section may 38402
designate an organization that oversees one or more nonpublic 38403
schools to receive those funds on its behalf. 38404

(i) Each chartered nonpublic school that designates an 38405
organization to receive auxiliary services funds on its behalf 38406
shall notify the department of education of the organization's 38407
name not later than the first day of April of each odd-numbered 38408
year. 38409

(ii) A school may rescind its decision, but may do so only in 38410
each odd-numbered year by notifying the department of that 38411
rescission not later than the first day of April of that year. A 38412
rescission submitted in compliance with this division takes effect 38413
on the following first day of July, and the school district may 38414
elect to then begin receiving auxiliary services funds directly or 38415
as specified under division (E)(1) of this section. 38416

(iii) An organization shall disburse the auxiliary services 38417
funds of all chartered nonpublic schools that have designated the 38418
organization to receive funds on their behalf in accordance with 38419
division (E)(2)(b) of this section. If multiple chartered 38420
nonpublic schools designate the same organization to receive 38421
auxiliary services funds on their behalf, that organization may 38422
use one or more accounts for the purposes of managing the funds. 38423

The organization shall maintain appropriate accounting and reporting standards and ensure that each chartered nonpublic school receives the auxiliary services funds to which the school is entitled. 38424
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(iv) Each chartered nonpublic school that elects to receive funds directly in accordance with division (E) (2) of this section or the organization designated to receive and disburse auxiliary services funds on behalf of a chartered nonpublic school shall maintain records of receipt and expenditures of the funds in a manner that conforms with generally accepted accounting principles. 38428
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(v) The department of education shall create and disseminate a standardized reporting form that chartered nonpublic schools and organizations designated to receive funds in accordance with division (E) (2) (b) of this section may use to comply with division (E) (2) (b) (iv) of this section. However, the department shall not require schools to use that form. 38435
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(vi) An organization that manages a school's auxiliary services funds pursuant to a designation made in accordance with division (E) (2) (b) of this section may require the school's governing authority to pay a fee for that service that does not exceed four per cent of the total amount of payments for auxiliary services that the school receives from the state. A school may pay any fee assessed pursuant to division (E) (2) (b) (vi) of this section using auxiliary services funds. 38441
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(c) The amount paid under divisions (E) (1) and (2) of this section shall equal the total amount appropriated for the implementation of sections 3317.06 and 3317.062 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in chartered nonpublic elementary and high schools within the state as determined as of the last day of October of each school year. 38449
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(F) An amount for each county board of developmental disabilities, distributed on the basis of standards adopted by the state board of education, for the approved cost of transportation required for children attending special education programs operated by the county board under section 3323.09 of the Revised Code;

(G) An amount to each institution defined under section 3317.082 of the Revised Code providing elementary or secondary education to children other than children receiving special education under section 3323.091 of the Revised Code. This amount for any institution in any fiscal year shall equal the total of all tuition amounts required to be paid to the institution under division (A) (1) of section 3317.082 of the Revised Code.

The state board of education or any other board of education or governing board may provide for any resident of a district or educational service center territory any educational service for which funds are made available to the board by the United States under the authority of public law, whether such funds come directly or indirectly from the United States or any agency or department thereof or through the state or any agency, department, or political subdivision thereof.

Sec. 3317.0212. (A) As used in this section:

(1) "Qualifying riders" means resident students enrolled in regular education in grades kindergarten to twelve who are provided school bus service by a school district and who live more than one mile from the school they attend, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school.

(2) "Qualifying ridership" means the greater of the average number of qualifying riders counted in the morning or counted in

the afternoon who are provided school bus service by a school 38487
district during the first full week of October that the district 38488
is in session with students in attendance. 38489

(3) "Rider density" means the ~~total~~ rider density ADM per 38490
square mile of a school district. 38491

(4) "Rider density ADM" means, for a city, local, or exempted 38492
village school district, the enrollment reported under division 38493
(A) of section 3317.03 of the Revised Code, as verified by the 38494
superintendent of public instruction and adjusted if so ordered 38495
under division (K) of that section. 38496

(5) "School bus service" means a school district's 38497
transportation of qualifying riders in any of the following types 38498
of vehicles: 38499

(a) School buses owned or leased by the district; 38500

(b) School buses operated by a private contractor hired by 38501
the district; 38502

(c) School buses operated by another school district or 38503
entity with which the district has contracted, either as part of a 38504
consortium for the provision of transportation or otherwise. 38505

(B) Not later than the fifteenth day of October each year, 38506
each city, local, and exempted village school district shall 38507
report to the department of education its qualifying ridership and 38508
any other information requested by the department. Subsequent 38509
adjustments to the reported numbers shall be made only in 38510
accordance with rules adopted by the department. 38511

(C) The department shall calculate the statewide 38512
transportation cost per student as follows: 38513

(1) Determine each city, local, and exempted village school 38514
district's transportation cost per student by dividing the 38515
district's total costs for school bus service in the previous 38516

fiscal year by its qualifying ridership in the previous fiscal year. 38517
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(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year. 38519
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(D) The department shall calculate the statewide transportation cost per mile as follows: 38526
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(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year. 38528
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(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year. 38533
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(E) The department shall calculate each city, local, and exempted village school district's transportation payment as follows: 38540
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(1) Multiply the statewide transportation cost per student by the district's qualifying ridership for the current fiscal year. 38543
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(2) Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year. 38545
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(3) Multiply the greater of the amounts calculated under 38548
divisions (E) (1) and (2) of this section by the following: 38549

(a) For fiscal year 2018, the greater of thirty-seven and 38550
one-half per cent or the district's state share index, as defined 38551
in section 3317.02 of the Revised Code; 38552

(b) For fiscal year 2019, the greater of twenty-five per cent 38553
or the district's state share index. 38554

(F) In addition to funds paid under division (E) of this 38555
section, each city, local, and exempted village district shall 38556
receive in accordance with rules adopted by the state board of 38557
education a payment for students transported by means other than 38558
school bus service and whose transportation is not funded under 38559
division (C) of section 3317.024 of the Revised Code. The rules 38560
shall include provisions for school district reporting of such 38561
students. 38562

(G) (1) For purposes of division (G) of this section, a school 38563
district's "transportation supplement percentage" means the 38564
following quotient: 38565

$$(50 - \text{the district's rider density}) / 100 \quad 38566$$

If the result of the calculation for a district under 38567
division (G) (1) of this section is less than zero, the district's 38568
transportation supplement percentage shall be zero. 38569

(2) The department shall pay each district a transportation 38570
supplement calculated according to the following formula: 38571

The district's transportation supplement percentage X the amount 38572
calculated for the district under division (E) (2) of this section 38573

$$X 0.55 \quad 38574$$

(H) (1) If a school district board and a community school 38575
governing authority elect to enter into an agreement under 38576
division (A) of section 3314.091 of the Revised Code, the 38577
department shall make payments to the community school according 38578

to the terms of the agreement for each student actually 38579
transported under division (C) (1) of that section. If a community 38580
school governing authority accepts transportation responsibility 38581
under division (B) of that section, the department shall make 38582
payments to the community school for each student actually 38583
transported or for whom transportation is arranged by the 38584
community school under division (C) (1) of that section, calculated 38585
as follows: 38586

(a) For any fiscal year which the general assembly has 38587
specified that transportation payments to school districts be 38588
based on an across-the-board percentage of the district's payment 38589
for the previous school year, the per pupil payment to the 38590
community school shall be the following quotient: 38591

(i) The total amount calculated for the school district in 38592
which the child is entitled to attend school for student 38593
transportation other than transportation of children with 38594
disabilities; divided by 38595

(ii) The number of students included in the district's 38596
transportation ADM for the current fiscal year, as calculated 38597
under section 3317.03 of the Revised Code, plus the number of 38598
students enrolled in the community school not counted in the 38599
district's transportation ADM who are transported under division 38600
(B) (1) or (2) of section 3314.091 of the Revised Code. 38601

(b) For any fiscal year which the general assembly has 38602
specified that the transportation payments to school districts be 38603
calculated in accordance with this section and any rules of the 38604
state board of education implementing this section, the payment to 38605
the community school shall be the amount so calculated on a per 38606
rider basis that otherwise would be computed for and paid to the 38607
school district in which the student is entitled to attend school 38608
by the method of transportation the district would have used. The 38609
community school, however, is not required to use the same method 38610

to transport that student. 38611

As used in this division "entitled to attend school" means 38612
entitled to attend school under section 3313.64 or 3313.65 of the 38613
Revised Code. 38614

(2) A community school shall be paid under division (H)(1) of 38615
this section only for students who are eligible as specified in 38616
section 3327.01 of the Revised Code and division (C)(1) of section 38617
3314.091 of the Revised Code, and whose transportation to and from 38618
school is actually provided, who actually utilized transportation 38619
arranged, or for whom a payment in lieu of transportation is made 38620
by the community school's governing authority. To qualify for the 38621
payments, the community school shall report to the department, in 38622
the form and manner required by the department, data on the number 38623
of students transported or whose transportation is arranged, the 38624
number of miles traveled, cost to transport, and any other 38625
information requested by the department. 38626

Sec. 3317.0214. (A) The department shall compute and pay in 38627
accordance with this section additional state aid to school 38628
districts for students in categories two through six special 38629
education ADM. If a district's costs for the fiscal year for a 38630
student in its categories two through six special education ADM 38631
exceed the threshold ~~catastrophic~~ cost for serving the student, 38632
the district may submit to the superintendent of public 38633
instruction documentation, as prescribed by the superintendent, of 38634
all its costs for that student. Upon submission of documentation 38635
for a student of the type and in the manner prescribed, the 38636
department shall pay to the district an amount equal to the sum of 38637
the following: 38638

(1) One-half of the district's costs for the student in 38639
excess of the threshold ~~catastrophic~~ cost; 38640

(2) The product of one-half of the district's costs for the 38641

student in excess of the threshold catastrophic cost multiplied by 38642
the district's state share index. 38643

(B) For purposes of division (A) of this section, the 38644
threshold catastrophic cost for serving a student equals: 38645

(1) For a student in the school district's category two, 38646
three, four, or five special education ADM, twenty-seven thousand 38647
three hundred seventy-five dollars; 38648

(2) For a student in the district's category six special 38649
education ADM, thirty-two thousand eight hundred fifty dollars. 38650

(C) The district shall report under division (A) of this 38651
section, and the department shall pay for, only the costs of 38652
educational expenses and the related services provided to the 38653
student in accordance with the student's individualized education 38654
program. Any legal fees, court costs, or other costs associated 38655
with any cause of action relating to the student may not be 38656
included in the amount. 38657

Sec. 3317.0215. ~~(A) For purposes of this section, "four-year 38658
adjusted cohort graduation rate" has the same meaning as in 38659
section 3302.01 of the Revised Code. 38660~~

~~(B) The department of education shall annually calculate a 38661
graduation bonus for each city, local, and exempted village school 38662
district according to the following formula: 38663~~

~~The district's four-year adjusted cohort graduation rate on its 38664
most recent report card issued by the department under section 38665
3302.03 of the Revised Code X 0.075 X the formula amount X the 38666
number of the district's graduates reported to the department, in 38667
accordance with the guidelines adopted under section 3301.0714 of 38668
the Revised Code, for the same school year for which the most 38669
recent report card was issued X the district's state share index 38670~~

Sec. 3317.0216. ~~(A) For purposes of this section, a city, 38671~~

~~local, or exempted village school district's "third grade reading proficiency percentage" means the percentage of the district's students scoring at a proficient level of skill or higher on the third grade English language arts assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code for the immediately preceding school year, as reported on the district's report card under section 3302.03 of the Revised Code.~~

~~(B)~~ The department of education shall annually calculate a third-grade reading bonus for each city, local, and exempted village school district according to the following formula:

The district's third-grade reading proficiency percentage X 0.075 X the formula amount X the number of the district's students scoring at a proficient level of skill or higher on the third-grade English language arts assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code for the immediately preceding school year X the district's state share index

Sec. 3317.0217. Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code.

(A) The department of education shall annually compute targeted assistance funds to school districts, as follows:

(1) Calculate the local wealth per pupil of each school district, which equals the following sum:

(a) One-half times the quotient of (i) the district's three-year average valuation divided by (ii) its ~~formula~~ enrolled ADM plus the enrollment reported for the district under divisions (A) (2) (a) and (i) of section 3317.03 of the Revised Code; plus

(b) One-half times the quotient of (i) the average of the total federal adjusted gross income of the school district's

residents for the three years most recently reported under section 38702
3317.021 of the Revised Code divided by (ii) its ~~formula~~ enrolled 38703
ADM plus the enrollment reported for the district under divisions 38704
(A) (2) (a) and (i) of section 3317.03 of the Revised Code. 38705

(2) Rank all school districts in order of local wealth per 38706
pupil, from the district with the lowest local wealth per pupil to 38707
the district with the highest local wealth per pupil. 38708

(3) Compute the statewide wealth per pupil, which equals the 38709
following sum: 38710

(a) One-half times the quotient of (i) the sum of the 38711
three-year average valuations for all school districts divided by 38712
(ii) the sum of ~~formula~~ enrolled ADM counts for all school 38713
districts plus the sum of the enrollment reported for all school 38714
districts under divisions (A) (2) (a) and (i) of section 3317.03 of 38715
the Revised Code; plus 38716

(b) One-half times the quotient of (i) the sum of the 38717
three-year average total federal adjusted gross incomes for all 38718
school districts divided by (ii) the sum of ~~formula~~ enrolled ADM 38719
counts for all school districts plus the sum of the enrollment 38720
reported for all school districts under divisions (A) (2) (a) and 38721
(i) of section 3317.03 of the Revised Code. 38722

(4) Compute each district's wealth index by dividing the 38723
statewide wealth per pupil by the district's local wealth per 38724
pupil. 38725

(5) Compute the per pupil targeted assistance for each 38726
eligible school district in accordance with the following formula: 38727

(Threshold local wealth per pupil - the district's local wealth 38728
per pupil) 38729

X target millage X the district's wealth index 38730

Where: 38731

(a) An "eligible school district" means a school district 38732
with a local wealth per pupil less than that of the school 38733
district with the 490th lowest local wealth per pupil. 38734

(b) "Threshold local wealth per pupil" means the local wealth 38735
per pupil of the school district with the 490th lowest local 38736
wealth per pupil. 38737

(c) "Target millage" means 0.006. 38738

If the result of the calculation for a school district under 38739
division (A) (5) of this section is less than zero, the district's 38740
targeted assistance shall be zero. 38741

(6) Calculate the aggregate amount to be paid as targeted 38742
assistance funds to each school district under division (A) of 38743
section 3317.022 of the Revised Code by multiplying the per pupil 38744
targeted assistance computed under division (A) (5) of this section 38745
by the district's ~~net formula~~ enrolled ADM. 38746

~~As used in this division, a district's "net formula ADM" 38747
means its formula ADM minus the number of community school 38748
students certified under division (B) (3) (d) of section 3317.03 of 38749
the Revised Code X 0.75, the number of internet and 38750
computer based community school students certified under division 38751
(B) (3) (e) of that section, the number of science, technology, 38752
engineering, and mathematics school students certified under 38753
division (B) (3) (j) of that section X 0.75, and the number of 38754
scholarship students certified under divisions (B) (3) (f), (g), and 38755
(l) of that section. 38756~~

(B) The department shall annually compute supplemental 38757
targeted assistance funds to school districts, as follows: 38758

(1) Compute each district's agricultural percentage as the 38759
quotient of (a) the three-year average valuation of real property 38760
in the district that is classified as agricultural property 38761
divided by (b) the three-year average valuation of all of the real 38762

property in the district. 38763

(2) Calculate the aggregate amount to be paid as supplemental 38764
targeted assistance funds to each school district under division 38765
(A) of section 3317.022 of the Revised Code, as follows: 38766

(The district's agricultural percentage - 0.1) X (0.4 X the 38767
formula amount) X the district's ~~net formula~~ enrolled ADM, ~~as that~~ 38768
~~term is defined in division (A) of this section~~ 38769

If the result of the calculation for a school district under 38770
division (B) (2) of this section is less than zero, the district's 38771
supplemental targeted assistance shall be zero. 38772

Sec. 3317.0218. The department of education shall annually 38773
compute capacity aid funds to school districts, as follows: 38774

(A) For each school district, multiply the district's 38775
three-year average valuation by 0.001; 38776

(B) Determine the median amount of all of the amounts 38777
calculated under division (A) of this section; 38778

(C) Calculate each school district's capacity ratio, which 38779
equals the greater of zero or the amount calculated as follows: 38780
(The amount determined under division (B) of this section / the 38781
amount calculated for the district under division (A) of this 38782
section) - 1 38783

If the result of a calculation for a school district under 38784
division (C) of this section is greater than 2.5, the district's 38785
capacity ratio shall be 2.5. 38786

(D) Calculate the capacity aid per pupil amount, which equals 38787
the following quotient: 38788
(The amount determined under division (B) of this section) / (the 38789
average of the ~~formula~~ enrolled ADMs of all of the districts for 38790
which the amount calculated under division (A) of this section is 38791
less than the amount determined under division (B) of this 38792

section)	38793
(E) Calculate each school district's capacity aid, which equals the following product:	38794
The capacity aid per pupil amount calculated under division (D) of this section X the district's formula <u>enrolled</u> ADM X 4.0 X the district's capacity ratio calculated under division (C) of this section	38795
	38796
	38797
	38798
	38799
Sec. 3317.0219. (A) As used in this section:	38800
(1) A district's "base per pupil amount" means the following:	38801
(a) For a district in the highest quintile determined under division (B) (2) of this section, \$250 <u>\$304</u> , for fiscal year 2020 <u>2022</u> , and \$360 <u>\$242</u> , for fiscal year 2021 <u>2023</u> .	38802
	38803
	38804
(b) For a district in the second highest quintile determined under division (B) (2) of this section, \$200 <u>\$245</u> , for fiscal year 2020 <u>2022</u> , and \$290 <u>\$194</u> , for fiscal year 2021 <u>2023</u> .	38805
	38806
	38807
(c) For a district in the third highest quintile determined under division (B) (2) of this section, \$110 <u>\$131</u> , for fiscal year 2020 <u>2022</u> , and \$155 <u>\$104</u> , for fiscal year 2021 <u>2023</u> .	38808
	38809
	38810
(d) For a district in the fourth highest quintile determined under division (B) (2) of this section, \$50 <u>\$59</u> , for fiscal year 2020 <u>2022</u> , and \$70 <u>\$47</u> , for fiscal year 2021 <u>2023</u> .	38811
	38812
	38813
(e) For a district in the fifth highest quintile determined under division (B) (2) of this section, \$20 <u>\$25</u> , for fiscal year 2020 <u>2022</u> , and \$30 <u>\$20</u> , for fiscal year 2021 <u>2023</u> .	38814
	38815
	38816
(2) "Base poverty percentage" for a quintile determined under division (B) (2) of this section means the poverty percentage of the district ranked lowest in that quintile.	38817
	38818
	38819
(3) " Enrolled <u>Student wellness and success enrolled</u> ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the	38820
	38821
	38822

Revised Code, as verified by the superintendent of public 38823
instruction and adjusted if so ordered under division (K) of that 38824
section, and as further adjusted by the department of education, 38825
as follows: 38826

(a) Add the students counted under division (A) (1) (b) of 38827
section 3317.03 of the Revised Code. 38828

(b) Subtract the students counted under divisions (A) (2) (a), 38829
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 38830
Code. 38831

(c) Subtract the students counted under division (A) (3) of 38832
section 3317.03 of the Revised Code. 38833

(B) Subject to division (D) of this section, for fiscal years 38834
~~2020~~ 2022 and ~~2021~~2023, the department of education shall 38835
calculate and pay student wellness and success funds to city, 38836
local, and exempted village school districts as follows: 38837

(1) Using the ~~most recent~~ five-year estimates published by 38838
the United States census bureau in the 2015-2019 American 38839
community survey ~~or its successor report~~, compute the poverty 38840
percentage for each district, which equals the following quotient: 38841

The number of children younger than eighteen years old 38842
residing in the district who live in a household with a family 38843
income below one hundred eighty-five per cent of the federal 38844
poverty guidelines, as defined in section 5101.46 of the Revised 38845
Code/ the total number of children younger than eighteen years old 38846
residing in the district 38847

(2) Rank all city, local, and exempted village school 38848
districts in order of poverty percentage calculated under division 38849
(B) (1) of this section, from the district with the highest 38850
percentage to the district with the lowest percentage, and group 38851
the districts into quintiles. 38852

(3) Determine each district's student wellness and success 38853
enrolled ADM for the immediately preceding fiscal year. If a 38854
district's student wellness and success enrolled ADM for the 38855
immediately preceding fiscal year is determined to be less than 38856
five, the district's student wellness and success enrolled ADM, 38857
for purposes of computations under this section, shall be zero. 38858

(4) For each district that is not in the highest quintile 38859
determined under division (B) (2) of this section, compute the 38860
district's scaled amount, which is equal to the following 38861
quotient: 38862

[(The district's poverty percentage computed under division 38863
(B) (1) of this section - the base poverty percentage of the 38864
district's quintile)/ (the base poverty percentage of the quintile 38865
that is the next highest quintile compared to the district's 38866
quintile - the base poverty percentage of the district's 38867
quintile)] X (the base per pupil amount for a district in the 38868
quintile that is the next highest quintile compared to the 38869
district's quintile - the district's base per pupil amount) 38870

(5) Compute a district's payment as follows: 38871

(a) Subject to division (B) (5) (c) of this section, if a 38872
district is in the highest quintile determined under division 38873
(B) (2) of this section, the district's payment shall be equal to 38874
the following amount: 38875

The district's base per pupil amount for that fiscal year X 38876
the district's student wellness and success enrolled ADM 38877
determined under division (B) (3) of this section 38878

(b) Subject to division (B) (5) (c) of this section, if a 38879
district is not in the highest quintile determined under division 38880
(B) (2) of this section, the district's payment shall be equal to 38881
the following amount: 38882

(The district's base per pupil amount for that fiscal year + 38883

the district's scaled amount computed under division (B) (4) of 38884
this section for that fiscal year) X the district's student 38885
wellness and success enrolled ADM determined under division (B) (3) 38886
of this section 38887

(c) If the computation of a district's payment under division 38888
(B) (5) (a) or (b) of this section is greater than zero but less 38889
than ~~\$25,000~~\$30,404, for fiscal year ~~2020~~2022, or ~~\$36,000~~\$24,149, 38890
for fiscal year ~~2021~~2023, the district's payment shall be equal to 38891
~~\$25,000~~\$30,404, for fiscal year ~~2020~~2022, or ~~\$36,000~~\$24,149, for 38892
fiscal year ~~2021~~2023. 38893

If the computation of a district's payment under division 38894
(B) (5) (a) or (b) of this section is equal to zero, the district's 38895
payment shall be equal to zero. 38896

(C) (1) As used in division (C) of this section: 38897

(a) "Eligible school district" means a city, local, or 38898
exempted village school district that received supplemental 38899
targeted assistance funding under division (B) of section 38900
3317.0217 of the Revised Code for fiscal year 2019. 38901

(b) A district's "enhancement percentage for a fiscal year" 38902
means the square of the quotient of the poverty percentage 38903
calculated for the district for that fiscal year under division 38904
(B) (1) of this section divided by 0.36. 38905

(2) Subject to division (D) of this section, for fiscal years 38906
~~2020~~ 2022 and ~~2021~~2023, the department shall pay student wellness 38907
and success enhancement funds to each eligible city, local, and 38908
exempted village school district in an amount equal to the 38909
following product: 38910

(~~\$50~~\$100, for fiscal year ~~2020~~2022, or ~~\$75~~\$125, for fiscal 38911
year ~~2021~~2023) X the district's enhancement percentage for that 38912
fiscal year X the district's student wellness and success enrolled 38913
ADM for the immediately preceding fiscal year 38914

(D) The department shall pay funds under divisions (B) and 38915
(C) of this section as follows: 38916

(1) One-half of the amount shall be paid not later than the 38917
thirty-first day of October of the fiscal year for which the 38918
payment is calculated. 38919

(2) One-half of the amount shall be paid not later than the 38920
twenty-eighth day of February of the fiscal year for which the 38921
payment is calculated. 38922

Upon making a payment for a fiscal year under this section, 38923
the department shall not make any reconciliations or adjustments 38924
to that payment. 38925

(E) A city, local, or exempted village school district that 38926
receives a payment under this section shall comply with section 38927
3317.26 of the Revised Code. 38928

Sec. 3317.0220. (A) As used in this section: 38929

(1) "Base per pupil amount" has the same meaning as in 38930
section 3317.0219 of the Revised Code. 38931

(2) "Eligible school district" has the same meaning as in 38932
division (C) (1) of section 3317.0219 of the Revised Code. 38933

(3) "Resident district" has the same meaning as in section 38934
3314.08 of the Revised Code. 38935

(B) Subject to division (E) of this section, for fiscal years 38936
2022 and 2023, the department of education shall calculate and pay 38937
to each community school that is not an internet- or 38938
computer-based community school student wellness and success 38939
funds, on a full-time equivalency basis, for each student enrolled 38940
in the school in the immediately preceding fiscal year in an 38941
amount equal to the following: 38942

(The base per pupil amount of the student's resident district for 38943

that fiscal year + the scaled amount of the student's resident 38944
district, if any, computed under division (B) (4) of section 38945
3317.0219 of the Revised Code) 38946

However, each community school shall receive a minimum 38947
payment of \$30,404, for fiscal year 2022, or \$24,149, for fiscal 38948
year 2023. 38949

(C) Subject to division (E) of this section, for fiscal years 38950
2022 and 2023, the department shall pay student wellness and 38951
success funds to each internet- or computer-based community school 38952
in an amount equal to \$30,404, for fiscal year 2022, or \$24,149, 38953
for fiscal year 2023. 38954

(D) Subject to division (E) of this section, for fiscal years 38955
2022 and 2023, the department shall pay to each community school 38956
that is not an internet- or computer-based community school 38957
student wellness and success enhancement funds, on a full-time 38958
equivalency basis, for each student enrolled in the school in the 38959
immediately preceding fiscal year whose resident district is an 38960
eligible school district, in an amount equal to the following: 38961
The amount paid to the student's resident district under division 38962
(C) (2) of section 3317.0219 of the Revised Code for that fiscal 38963
year / the student wellness and success enrolled ADM of the 38964
student's resident district for the immediately preceding fiscal 38965
year 38966

(E) The department shall pay funds under divisions (B), (C), 38967
and (D) of this section as follows: 38968

(1) One-half of the amount shall be paid not later than the 38969
thirty-first day of October of the fiscal year for which the 38970
payment is calculated. 38971

(2) One-half of the amount shall be paid not later than the 38972
twenty-eighth day of February of the fiscal year for which the 38973
payment is calculated. 38974

Upon making a payment for a fiscal year under this section, 38975
the department shall not make any reconciliations or adjustments 38976
to that payment. 38977

(F) A community school that receives a payment under this 38978
section shall comply with section 3317.26 of the Revised Code. 38979

Sec. 3317.0221. (A) As used in this section: 38980

(1) "Base per pupil amount" has the same meaning as in 38981
section 3317.0219 of the Revised Code. 38982

(2) "Eligible school district" has the same meaning as in 38983
division (C) (1) of section 3317.0219 of the Revised Code. 38984

(3) "Resident district" has the same meaning as in section 38985
3326.31 of the Revised Code. 38986

(B) Subject to division (D) of this section, for fiscal years 38987
2022 and 2023, the department of education shall calculate and pay 38988
to each science, technology, engineering, and mathematics school 38989
student wellness and success funds, on a full-time equivalency 38990
basis, for each student enrolled in the school in the immediately 38991
preceding fiscal year in an amount equal to the following: 38992

(The base per pupil amount of the student's resident district for 38993
that fiscal year + the scaled amount of the student's resident 38994
district, if any, computed under division (B) (4) of section 38995
3317.0219 of the Revised Code) 38996

However, each science, technology, engineering, and 38997
mathematics school shall receive a minimum payment of \$30,404, for 38998
fiscal year 2022, or \$24,149, for fiscal year 2023. 38999

(C) Subject to division (D) of this section, for fiscal years 39000
2022 and 2023, the department shall pay to each science, 39001
technology, engineering, and mathematics school student wellness 39002
and success enhancement funds, on a full-time equivalency basis, 39003
for each student enrolled in the school in the immediately 39004

preceding fiscal year whose resident district is an eligible 39005
school district, in an amount equal to the following: 39006

The amount paid to the student's resident district under division 39007
(C) (2) of section 3317.0219 of the Revised Code for that fiscal 39008
year / the student wellness and success enrolled ADM of the 39009
student's resident district for the immediately preceding fiscal 39010
year 39011

(D) The department shall pay funds under divisions (B) and 39012
(C) of this section as follows: 39013

(1) One-half of the amount shall be paid not later than the 39014
thirty-first day of October of the fiscal year for which the 39015
payment is calculated. 39016

(2) One-half of the amount shall be paid not later than the 39017
twenty-eighth day of February of the fiscal year for which the 39018
payment is calculated. 39019

Upon making a payment for a fiscal year under this section, 39020
the department shall not make any reconciliations or adjustments 39021
to that payment. 39022

(E) A science, technology, engineering, and mathematics 39023
school that receives a payment under this section shall comply 39024
with section 3317.26 of the Revised Code. 39025

Sec. 3317.0222. (A) As used in this section, a city, local, 39026
or exempted village school district's "local tax revenue" for a 39027
fiscal year means the sum of the following: 39028

(1) The district's taxes charged and payable as certified 39029
under division (A) (3) (a) of section 3317.021 of the Revised Code 39030
minus any amounts reported under division (A) (3) (b) of that 39031
section for the second preceding tax year; 39032

(2) The district's tax distribution for the preceding fiscal 39033
year under any school district income tax levied by the district 39034

pursuant to Chapter 5748. of the Revised Code to the extent the 39035
revenue from the income tax is allocated or apportioned to current 39036
expenses. 39037

(B) For each fiscal year, the department of education shall 39038
compute and pay gap aid to each city, local, and exempted village 39039
school district as follows: 39040

(1) Calculate the following difference: 39041

(1 - the district's state share index) 39042

(2) Calculate the sum of the following: 39043

(a) The district's payment for that fiscal year under 39044
division (A) (1) of section 3317.022 of the Revised Code divided by 39045
the district's state share index; 39046

(b) The district's payment for that fiscal year under 39047
division (A) (3) of section 3317.022 of the Revised Code divided by 39048
the district's state share index; 39049

(c) The district's payment for that fiscal year under 39050
division (A) (6) of section 3317.022 of the Revised Code divided by 39051
the district's state share index; 39052

(d) The district's payment for that fiscal year under 39053
division (A) (8) of section 3317.022 of the Revised Code divided by 39054
the district's state share index; 39055

(e) The district's payment for that fiscal year under 39056
division (A) (9) of section 3317.022 of the Revised Code divided by 39057
the district's state share index; 39058

(f) The district's payment for that fiscal year under 39059
division (A) (13) of section 3317.022 of the Revised Code divided 39060
by the district's state share index; 39061

(g) The district's payment for that fiscal year under 39062
division (A) (14) of section 3317.022 of the Revised Code divided 39063
by the district's state share index; 39064

(h) The product of \$193 times the district's enrolled ADM for grades kindergarten through three. 39065
39066

(3) Multiply the difference determined under division (B) (1) of this section by the sum determined under division (B) (2) of this section; 39067
39068
39069

(4) Calculate the following product: 39070
(The district's payment for that fiscal year under division (E) of section 3317.0212 of the Revised Code / the greater of twenty-five per cent or the district's state share index) X (1 - the greater of twenty-five per cent or the district's state share index) 39071
39072
39073
39074

(5) Calculate the sum of the the product determined under division (B) (3) of this section and the product determined under division (B) (4) of this section; 39075
39076
39077

(6) Subtract from the sum calculated under division (B) (5) of this section any temporary transitional aid authorized by the general assembly for that fiscal year that is paid to the district; 39078
39079
39080
39081

(7) Compute the district's gap aid payment for that fiscal year in accordance with the following formula: 39082
39083

The amount determined under division (B) (6) of this section - the district's local tax revenue for that fiscal year 39084
39085

If the computation made under division (B) (7) of this section results in a negative number, the district's gap aid payments shall be zero. 39086
39087
39088

Sec. 3317.0223. (A) The department of education shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised 39089
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Code an amount for the special education cost supplement pool that 39095
is equal to the following: 39096

(1) In the case of a city, local, or exempted village school 39097
district, an amount calculated as follows: 39098

0.10 X [(the district's category one special education ADM X the 39099
amount specified in division (A) of section 3317.013 of the 39100
Revised Code X the district's state share index) + (the district's 39101
category two special education ADM X the amount specified in 39102
division (B) of section 3317.013 of the Revised Code X the 39103
district's state share index) + (the district's category three 39104
special education ADM X the amount specified in division (C) of 39105
section 3317.013 of the Revised Code X the district's state share 39106
index) + (the district's category four special education ADM X the 39107
amount specified in division (D) of section 3317.013 of the 39108
Revised Code X the district's state share index) + (the district's 39109
category five special education ADM X the amount specified in 39110
division (E) of section 3317.013 of the Revised Code X the 39111
district's state share index) + (the district's category six 39112
special education ADM X the amount specified in division (F) of 39113
section 3317.013 of the Revised Code X the district's state share 39114
index)] 39115

(2) In the case of a joint vocational school district, an 39116
amount calculated as follows: 39117

0.10 X [(the district's category one special education ADM X the 39118
amount specified in division (A) of section 3317.013 of the 39119
Revised Code X the district's state share percentage) + (the 39120
district's category two special education ADM X the amount 39121
specified in division (B) of section 3317.013 of the Revised Code 39122
X the district's state share percentage) + (the district's 39123
category three special education ADM X the amount specified in 39124
division (C) of section 3317.013 of the Revised Code X the 39125

district's state share percentage) + (the district's category four 39126
special education ADM X the amount specified in division (D) of 39127
section 3317.013 of the Revised Code X the district's state share 39128
percentage) + (the district's category five special education ADM 39129
X the amount specified in division (E) of section 3317.013 of the 39130
Revised Code X the district's state share percentage) + (the 39131
district's category six special education ADM X the amount 39132
specified in division (F) of section 3317.013 of the Revised Code 39133
X the district's state share percentage)] 39134

(3) In the case of a community school, the aggregate amount 39135
of special education funding paid to the school under section 39136
3317.022 of the Revised Code times 0.10. 39137

(4) In the case of a science, technology, engineering, and 39138
mathematics school, the aggregate amount of special education 39139
funding paid to the school under section 3317.022 of the Revised 39140
Code times 0.10. 39141

(B) The department shall use the amount of funds withheld 39142
under division (A) of this section for purposes of division (C) (1) 39143
of section 3314.08 of the Revised Code, section 3317.0214 of the 39144
Revised Code, division (B) of section 3317.16 of the Revised Code, 39145
and section 3326.34 of the Revised Code. 39146

Sec. 3317.03. (A) The superintendent of each city, local, and 39147
exempted village school district shall report to the state board 39148
of education as of the last day of October, March, and June of 39149
each year the enrollment of students receiving services from 39150
schools under the superintendent's supervision, and the numbers of 39151
other students entitled to attend school in the district under 39152
section 3313.64 or 3313.65 of the Revised Code the superintendent 39153
is required to report under this section, so that the department 39154
of education can calculate the district's enrolled ADM, formula 39155
ADM, rider density ADM, student wellness and success enrolled ADM, 39156

total ADM, total resources ADM, category one through five 39157
career-technical education ADM, category one through three English 39158
learner ADM, category one through six special education ADM, 39159
~~preschool scholarship ADM~~, transportation ADM, and, for purposes 39160
of provisions of law outside of Chapter 3317. of the Revised Code, 39161
average daily membership. 39162

(1) The enrollment reported by the superintendent during the 39163
reporting period shall consist of the number of students in grades 39164
kindergarten through twelve receiving any educational services 39165
from the district, except that the following categories of 39166
students shall not be included in the determination: 39167

(a) Students enrolled in adult education classes; 39168

(b) Adjacent or other district students enrolled in the 39169
district under an open enrollment policy pursuant to section 39170
3313.98 of the Revised Code; 39171

(c) Students receiving services in the district pursuant to a 39172
compact, cooperative education agreement, or a contract, but who 39173
are entitled to attend school in another district pursuant to 39174
section 3313.64 or 3313.65 of the Revised Code; 39175

(d) Students for whom tuition is payable pursuant to sections 39176
3317.081 and 3323.141 of the Revised Code; 39177

(e) Students receiving services in the district through a 39178
scholarship awarded under either section 3310.41 or sections 39179
3310.51 to 3310.64 of the Revised Code. 39180

When reporting students under division (A) (1) of this 39181
section, the superintendent also shall report the district where 39182
each student is entitled to attend school pursuant to sections 39183
3313.64 and 3313.65 of the Revised Code. 39184

(2) The department of education shall compile a list of all 39185
students reported to be enrolled in a district under division 39186

(A) (1) of this section and of the students entitled to attend 39187
school in the district pursuant to section 3313.64 or 3313.65 of 39188
the Revised Code on an FTE basis but receiving educational 39189
services in grades kindergarten through twelve from one or more of 39190
the following entities: 39191

(a) A community school pursuant to Chapter 3314. of the 39192
Revised Code, including any participation in a college pursuant to 39193
Chapter 3365. of the Revised Code while enrolled in such community 39194
school; 39195

(b) An alternative school pursuant to sections 3313.974 to 39196
3313.979 of the Revised Code ~~as described in division (I) (2) (a) or~~ 39197
~~(b) of this section;~~ 39198

(c) A college pursuant to Chapter 3365. of the Revised Code, 39199
except when the student is enrolled in the college while also 39200
enrolled in a community school pursuant to Chapter 3314., a 39201
science, technology, engineering, and mathematics school 39202
established under Chapter 3326., or a college-preparatory boarding 39203
school established under Chapter 3328. of the Revised Code; 39204

(d) An adjacent or other school district under an open 39205
enrollment policy adopted pursuant to section 3313.98 of the 39206
Revised Code; 39207

(e) An educational service center or cooperative education 39208
district; 39209

(f) Another school district under a cooperative education 39210
agreement, compact, or contract; 39211

(g) A chartered nonpublic school with a scholarship paid 39212
under section ~~3310.08~~ 3317.022 of the Revised Code, if the 39213
students qualified for the scholarship under section 3310.03 or 39214
3310.032 of the Revised Code; 39215

(h) An alternative public provider or a registered private 39216

provider with a scholarship awarded under either section 3310.41 39217
or sections 3310.51 to 3310.64 of the Revised Code. 39218

As used in this section, "alternative public provider" and 39219
"registered private provider" have the same meanings as in section 39220
3310.41 or 3310.51 of the Revised Code, as applicable. 39221

(i) A science, technology, engineering, and mathematics 39222
school established under Chapter 3326. of the Revised Code, 39223
including any participation in a college pursuant to Chapter 3365. 39224
of the Revised Code while enrolled in the school; 39225

(j) A college-preparatory boarding school established under 39226
Chapter 3328. of the Revised Code, including any participation in 39227
a college pursuant to Chapter 3365. of the Revised Code while 39228
enrolled in the school. 39229

(3) The department also shall compile a list of the students 39230
entitled to attend school in the district under section 3313.64 or 39231
3313.65 of the Revised Code who are enrolled in a joint vocational 39232
school district or under a career-technical education compact, 39233
excluding any students so entitled to attend school in the 39234
district who are enrolled in another school district through an 39235
open enrollment policy as reported under division (A)(2)(d) of 39236
this section and then enroll in a joint vocational school district 39237
or under a career-technical education compact. 39238

The department shall provide each city, local, and exempted 39239
village school district with an opportunity to review the list of 39240
students compiled under divisions (A)(2) and (3) of this section 39241
to ensure that the students reported accurately reflect the 39242
enrollment of students in the district. 39243

(B) To enable the department of education to obtain the data 39244
needed to complete the calculation of payments pursuant to this 39245
chapter, each superintendent shall certify from the reports 39246
provided by the department under division (A) of this section all 39247

of the following: 39248

(1) The total student enrollment in regular learning day 39249
classes included in the report under division (A) (1) or (2) (c), 39250
(d), (e), (f), or (j) of this section for each of the individual 39251
grades kindergarten through twelve in schools under the 39252
superintendent's supervision; 39253

(2) The unduplicated count of the number of preschool 39254
children with disabilities enrolled in the district for whom the 39255
district is eligible to receive funding under section 3317.0213 of 39256
the Revised Code adjusted for the portion of the year each child 39257
is so enrolled, in accordance with the disability categories 39258
prescribed in section 3317.013 of the Revised Code; 39259

(3) The number of children entitled to attend school in the 39260
district pursuant to section 3313.64 or 3313.65 of the Revised 39261
Code who are: 39262

~~(a) Participating in a pilot project scholarship program 39263
established under sections 3313.974 to 3313.979 of the Revised 39264
Code as described in division (I) (2) (a) or (b) of this section;~~ 39265

~~(b)~~ Enrolled in a college under Chapter 3365. of the Revised 39266
Code, except when the student is enrolled in the college while 39267
also enrolled in a community school pursuant to Chapter 3314. of 39268
the Revised Code, a science, technology, engineering, and 39269
mathematics school established under Chapter 3326., or a 39270
college-preparatory boarding school established under Chapter 39271
3328. of the Revised Code; 39272

~~(e)~~ (b) Enrolled in an adjacent or other school district under 39273
section 3313.98 of the Revised Code; 39274

~~(d) Enrolled in a community school established under Chapter 39275
3314. of the Revised Code that is not an internet or 39276
computer based community school as defined in section 3314.02 of 39277
the Revised Code, including any participation in a college 39278~~

pursuant to Chapter 3365. of the Revised Code while enrolled in	39279
such community school;	39280
(e) Enrolled in an internet or computer based community	39281
school, as defined in section 3314.02 of the Revised Code,	39282
including any participation in a college pursuant to Chapter 3365.	39283
of the Revised Code while enrolled in the school;	39284
(f) Enrolled in a chartered nonpublic school with a	39285
scholarship paid under section 3310.08 of the Revised Code and who	39286
qualified for the scholarship under section 3310.03 of the Revised	39287
Code;	39288
(g) Enrolled in kindergarten through grade twelve in an	39289
alternative public provider or a registered private provider with	39290
a scholarship awarded under section 3310.41 of the Revised Code;	39291
(h) Enrolled as a preschool child with a disability in an	39292
alternative public provider or a registered private provider with	39293
a scholarship awarded under section 3310.41 of the Revised Code;	39294
(i)(c) Participating in a program operated by a county board	39295
of developmental disabilities or a state institution;	39296
(j) Enrolled in a science, technology, engineering, and	39297
mathematics school established under Chapter 3326. of the Revised	39298
Code, including any participation in a college pursuant to Chapter	39299
3365. of the Revised Code while enrolled in the school;	39300
(k)(d) Enrolled in a college-preparatory boarding school	39301
established under Chapter 3328. of the Revised Code, including any	39302
participation in a college pursuant to Chapter 3365. of the	39303
Revised Code while enrolled in the school;	39304
(l) Enrolled in an alternative public provider or a	39305
registered private provider with a scholarship awarded under	39306
sections 3310.51 to 3310.64 of the Revised Code.	39307
(4) The total enrollment of pupils in joint vocational	39308

schools; 39309

(5) The combined enrollment of children with disabilities 39310
reported under division (A) (1) or (2) (c), (d), (e), (f), or (j) of 39311
this section receiving special education services for the category 39312
one disability described in division (A) of section 3317.013 of 39313
the Revised Code, including children attending a special education 39314
program operated by an alternative public provider or a registered 39315
private provider with a scholarship awarded under sections 3310.51 39316
to 3310.64 of the Revised Code; 39317

(6) The combined enrollment of children with disabilities 39318
reported under division (A) (1) or (2) (c), (d), (e), (f), or (j) of 39319
this section receiving special education services for category two 39320
disabilities described in division (B) of section 3317.013 of the 39321
Revised Code, including children attending a special education 39322
program operated by an alternative public provider or a registered 39323
private provider with a scholarship awarded under sections 3310.51 39324
to 3310.64 of the Revised Code; 39325

(7) The combined enrollment of children with disabilities 39326
reported under division (A) (1) or (2) (c), (d), (e), (f), or (j) of 39327
this section receiving special education services for category 39328
three disabilities described in division (C) of section 3317.013 39329
of the Revised Code, including children attending a special 39330
education program operated by an alternative public provider or a 39331
registered private provider with a scholarship awarded under 39332
sections 3310.51 to 3310.64 of the Revised Code; 39333

(8) The combined enrollment of children with disabilities 39334
reported under division (A) (1) or (2) (c), (d), (e), (f), or (j) of 39335
this section receiving special education services for category 39336
four disabilities described in division (D) of section 3317.013 of 39337
the Revised Code, including children attending a special education 39338
program operated by an alternative public provider or a registered 39339
private provider with a scholarship awarded under sections 3310.51 39340

to 3310.64 of the Revised Code; 39341

(9) The combined enrollment of children with disabilities 39342
reported under division (A)(1) or (2) (c), (d), (e), (f), or (j) of 39343
this section receiving special education services for the category 39344
five disabilities described in division (E) of section 3317.013 of 39345
the Revised Code, including children attending a special education 39346
program operated by an alternative public provider or a registered 39347
private provider with a scholarship awarded under sections 3310.51 39348
to 3310.64 of the Revised Code; 39349

(10) The combined enrollment of children with disabilities 39350
reported under division (A)(1) or (2) (c), (d), (e), (f), or (j) 39351
~~and under division (B)(3)(h)~~ of this section receiving special 39352
education services for category six disabilities described in 39353
division (F) of section 3317.013 of the Revised Code, including 39354
children attending a special education program operated by an 39355
alternative public provider or a registered private provider with 39356
a scholarship awarded under either section 3310.41 or sections 39357
3310.51 to 3310.64 of the Revised Code; 39358

(11) The enrollment of pupils reported under division (A)(1) 39359
or (2) (c), (d), (e), (f), or (j) of this section on a full-time 39360
equivalency basis in category one career-technical education 39361
programs or classes, described in division (A) of section 3317.014 39362
of the Revised Code, operated by the school district or by another 39363
district that is a member of the district's career-technical 39364
planning district, other than a joint vocational school district, 39365
or by an educational service center, notwithstanding division 39366
~~(G)(M)~~ of section 3317.02 of the Revised Code and division (C)(3) 39367
of this section; 39368

(12) The enrollment of pupils reported under division (A)(1) 39369
or (2) (c), (d), (e), (f), or (j) of this section on a full-time 39370
equivalency basis in category two career-technical education 39371
programs or services, described in division (B) of section 39372

3317.014 of the Revised Code, operated by the school district or 39373
another school district that is a member of the district's 39374
career-technical planning district, other than a joint vocational 39375
school district, or by an educational service center, 39376
notwithstanding division ~~(G)~~(M) of section 3317.02 of the Revised 39377
Code and division (C) (3) of this section; 39378

(13) The enrollment of pupils reported under division (A) (1) 39379
or (2) (c), (d), (e), (f), or (j) of this section on a full-time 39380
equivalency basis in category three career-technical education 39381
programs or services, described in division (C) of section 39382
3317.014 of the Revised Code, operated by the school district or 39383
another school district that is a member of the district's 39384
career-technical planning district, other than a joint vocational 39385
school district, or by an educational service center, 39386
notwithstanding division ~~(G)~~(M) of section 3317.02 of the Revised 39387
Code and division (C) (3) of this section; 39388

(14) The enrollment of pupils reported under division (A) (1) 39389
or (2) (c), (d), (e), (f), or (j) of this section on a full-time 39390
equivalency basis in category four career-technical education 39391
programs or services, described in division (D) of section 39392
3317.014 of the Revised Code, operated by the school district or 39393
another school district that is a member of the district's 39394
career-technical planning district, other than a joint vocational 39395
school district, or by an educational service center, 39396
notwithstanding division ~~(G)~~(M) of section 3317.02 of the Revised 39397
Code and division (C) (3) of this section; 39398

(15) The enrollment of pupils reported under division (A) (1) 39399
or (2) (c), (d), (e), (f), or (j) of this section on a full-time 39400
equivalency basis in category five career-technical education 39401
programs or services, described in division (E) of section 39402
3317.014 of the Revised Code, operated by the school district or 39403
another school district that is a member of the district's 39404

career-technical planning district, other than a joint vocational 39405
school district, or by an educational service center, 39406
notwithstanding division ~~(G)~~(M) of section 3317.02 of the Revised 39407
Code and division (C) (3) of this section; 39408

(16) The enrollment of pupils reported under division (A) (1) 39409
or ~~(2) (c), (d), (e), (f), or (j)~~ of this section who are English 39410
learners described in division (A) of section 3317.016 of the 39411
Revised Code, ~~excluding any student reported under division~~ 39412
~~(B) (3) (e) of this section as enrolled in an internet or~~ 39413
~~computer based community school;~~ 39414

(17) The enrollment of pupils reported under division (A) (1) 39415
or ~~(2) (c), (d), (e), (f), or (j)~~ of this section who are English 39416
learners described in division (B) of section 3317.016 of the 39417
Revised Code, ~~excluding any student reported under division~~ 39418
~~(B) (3) (e) of this section as enrolled in an internet or~~ 39419
~~computer based community school;~~ 39420

(18) The enrollment of pupils reported under division (A) (1) 39421
or ~~(2) (c), (d), (e), (f), or (j)~~ of this section who are English 39422
learners described in division (C) of section 3317.016 of the 39423
Revised Code, ~~excluding any student reported under division~~ 39424
~~(B) (3) (e) of this section as enrolled in an internet or~~ 39425
~~computer based community school;~~ 39426

(19) The average number of children transported during the 39427
reporting period by the school district on board-owned or 39428
contractor-owned and -operated buses, reported in accordance with 39429
rules adopted by the department of education; 39430

(20) (a) The number of children, other than preschool children 39431
with disabilities, the district placed with a county board of 39432
developmental disabilities in fiscal year 1998. Division 39433
(B) (20) (a) of this section does not apply after fiscal year 2013. 39434

(b) The number of children with disabilities, other than 39435

preschool children with disabilities, placed with a county board 39436
of developmental disabilities in the current fiscal year to 39437
receive special education services for the category one disability 39438
described in division (A) of section 3317.013 of the Revised Code; 39439

(c) The number of children with disabilities, other than 39440
preschool children with disabilities, placed with a county board 39441
of developmental disabilities in the current fiscal year to 39442
receive special education services for category two disabilities 39443
described in division (B) of section 3317.013 of the Revised Code; 39444

(d) The number of children with disabilities, other than 39445
preschool children with disabilities, placed with a county board 39446
of developmental disabilities in the current fiscal year to 39447
receive special education services for category three disabilities 39448
described in division (C) of section 3317.013 of the Revised Code; 39449

(e) The number of children with disabilities, other than 39450
preschool children with disabilities, placed with a county board 39451
of developmental disabilities in the current fiscal year to 39452
receive special education services for category four disabilities 39453
described in division (D) of section 3317.013 of the Revised Code; 39454

(f) The number of children with disabilities, other than 39455
preschool children with disabilities, placed with a county board 39456
of developmental disabilities in the current fiscal year to 39457
receive special education services for the category five 39458
disabilities described in division (E) of section 3317.013 of the 39459
Revised Code; 39460

(g) The number of children with disabilities, other than 39461
preschool children with disabilities, placed with a county board 39462
of developmental disabilities in the current fiscal year to 39463
receive special education services for category six disabilities 39464
described in division (F) of section 3317.013 of the Revised Code. 39465

(21) The enrollment of students who are economically 39466

disadvantaged, as defined by the department, ~~excluding any student~~ 39467
~~reported under division (B)(3)(c) of this section as enrolled in~~ 39468
~~an internet or computer based community school~~ reported under 39469
division (A)(1) or (2)(c), (d), (e), (f), or (j) of this section. 39470

A student shall not be categorically excluded from the number 39471
reported under division (B)(21) of this section based on anything 39472
other than family income. 39473

(C)(1) The state board of education shall adopt rules 39474
necessary for implementing divisions (A), (B), and (D) of this 39475
section. 39476

(2)(a) A student enrolled in a community school established 39477
under Chapter 3314., a science, technology, engineering, and 39478
mathematics school established under Chapter 3326., or a 39479
college-preparatory boarding school established under Chapter 39480
3328. of the Revised Code shall be counted in the formula ADM ~~and,~~ 39481
~~if applicable, the category one, two, three, four, five, or six~~ 39482
~~special education ADM~~ of the school district in which the student 39483
is entitled to attend school under section 3313.64 or 3313.65 of 39484
the Revised Code for the same proportion of the school year that 39485
the student is counted in the enrollment of the community school, 39486
the science, technology, engineering, and mathematics school, or 39487
the college-preparatory boarding school for purposes of section 39488
~~3314.08, 3326.33, 3317.022~~ or 3328.24 of the Revised Code. 39489
Notwithstanding the enrollment of students ~~certified~~ reported 39490
pursuant to division ~~(B)(3)(d)~~ (A)(2)(a), (e)(i), or (j), or (k) 39491
of this section and, in the case of a college-preparatory boarding 39492
school, certified under division (B)(3)(g) of this section, the 39493
department may adjust the formula ADM of a school district to 39494
account for students entitled to attend school in the district 39495
under section 3313.64 or 3313.65 of the Revised Code who are 39496
enrolled in a community school, a science, technology, 39497
engineering, and mathematics school, or a college-preparatory 39498

boarding school for only a portion of the school year. 39499

(b) A student enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code shall be counted in the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the college-preparatory boarding school for purposes of section 3328.24 of the Revised Code. 39500
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(3) No child shall be counted as more than a total of one child in the sum of the enrollment of students of a school district under division (A), divisions (B)(1) to (22), or division (D) of this section, except as follows: 39509
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(a)(i) A child with a disability described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one, two, three, four, or five career-technical education ADM. As provided in division ~~(G)~~(M) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM. 39513
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(ii) A child with a disability described in section 3317.03 of the Revised Code may be counted both in enrolled ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one, two, three, four, or five career-technical education ADM. As provided in division (M) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in enrolled ADM. 39522
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(b) (i) A child enrolled in career-technical education programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one, two, three, four, or five career-technical education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one, two, three, four, or five career-technical education ADM in the same proportion as the percentage of time that the child spends in the career-technical education programs or classes.

(ii) A child enrolled in career-technical education programs or classes described in section 3317.014 of the Revised Code may be counted both in enrolled ADM and category one, two, three, four, or five career-technical education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one, two, three, four, or five career-technical education ADM in the same proportion as the percentage of time that the child spends in the career-technical education programs or classes.

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D) (1) The superintendent of each joint vocational school district shall report and certify to the superintendent of public instruction as of the last day of October, March, and June of each year the enrollment of students receiving services from schools under the superintendent's supervision so that the department can calculate the district's enrolled ADM, formula ADM, total ADM, category one through five career-technical education ADM, category one through three English learner ADM, category one through six special education ADM, and for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily

membership. 39563

The enrollment reported and certified by the superintendent, 39564
except as otherwise provided in this division, shall consist of 39565
the number of students in grades six through twelve receiving any 39566
educational services from the district, except that the following 39567
categories of students shall not be included in the determination: 39568

(a) Students enrolled in adult education classes; 39569

(b) Adjacent or other district joint vocational students 39570
enrolled in the district under an open enrollment policy pursuant 39571
to section 3313.98 of the Revised Code; 39572

(c) Students receiving services in the district pursuant to a 39573
compact, cooperative education agreement, or a contract, but who 39574
are entitled to attend school in a city, local, or exempted 39575
village school district whose territory is not part of the 39576
territory of the joint vocational district; 39577

(d) Students for whom tuition is payable pursuant to sections 39578
3317.081 and 3323.141 of the Revised Code. 39579

(2) To enable the department of education to obtain the data 39580
needed to complete the calculation of payments pursuant to this 39581
chapter, each superintendent shall certify from the report 39582
provided under division (D)(1) of this section the enrollment for 39583
each of the following categories of students: 39584

(a) Students enrolled in each individual grade included in 39585
the joint vocational district schools; 39586

(b) Children with disabilities receiving special education 39587
services for the category one disability described in division (A) 39588
of section 3317.013 of the Revised Code; 39589

(c) Children with disabilities receiving special education 39590
services for the category two disabilities described in division 39591
(B) of section 3317.013 of the Revised Code; 39592

(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	39593 39594 39595
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	39596 39597 39598
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	39599 39600 39601
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	39602 39603 39604
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	39605 39606 39607
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	39608 39609 39610
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	39611 39612 39613
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	39614 39615 39616
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	39617 39618 39619
(m) English learners described in division (A) of section 3317.016 of the Revised Code;	39620 39621
(n) English learners described in division (B) of section	39622

3317.016 of the Revised Code;	39623
(o) English learners described in division (C) of section	39624
3317.016 of the Revised Code;	39625
(p) Students who are economically disadvantaged, as defined	39626
by the department. A student shall not be categorically excluded	39627
from the number reported under division (D)(2)(p) of this section	39628
based on anything other than family income.	39629
The superintendent of each joint vocational school district	39630
shall also indicate the city, local, or exempted village school	39631
district in which each joint vocational district pupil is entitled	39632
to attend school pursuant to section 3313.64 or 3313.65 of the	39633
Revised Code.	39634
(E) In each school of each city, local, exempted village,	39635
joint vocational, and cooperative education school district there	39636
shall be maintained a record of school enrollment, which record	39637
shall accurately show, for each day the school is in session, the	39638
actual enrollment in regular day classes. For the purpose of	39639
determining the enrollment of students, the enrollment figure of	39640
any school shall not include any pupils except those pupils	39641
described by division (A) <u>or</u> (D) of this section. The record of	39642
enrollment for each school shall be maintained in such manner that	39643
no pupil shall be counted as enrolled prior to the actual date of	39644
entry in the school and also in such manner that where for any	39645
cause a pupil permanently withdraws from the school that pupil	39646
shall not be counted as enrolled from and after the date of such	39647
withdrawal. There shall not be included in the enrollment of any	39648
school any of the following:	39649
(1) Any pupil who has graduated from the twelfth grade of a	39650
public or nonpublic high school;	39651
(2) Any pupil who is not a resident of the state;	39652
(3) Any pupil who was enrolled in the schools of the district	39653

during the previous school year when assessments were administered 39654
under section 3301.0711 of the Revised Code but did not take one 39655
or more of the assessments required by that section and was not 39656
excused pursuant to division (C) (1) or (3) of that section; 39657

(4) Any pupil who has attained the age of twenty-two years, 39658
except for veterans of the armed services whose attendance was 39659
interrupted before completing the recognized twelve-year course of 39660
the public schools by reason of induction or enlistment in the 39661
armed forces and who apply for reenrollment in the public school 39662
system of their residence not later than four years after 39663
termination of war or their honorable discharge; 39664

(5) Any pupil who has a certificate of high school 39665
equivalence as defined in section 5107.40 of the Revised Code. 39666

If, however, any veteran described by division (E) (4) of this 39667
section elects to enroll in special courses organized for veterans 39668
for whom tuition is paid under the provisions of federal laws, or 39669
otherwise, that veteran shall not be included in the enrollment of 39670
students determined under this section. 39671

Notwithstanding division (E) (3) of this section, the 39672
enrollment of any school may include a pupil who did not take an 39673
assessment required by section 3301.0711 of the Revised Code if 39674
the superintendent of public instruction grants a waiver from the 39675
requirement to take the assessment to the specific pupil and a 39676
parent is not paying tuition for the pupil pursuant to section 39677
3313.6410 of the Revised Code. The superintendent may grant such a 39678
waiver only for good cause in accordance with rules adopted by the 39679
state board of education. 39680

The enrolled ADM, formula ADM, rider density ADM, student 39681
wellness and success enrolled ADM, total ADM, total resources ADM, 39682
category one through five career-technical education ADM, category 39683
one through three English learner ADM, category one through six 39684

special education ADM, ~~preschool scholarship ADM,~~ transportation 39685
ADM, and, for purposes of provisions of law outside of Chapter 39686
3317. of the Revised Code, average daily membership of any school 39687
district shall be determined in accordance with rules adopted by 39688
the state board of education. 39689

(F) (1) If a student attending a community school under 39690
Chapter 3314., a science, technology, engineering, and mathematics 39691
school established under Chapter 3326., or a college-preparatory 39692
boarding school established under Chapter 3328. of the Revised 39693
Code is not included in the formula ADM calculated for the school 39694
district in which the student is entitled to attend school under 39695
section 3313.64 or 3313.65 of the Revised Code, the department of 39696
education shall adjust the formula ADM of that school district to 39697
include the student in accordance with division (C) (2) of this 39698
section, and, in the case of an adjustment for a student attending 39699
a college-preparatory boarding school, shall recalculate the 39700
school district's payments under this chapter for the entire 39701
fiscal year on the basis of that adjusted formula ADM. 39702

(2) If a student awarded an educational choice scholarship is 39703
not included in the formula ADM of the school district ~~from in~~ 39704
which the ~~department deducts funds for the scholarship under~~ 39705
~~section 3310.08 of the Revised Code~~ student resides, the 39706
department shall adjust the formula ADM of that school district to 39707
include the student ~~to the extent necessary to account for the~~ 39708
~~deduction, and shall recalculate the school district's payments~~ 39709
~~under this chapter for the entire fiscal year on the basis of that~~ 39710
~~adjusted formula ADM.~~ 39711

(3) If a student awarded a scholarship under the Jon Peterson 39712
special needs scholarship program is not included in the formula 39713
ADM of the school district ~~from in~~ which the ~~department deducts~~ 39714
~~funds for the scholarship under section 3310.55 of the Revised~~ 39715
~~Code~~ student resides, the department shall adjust the formula ADM 39716

of that school district to include the student ~~to the extent~~ 39717
~~necessary to account for the deduction, and shall recalculate the~~ 39718
~~school district's payments under this chapter for the entire~~ 39719
~~fiscal year on the basis of that adjusted formula ADM.~~ 39720

(G) (1) (a) The superintendent of an institution operating a 39721
special education program pursuant to section 3323.091 of the 39722
Revised Code shall, for the programs under such superintendent's 39723
supervision, certify to the state board of education, in the 39724
manner prescribed by the superintendent of public instruction, 39725
both of the following: 39726

(i) The unduplicated count of the number of all children with 39727
disabilities other than preschool children with disabilities 39728
receiving services at the institution for each category of 39729
disability described in divisions (A) to (F) of section 3317.013 39730
of the Revised Code adjusted for the portion of the year each 39731
child is so enrolled; 39732

(ii) The unduplicated count of the number of all preschool 39733
children with disabilities in classes or programs for whom the 39734
district is eligible to receive funding under section 3317.0213 of 39735
the Revised Code adjusted for the portion of the year each child 39736
is so enrolled, reported according to the categories prescribed in 39737
section 3317.013 of the Revised Code. 39738

(b) The superintendent of an institution with 39739
career-technical education units approved under section 3317.05 of 39740
the Revised Code shall, for the units under the superintendent's 39741
supervision, certify to the state board of education the 39742
enrollment in those units, in the manner prescribed by the 39743
superintendent of public instruction. 39744

(2) The superintendent of each county board of developmental 39745
disabilities that maintains special education classes under 39746
section 3317.20 of the Revised Code or provides services to 39747

preschool children with disabilities pursuant to an agreement 39748
between the county board and the appropriate school district shall 39749
do both of the following: 39750

(a) Certify to the state board, in the manner prescribed by 39751
the board, the enrollment in classes under section 3317.20 of the 39752
Revised Code for each school district that has placed children in 39753
the classes; 39754

(b) Certify to the state board, in the manner prescribed by 39755
the board, the unduplicated count of the number of all preschool 39756
children with disabilities enrolled in classes for which the board 39757
is eligible to receive funding under section 3317.0213 of the 39758
Revised Code adjusted for the portion of the year each child is so 39759
enrolled, reported according to the categories prescribed in 39760
section 3317.013 of the Revised Code, and the number of those 39761
classes. 39762

(H) Except as provided in division (I) of this section, when 39763
any city, local, or exempted village school district provides 39764
instruction for a nonresident pupil whose attendance is 39765
unauthorized attendance as defined in section 3327.06 of the 39766
Revised Code, that pupil's enrollment shall not be included in 39767
that district's enrollment figure used in calculating the 39768
district's payments under this chapter. The reporting official 39769
shall report separately the enrollment of all pupils whose 39770
attendance in the district is unauthorized attendance, and the 39771
enrollment of each such pupil shall be credited to the school 39772
district in which the pupil is entitled to attend school under 39773
division (B) of section 3313.64 or section 3313.65 of the Revised 39774
Code as determined by the department of education. 39775

~~(I)(1)~~ (I) This division does not apply on or after the 39776
effective date of this amendment. 39777

(1) A city, local, exempted village, or joint vocational 39778

school district admitting a scholarship student of a pilot project 39779
district pursuant to division (C) of section 3313.976 of the 39780
Revised Code may count such student in its enrollment. 39781

(2) In any year for which funds are appropriated for pilot 39782
project scholarship programs, a school district implementing a 39783
state-sponsored pilot project scholarship program that year 39784
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 39785
count in its enrollment: 39786

(a) All children residing in the district and utilizing a 39787
scholarship to attend kindergarten in any alternative school, as 39788
defined in section 3313.974 of the Revised Code; 39789

(b) All children who were enrolled in the district in the 39790
preceding year who are utilizing a scholarship to attend an 39791
alternative school. 39792

(J) The superintendent of each cooperative education school 39793
district shall certify to the superintendent of public 39794
instruction, in a manner prescribed by the state board of 39795
education, the applicable enrollments for all students in the 39796
cooperative education district, also indicating the city, local, 39797
or exempted village district where each pupil is entitled to 39798
attend school under section 3313.64 or 3313.65 of the Revised 39799
Code. 39800

(K) If the superintendent of public instruction determines 39801
that a component of the enrollment certified or reported by a 39802
district superintendent, or other reporting entity, is not 39803
correct, the superintendent of public instruction may order that 39804
the ~~formula ADM used for the purposes of payments under any~~ 39805
~~section of Title XXXIII of the Revised Code~~ district's enrolled 39806
ADM, formula ADM, or both be adjusted in the amount of the error. 39807

Sec. 3317.051. (A) ~~As used in this section, "gifted unit ADM"~~ 39808

~~means a school district's formula ADM minus the number of students reported by a district under divisions (A)(2)(a) and (i) of section 3317.03 of the Revised Code.~~

~~(B)~~ The department of education shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section.

~~(C)~~(B) The department shall allocate gifted units for a school district as follows:

(1) One gifted coordinator unit shall be allocated for every 3,300 students in a district's ~~gifted unit~~ enrolled ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district.

(2) One gifted intervention specialist unit shall be allocated for every 1,100 students in a district's ~~gifted unit~~ enrolled ADM, with a minimum of 0.3 units allocated for the district.

~~(D)~~(C) The department shall pay the following amount to a school district for gifted units:

\$37,370 multiplied by the number of units allocated to a school district under division ~~(C)~~(B) of this section

~~(E)~~(D) A school district may assign gifted unit funding that it receives under division ~~(D)~~(C) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district.

Sec. 3317.06. Moneys paid to school districts under division (E) (1) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes:

(A) To purchase such secular textbooks or digital texts as 39838
have been approved by the superintendent of public instruction for 39839
use in public schools in the state and to loan such textbooks or 39840
digital texts to pupils attending nonpublic schools within the 39841
district described in division (E)(1) of section 3317.024 of the 39842
Revised Code or to their parents and to hire clerical personnel to 39843
administer such lending program. Such loans shall be based upon 39844
individual requests submitted by such nonpublic school pupils or 39845
parents. Such requests shall be submitted to the school district 39846
in which the nonpublic school is located. Such individual requests 39847
for the loan of textbooks or digital texts shall, for 39848
administrative convenience, be submitted by the nonpublic school 39849
pupil or the pupil's parent to the nonpublic school, which shall 39850
prepare and submit collective summaries of the individual requests 39851
to the school district. As used in this section: 39852

(1) "Textbook" means any book or book substitute that a pupil 39853
uses as a consumable or nonconsumable text, text substitute, or 39854
text supplement in a particular class or program in the school the 39855
pupil regularly attends. 39856

(2) "Digital text" means a consumable book or book substitute 39857
that a student accesses through the use of a computer or other 39858
electronic medium or that is available through an internet-based 39859
provider of course content, or any other material that contributes 39860
to the learning process through electronic means. 39861

(B) To provide speech and hearing diagnostic services to 39862
pupils attending nonpublic schools within the district described 39863
in division (E)(1) of section 3317.024 of the Revised Code. Such 39864
service shall be provided in the nonpublic school attended by the 39865
pupil receiving the service. 39866

(C) To provide physician, nursing, dental, and optometric 39867
services to pupils attending nonpublic schools within the district 39868
described in division (E)(1) of section 3317.024 of the Revised 39869

Code. Such services shall be provided in the school attended by 39870
the nonpublic school pupil receiving the service. 39871

(D) To provide diagnostic psychological services to pupils 39872
attending nonpublic schools within the district described in 39873
division (E) (1) of section 3317.024 of the Revised Code. Such 39874
services shall be provided in the school attended by the pupil 39875
receiving the service. 39876

(E) To provide therapeutic psychological and speech and 39877
hearing services to pupils attending nonpublic schools within the 39878
district described in division (E) (1) of section 3317.024 of the 39879
Revised Code. Such services shall be provided in the public 39880
school, in nonpublic schools, in public centers, or in mobile 39881
units located on or off of the nonpublic premises. If such 39882
services are provided in the public school or in public centers, 39883
transportation to and from such facilities shall be provided by 39884
the school district in which the nonpublic school is located. 39885

(F) To provide guidance, counseling, and social work services 39886
to pupils attending nonpublic schools within the district 39887
described in division (E) (1) of section 3317.024 of the Revised 39888
Code. Such services shall be provided in the public school, in 39889
nonpublic schools, in public centers, or in mobile units located 39890
on or off of the nonpublic premises. If such services are provided 39891
in the public school or in public centers, transportation to and 39892
from such facilities shall be provided by the school district in 39893
which the nonpublic school is located. 39894

(G) To provide remedial services to pupils attending 39895
nonpublic schools within the district described in division (E) (1) 39896
of section 3317.024 of the Revised Code. Such services shall be 39897
provided in the public school, in nonpublic schools, in public 39898
centers, or in mobile units located on or off of the nonpublic 39899
premises. If such services are provided in the public school or in 39900
public centers, transportation to and from such facilities shall 39901

be provided by the school district in which the nonpublic school 39902
is located. 39903

(H) To supply for use by pupils attending nonpublic schools 39904
within the district described in division (E)(1) of section 39905
3317.024 of the Revised Code such standardized tests and scoring 39906
services as are in use in the public schools of the state; 39907

(I) To provide programs for children who attend nonpublic 39908
schools within the district described in division (E)(1) of 39909
section 3317.024 of the Revised Code and are children with 39910
disabilities as defined in section 3323.01 of the Revised Code or 39911
gifted children. Such programs shall be provided in the public 39912
school, in nonpublic schools, in public centers, or in mobile 39913
units located on or off of the nonpublic premises. If such 39914
programs are provided in the public school or in public centers, 39915
transportation to and from such facilities shall be provided by 39916
the school district in which the nonpublic school is located. 39917

(J) To hire clerical personnel to assist in the 39918
administration of programs pursuant to divisions (B), (C), (D), 39919
(E), (F), (G), and (I) of this section and to hire supervisory 39920
personnel to supervise the providing of services and textbooks 39921
pursuant to this section. 39922

(K) To purchase or lease any secular, neutral, and 39923
nonideological computer application software designed to assist 39924
students in performing a single task or multiple related tasks, 39925
device management software, learning management software, 39926
site-licensing, digital video on demand (DVD), wide area 39927
connectivity and related technology as it relates to internet 39928
access, mathematics or science equipment and materials, 39929
instructional materials, and school library materials that are in 39930
general use in the public schools of the state and loan such items 39931
to pupils attending nonpublic schools within the district 39932
described in division (E)(1) of section 3317.024 of the Revised 39933

Code or to their parents, and to hire clerical personnel to 39934
administer the lending program. Only such items that are incapable 39935
of diversion to religious use and that are susceptible of loan to 39936
individual pupils and are furnished for the use of individual 39937
pupils shall be purchased and loaned under this division. As used 39938
in this section, "instructional materials" means prepared learning 39939
materials that are secular, neutral, and nonideological in 39940
character and are of benefit to the instruction of school 39941
children. "Instructional materials" includes media content that a 39942
student may access through the use of a computer or electronic 39943
device. 39944

Mobile applications that are secular, neutral, and 39945
nonideological in character and that are purchased for less than 39946
twenty dollars for instructional use shall be considered to be 39947
consumable and shall be distributed to students without the 39948
expectation that the applications must be returned. 39949

(L) To purchase or lease instructional equipment, including 39950
computer hardware and related equipment in general use in the 39951
public schools of the state, for use by pupils attending nonpublic 39952
schools within the district described in division (E)(1) of 39953
section 3317.024 of the Revised Code and to loan such items to 39954
pupils attending such nonpublic schools within the district or to 39955
their parents, and to hire clerical personnel to administer the 39956
lending program. "Computer hardware and related equipment" 39957
includes desktop computers and workstations; laptop computers, 39958
computer tablets, and other mobile handheld devices; their 39959
operating systems and accessories; and any equipment designed to 39960
make accessible the environment of a classroom to a student, who 39961
is physically unable to attend classroom activities due to 39962
hospitalization or other circumstances, by allowing real-time 39963
interaction with other students both one-on-one and in group 39964
discussion. 39965

(M) To purchase mobile units to be used for the provision of 39966
services pursuant to divisions (E), (F), (G), and (I) of this 39967
section and to pay for necessary repairs and operating costs 39968
associated with these units. 39969

(N) To reimburse costs the district incurred to store the 39970
records of a chartered nonpublic school that closes. 39971
Reimbursements under this division shall be made one time only for 39972
each chartered nonpublic school described in division (E)(1) of 39973
section 3317.024 of the Revised Code that closes. 39974

(O) To purchase life-saving medical or other emergency 39975
equipment for placement in nonpublic schools within the district 39976
described in division (E)(1) of section 3317.024 of the Revised 39977
Code or to maintain such equipment. 39978

(P) To procure and pay for security services from a county 39979
sheriff or a township or municipal police force or from a person 39980
certified through the Ohio peace officer training commission, in 39981
accordance with section 109.78 of the Revised Code, as a special 39982
police, security guard, or as a privately employed person serving 39983
in a police capacity for nonpublic schools in the district 39984
described in division (E)(1) of section 3317.024 of the Revised 39985
Code. 39986

(Q) To provide language and academic support services and 39987
other accommodations for English learners attending nonpublic 39988
schools within the district described in division (E)(1) of 39989
section 3317.024 of the Revised Code. 39990

Clerical and supervisory personnel hired pursuant to division 39991
(J) of this section shall perform their services in the public 39992
schools, in nonpublic schools, public centers, or mobile units 39993
where the services are provided to the nonpublic school pupil, 39994
except that such personnel may accompany pupils to and from the 39995
service sites when necessary to ensure the safety of the children 39996

receiving the services. 39997

All services provided pursuant to this section may be 39998
provided under contract with educational service centers, the 39999
department of health, city or general health districts, or private 40000
agencies whose personnel are properly licensed by an appropriate 40001
state board or agency. 40002

Transportation of pupils provided pursuant to divisions (E), 40003
(F), (G), and (I) of this section shall be provided by the school 40004
district from its general funds and not from moneys paid to it 40005
under division (E)(1) of section 3317.024 of the Revised Code 40006
unless a special transportation request is submitted by the parent 40007
of the child receiving service pursuant to such divisions. If such 40008
an application is presented to the school district, it may pay for 40009
the transportation from moneys paid to it under division (E)(1) of 40010
section 3317.024 of the Revised Code. 40011

No school district shall provide health or remedial services 40012
to nonpublic school pupils as authorized by this section unless 40013
such services are available to pupils attending the public schools 40014
within the district. 40015

Materials, equipment, computer hardware or software, 40016
textbooks, digital texts, and health and remedial services 40017
provided for the benefit of nonpublic school pupils pursuant to 40018
this section and the admission of pupils to such nonpublic schools 40019
shall be provided without distinction as to race, creed, color, or 40020
national origin of such pupils or of their teachers. 40021

No school district shall provide services, materials, or 40022
equipment that contain religious content for use in religious 40023
courses, devotional exercises, religious training, or any other 40024
religious activity. 40025

As used in this section, "parent" includes a person standing 40026
in loco parentis to a child. 40027

Notwithstanding section 3317.01 of the Revised Code, payments 40028
shall be made under this section to any city, local, or exempted 40029
village school district within which is located one or more 40030
nonpublic elementary or high schools described in division (E)(1) 40031
of section 3317.024 of the Revised Code and any payments made to 40032
school districts under division (E)(1) of section 3317.024 of the 40033
Revised Code for purposes of this section may be disbursed without 40034
submission to and approval of the controlling board. 40035

The allocation of payments for materials, equipment, 40036
textbooks, digital texts, health services, and remedial services 40037
to city, local, and exempted village school districts shall be on 40038
the basis of the state board of education's estimated annual 40039
average daily membership in nonpublic elementary and high schools 40040
located in the district described in division (E)(1) of section 40041
3317.024 of the Revised Code. 40042

Payments made to city, local, and exempted village school 40043
districts under this section shall be equal to specific 40044
appropriations made for the purpose. All interest earned by a 40045
school district on such payments shall be used by the district for 40046
the same purposes and in the same manner as the payments may be 40047
used. 40048

The department of education shall adopt guidelines and 40049
procedures under which such programs and services shall be 40050
provided, under which districts shall be reimbursed for 40051
administrative costs incurred in providing such programs and 40052
services, and under which any unexpended balance of the amounts 40053
appropriated by the general assembly to implement this section may 40054
be transferred to the auxiliary services ~~personnel-unemployment~~ 40055
~~compensation reimbursement~~ fund established pursuant to in section 40056
~~4141.47~~ 3317.064 of the Revised Code. The department shall also 40057
adopt guidelines and procedures limiting the purchase and loan of 40058
the items described in division (K) of this section to items that 40059

are in general use in the public schools of the state, that are 40060
incapable of diversion to religious use, and that are susceptible 40061
to individual use rather than classroom use. Within ~~thirty~~ ninety 40062
days after the end of each biennium, each board of education shall 40063
remit to the department all moneys paid to it under division 40064
(E) (1) of section 3317.024 of the Revised Code and any interest 40065
earned on those moneys that are not required to pay expenses 40066
incurred under this section during the biennium for which the 40067
money was appropriated and during which the interest was earned. 40068
The department may deposit any money returned following the end of 40069
each biennium into the auxiliary services reimbursement fund 40070
established in section 3317.064 of the Revised Code. If a board of 40071
education subsequently determines that the remittal of moneys 40072
leaves the board with insufficient money to pay all valid expenses 40073
incurred under this section during the biennium for which the 40074
remitted money was appropriated, the board may apply to the 40075
department ~~of education~~ for a refund of money, not to exceed the 40076
amount of the insufficiency. If the department determines the 40077
expenses were lawfully incurred and would have been lawful 40078
expenditures of the refunded money, ~~it shall certify its~~ 40079
~~determination and the amount of the refund to be made to the~~ 40080
~~director of job and family services who~~ the department shall make 40081
a refund ~~as provided in section 4141.47~~ from the auxiliary 40082
services reimbursement fund established in section 3317.064 of the 40083
Revised Code. 40084

Each school district shall label materials, equipment, 40085
computer hardware or software, textbooks, and digital texts 40086
purchased or leased for loan to a nonpublic school under this 40087
section, acknowledging that they were purchased or leased with 40088
state funds under this section. However, a district need not label 40089
materials, equipment, computer hardware or software, textbooks, or 40090
digital texts that the district determines are consumable in 40091
nature or have a value of less than two hundred dollars. 40092

Sec. 3317.062. (A) Moneys paid to chartered nonpublic schools 40093
under division (E) (2) of section 3317.024 of the Revised Code 40094
shall be used for one or more of the following purposes: 40095

(1) To purchase secular textbooks or digital texts, as 40096
defined in divisions (A) (1) and (2) of section 3317.06 of the 40097
Revised Code, as have been approved by the superintendent of 40098
public instruction for use in public schools in the state. 40099
Textbooks purchased in accordance with this division may be 40100
disposed of four years after the date of purchase; 40101

(2) To provide the services described in divisions (B), (C), 40102
(D), and (Q) of section 3317.06 of the Revised Code; 40103

(3) To provide the services described in divisions (E), (F), 40104
(G), and (I) of section 3317.06 of the Revised Code. If such 40105
services are provided in public schools or in public centers, 40106
transportation to and from such facilities shall be provided by 40107
the nonpublic school. 40108

(4) To supply for use by pupils attending the school such 40109
standardized tests and scoring services as are in use in the 40110
public schools of the state; 40111

(5) To hire clerical personnel to assist in the 40112
administration of divisions (A) (2), (3), and (4) of this section 40113
and to hire supervisory personnel to supervise the providing of 40114
services and textbooks pursuant to this section. These personnel 40115
shall perform their services in the public schools, in nonpublic 40116
schools, public centers, or mobile units where the services are 40117
provided to the nonpublic school pupil, except that such personnel 40118
may accompany pupils to and from the service sites when necessary 40119
to ensure the safety of the children receiving the services. All 40120
services provided pursuant to this section may be provided under 40121
contract with school districts, educational service centers, the 40122
department of health, city or general health districts, or private 40123

agencies whose personnel are properly licensed by an appropriate state board or agency.	40124 40125
(6) To purchase any of the materials described in division (K) of section 3317.06 of the Revised Code;	40126 40127
(7) To purchase any of the equipment described in division (L) of section 3317.06 of the Revised Code;	40128 40129
(8) To purchase mobile units to be used for the provision of services pursuant to division (A) (3) of this section and to pay for necessary repairs and operating costs associated with these units;	40130 40131 40132 40133
(9) To purchase the equipment described in division (O) of section 3317.06 of the Revised Code;	40134 40135
(10) To procure and pay for security services described in division (P) of section 3317.06 of the Revised Code.	40136 40137
(B) Materials, equipment, computer hardware and software, textbooks, digital texts, and health and remedial services provided pursuant to this section and the admission of pupils to nonpublic schools shall be provided without distinction as to race, creed, color, or national origin of such pupils or of their teachers.	40138 40139 40140 40141 40142 40143
(C) Any interest earned by a chartered nonpublic school on moneys paid to it under division (E) (2) of section 3317.024 of the Revised Code shall be used by the school for the same purposes and in the same manner as the payments may be used under this section.	40144 40145 40146 40147
(D) The department of education shall adopt guidelines and procedures regarding both of the following:	40148 40149
(1) The expenditure of moneys under this section;	40150
(2) The audit of nonpublic schools receiving funds under this section to ensure the appropriate use of funds.	40151 40152
(E) The department shall adopt a rule specifying the party	40153

that owns any property purchased by a chartered nonpublic school 40154
with moneys paid under division (E) (2) of section 3317.024 of the 40155
Revised Code. The rule shall include procedures for disposal of 40156
the property by the designated owner when appropriate. 40157

(F) Within ~~thirty~~ ninety days after the end of each biennium, 40158
each chartered nonpublic school shall remit to the department all 40159
moneys paid to it under division (E) (2) of section 3317.024 of the 40160
Revised Code and any interest earned on those moneys that are not 40161
required to pay expenses incurred under this section during the 40162
biennium for which the moneys were appropriated and during which 40163
the interest was earned. The department may deposit any money 40164
returned following the end of each biennium into the auxiliary 40165
services reimbursement fund established in section 3317.064 of the 40166
Revised Code. If a school subsequently determines that the 40167
remittal of moneys leaves the school with insufficient money to 40168
pay all valid expenses incurred under this section during the 40169
biennium for which the remitted moneys were appropriated, the 40170
school may apply to the department for a refund of money, not to 40171
exceed the amount of the insufficiency. If the department 40172
determines the expenses were lawfully incurred and would have been 40173
lawful expenditures of the refunded money, the department shall 40174
make a refund in the necessary amount from the auxiliary services 40175
reimbursement fund established in section 3317.064 of the Revised 40176
Code. 40177

(G) All services provided and purchases made pursuant to this 40178
section may be acquired under contract with school districts, 40179
educational service centers, the department of health, city or 40180
general health districts, or private entities. 40181

(H) When a chartered nonpublic school has materials or 40182
equipment purchased in accordance with division (A) (6) or (7) of 40183
this section that are no longer needed for school use, are 40184
obsolete, are unfit for the use for which they were acquired, or 40185

have been in the school's possession for at least four years, the 40186
school may dispose of that property in accordance with the 40187
school's disposal procedures, which may include donation, sale, 40188
trade, or permanent disposal. The school shall remit to the state 40189
treasury the proceeds from any sale made in accordance with this 40190
division. 40191

Sec. 3317.063. The superintendent of public instruction, in 40192
accordance with rules adopted by the department of education, 40193
shall annually reimburse each chartered nonpublic school for the 40194
actual mandated service administrative and clerical costs incurred 40195
by such school during the preceding school year in preparing, 40196
maintaining, and filing reports, forms, and records, and in 40197
providing such other administrative and clerical services that are 40198
not an integral part of the teaching process as may be required by 40199
state law or rule or by requirements duly promulgated by city, 40200
exempted village, or local school districts. The mandated service 40201
costs reimbursed pursuant to this section shall include, but are 40202
not limited to, the preparation, filing and maintenance of forms, 40203
reports, or records and other clerical and administrative services 40204
relating to state chartering or approval of the nonpublic school, 40205
pupil attendance, pupil health and health testing, transportation 40206
of pupils, federally funded education programs, pupil appraisal, 40207
pupil progress, educator licensure, unemployment and workers' 40208
compensation, transfer of pupils, and such other education related 40209
data which are now or hereafter shall be required of such 40210
nonpublic school by state law or rule, or by requirements of the 40211
state department of education, other state agencies, or city, 40212
exempted village, or local school districts. 40213

The reimbursement required by this section shall be for 40214
school years beginning on or after July 1, 1981. 40215

Each nonpublic school which seeks reimbursement pursuant to 40216

this section shall submit to the superintendent of public 40217
instruction an application together with such additional reports 40218
and documents as the department of education may require. Such 40219
application, reports, and documents shall contain such information 40220
as the department of education may prescribe in order to carry out 40221
the purposes of this section. No payment shall be made until the 40222
superintendent of public instruction has approved such 40223
application. 40224

Each nonpublic school which applies for reimbursement 40225
pursuant to this section shall maintain a separate account or 40226
system of accounts for the expenses incurred in rendering the 40227
required services for which reimbursement is sought. Such accounts 40228
shall contain such information as is required by the department of 40229
education and shall be maintained in accordance with rules adopted 40230
by the department of education. 40231

Reimbursement payments to a nonpublic school for a school 40232
year pursuant to this section shall not exceed ~~an~~ the per-pupil 40233
amount specified by the general assembly for ~~each~~ that school year 40234
~~equal to three hundred sixty dollars per pupil enrolled in that~~ 40235
~~nonpublic school.~~ 40236

The superintendent of public instruction may, from time to 40237
time, examine any and all accounts and records of a nonpublic 40238
school which have been maintained pursuant to this section in 40239
support of an application for reimbursement, for the purpose of 40240
determining the costs to such school of rendering the services for 40241
which reimbursement is sought. If after such audit it is 40242
determined that any school has received funds in excess of the 40243
actual cost of providing such services, said school shall 40244
immediately reimburse the state in such excess amount. 40245

Any payments made to chartered nonpublic schools under this 40246
section may be disbursed without submission to and approval of the 40247
controlling board. 40248

Sec. 3317.064. (A) There is hereby established in the state 40249
treasury the auxiliary services reimbursement fund. ~~By the~~ 40250
~~thirtieth day of January of each odd numbered year, the director~~ 40251
~~of job and family services and the superintendent of public~~ 40252
~~instruction shall determine the amount of any excess moneys in the~~ 40253
~~auxiliary services personnel unemployment compensation fund not~~ 40254
~~reasonably necessary for the purposes of section 4141.47 of the~~ 40255
~~Revised Code, and shall certify such amount to the director of~~ 40256
~~budget and management for transfer to the auxiliary services~~ 40257
~~reimbursement fund. If the director of job and family services and~~ 40258
~~the superintendent disagree on such amount, the director of budget~~ 40259
~~and management shall determine the amount to be transferred.~~ 40260

(B) Except as provided in divisions (C) and (D) of this 40261
section, moneys in the auxiliary services reimbursement fund shall 40262
be used for the relocation or for the replacement and repair of 40263
mobile units used to provide the services specified in division 40264
(E), (F), (G), or (I) of section 3317.06 of the Revised Code. The 40265
state board of education shall adopt guidelines and procedures for 40266
replacement, repair, and relocation of mobile units and the 40267
procedures under which a school district may apply to receive 40268
moneys with which to repair or replace or relocate such units. 40269

(C) School districts and educational service centers may 40270
apply to the department for moneys from the auxiliary services 40271
reimbursement fund for payment of incentives for early retirement 40272
and severance for school district personnel assigned to provide 40273
services authorized by section 3317.06 of the Revised Code at 40274
chartered nonpublic schools. The portion of the cost of any early 40275
retirement or severance incentive for any employee that is paid 40276
using money from the auxiliary services reimbursement fund shall 40277
not exceed the percentage of such employee's total service credit 40278
that the employee spent providing services to chartered nonpublic 40279
school students under section 3317.06 of the Revised Code. 40280

(D) The department of education may use a portion of the moneys in the auxiliary services reimbursement fund to make payments for chartered nonpublic school students under section 3365.07 of the Revised Code, in accordance with rules adopted pursuant to section 3365.071 of the Revised Code.

Sec. 3317.16. (A) The department of education shall compute and distribute state core foundation funding to each funding unit that is a joint vocational school district for the fiscal year as prescribed in the following divisions:

(1) An opportunity grant calculated according to the following formula:

(The formula amount X formula ADM) - (0.0005 X the district's three-year average valuation)

However, no district shall receive an opportunity grant that is less than 0.05 times the formula amount times formula ADM.

(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share percentage;

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage;

(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;

(e) The district's category five special education ADM X the 40311
amount specified in division (E) of section 3317.013 of the 40312
Revised Code X the district's state share percentage; 40313

(f) The district's category six special education ADM X the 40314
amount specified in division (F) of section 3317.013 of the 40315
Revised Code X the district's state share percentage. 40316

(3) ~~Economically disadvantaged funds~~ Disadvantaged pupil 40317
impact aid calculated according to the following formula: 40318

\$272 X the district's economically disadvantaged index X the 40319
number of students who are economically disadvantaged as certified 40320
under division (D) (2) (p) of section 3317.03 of the Revised Code 40321

(4) English learner funds calculated as the sum of the 40322
following: 40323

(a) The district's category one English learner ADM X the 40324
amount specified in division (A) of section 3317.016 of the 40325
Revised Code X the district's state share percentage; 40326

(b) The district's category two English learner ADM X the 40327
amount specified in division (B) of section 3317.016 of the 40328
Revised Code X the district's state share percentage; 40329

(c) The district's category three English learner ADM X the 40330
amount specified in division (C) of section 3317.016 of the 40331
Revised Code X the district's state share percentage; 40332

(5) Career-technical education funds calculated as the sum of 40333
the following: 40334

(a) The district's category one career-technical education 40335
ADM X the amount specified in division (A) of section 3317.014 of 40336
the Revised Code X the district's state share percentage; 40337

(b) The district's category two career-technical education 40338
ADM X the amount specified in division (B) of section 3317.014 of 40339
the Revised Code X the district's state share percentage; 40340

(c) The district's category three career-technical education 40341
ADM X the amount specified in division (C) of section 3317.014 of 40342
the Revised Code X the district's state share percentage; 40343

(d) The district's category four career-technical education 40344
ADM X the amount specified in division (D) of section 3317.014 of 40345
the Revised Code X the district's state share percentage; 40346

(e) The district's category five career-technical education 40347
ADM X the amount specified in division (E) of section 3317.014 of 40348
the Revised Code X the district's state share percentage. 40349

Payment of funds under division (A) (5) of this section is 40350
subject to approval under section 3317.161 of the Revised Code. 40351

(6) Career-technical education associated services funds 40352
calculated under the following formula: 40353

The district's state share percentage X the 40354
amount for career-technical education associated services 40355
specified in section 3317.014 of the Revised Code X the sum of 40356
categories one through five career-technical 40357
education ADM 40358

(7) Career awareness and exploration funds calculated as 40359
follows: 40360

The district's enrolled ADM X \$2.50, for fiscal year 2022, \$5, for 40361
fiscal year 2023, \$7.50, for fiscal year 2024, or \$10, for fiscal 40362
year 2025 and each fiscal year thereafter 40363

(8) A career-technical education lab program supplement 40364
calculated as follows: 40365

\$225, for fiscal year 2022, or \$1,050, for fiscal year 2023 and 40366
each fiscal year thereafter X the full-time equivalency of the 40367
district's categories one through five career-technical ADM that 40368
is equivalent to the amount of time the district's 40369
career-technical education students participate in lab programs, 40370
as determined by the department 40371

(9) A graduation bonus calculated according to the following formula: 40372
40373

The district's graduation rate as reported on its most recent report card issued by the department under section 3302.033 of the Revised Code X 0.075 X the formula amount X the number of the district's students who received high school or honors high school diplomas as reported by the district to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued X the district's state share percentage 40374
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(B) (1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following: 40383
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(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost; 40393
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(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage. 40395
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(2) The district shall report under division (B) (1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be 40398
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included in the amount. 40404

(C) (1) For each student with a disability receiving special 40405
education and related services under an individualized education 40406
program, as defined in section 3323.01 of the Revised Code, at a 40407
joint vocational school district, the resident district or, if the 40408
student is enrolled in a community school, the community school 40409
shall be responsible for the amount of any costs of providing 40410
those special education and related services to that student that 40411
exceed the sum of the amount calculated for those services 40412
attributable to that student under division (A) of this section. 40413

Those excess costs shall be calculated using a formula 40414
approved by the department. 40415

(2) The board of education of the joint vocational school 40416
district may report the excess costs calculated under division 40417
(C) (1) of this section to the department of education. 40418

(3) If the board of education of the joint vocational school 40419
district reports excess costs under division (C) (2) of this 40420
section, the department shall pay the amount of excess cost 40421
calculated under division (C) (2) of this section to the joint 40422
vocational school district and shall deduct that amount as 40423
provided in division (C) (3) (a) or (b) of this section, as 40424
applicable: 40425

(a) If the student is not enrolled in a community school, the 40426
department shall deduct the amount from the account of the 40427
student's resident district pursuant to division (J) of section 40428
3317.023 of the Revised Code. 40429

(b) If the student is enrolled in a community school, the 40430
department shall deduct the amount from the account of the 40431
community school pursuant to section 3314.083 of the Revised Code. 40432

(D) (1) In any fiscal year, a school district receiving funds 40433
under ~~division~~ divisions (A) (5) and (8) of this section shall 40434

spend those funds only for the purposes that the department 40435
designates as approved for career-technical education expenses. 40436
Career-technical education expenses approved by the department 40437
shall include only expenses connected to the delivery of 40438
career-technical programming to career-technical students. The 40439
department shall require the school district to report data 40440
annually so that the department may monitor the district's 40441
compliance with the requirements regarding the manner in which 40442
funding received under ~~division~~ divisions (A) (5) and (8) of this 40443
section may be spent. 40444

(2) All funds received under ~~division~~ divisions (A) (5) and 40445
(8) of this section shall be spent in the following manner: 40446

(a) At least seventy-five per cent of the funds shall be 40447
spent on curriculum development, purchase, and implementation; 40448
instructional resources and supplies; industry-based program 40449
certification; student assessment, credentialing, and placement; 40450
curriculum specific equipment purchases and leases; 40451
career-technical student organization fees and expenses; home and 40452
agency linkages; work-based learning experiences; professional 40453
development; and other costs directly associated with 40454
career-technical education programs including development of new 40455
programs. 40456

(b) Not more than twenty-five per cent of the funds shall be 40457
used for personnel expenditures. 40458

(E) In any fiscal year, a school district receiving funds 40459
under division (A) (6) of this section, or through a transfer of 40460
funds pursuant to division (I) of section 3317.023 of the Revised 40461
Code, shall spend those funds only for the purposes that the 40462
department designates as approved for career-technical education 40463
associated services expenses, which may include such purposes as 40464
apprenticeship coordinators, coordinators for other 40465
career-technical education services, career-technical evaluation, 40466

and other purposes designated by the department. The department 40467
may deny payment under division (A) (6) of this section to any 40468
district that the department determines is not operating those 40469
services or is using funds paid under division (A) (6) of this 40470
section, or through a transfer of funds pursuant to division (I) 40471
of section 3317.023 of the Revised Code, for other purposes. 40472

(F) A joint vocational school district shall spend the funds 40473
it receives under division (A) (3) of this section in accordance 40474
with section 3317.25 of the Revised Code. 40475

(G) As used in this section: 40476

(1) "Community school" means a community school established 40477
under Chapter 3314. of the Revised Code. 40478

(2) "Resident district" means the city, local, or exempted 40479
village school district in which a student is entitled to attend 40480
school under section 3313.64 or 3313.65 of the Revised Code. 40481

(3) "State share percentage" is equal to the following: 40482

The amount computed under division (A) (1) of this section / 40483

(the formula amount X formula ADM) 40484

Sec. 3317.161. (A) As used in this section, "lead district" 40485
has the same meaning as in section 3317.023 of the Revised Code. 40486

(B) (1) A career-technical education program of a city, local, 40487
or exempted village school district, community school, or STEM 40488
school shall be subject to approval under this section in order 40489
for the district or school to qualify for state funding for the 40490
program. Approval granted under this section shall be valid for 40491
the five fiscal years following the fiscal year in which the 40492
program is approved and may be renewed. Approval shall be subject 40493
to annual review under division (E) of this section. 40494

(2) If a district or school becomes a new member of a 40495
career-technical planning district, its career-technical education 40496

programs shall be approved or disapproved by the lead district of 40497
the career-technical planning district during the fiscal year in 40498
which the district or school becomes a member of the 40499
career-technical planning district. Any program of the district or 40500
school that was approved by the department of education for an 40501
approval period that includes the fiscal year in which the 40502
district or school becomes a new member of the career-technical 40503
planning district shall retain its approved status during that 40504
fiscal year. 40505

(3) If an existing member of a career-technical planning 40506
district develops a new career-technical education program, that 40507
program shall be approved or disapproved by the lead district of 40508
the career-technical planning district prior to the first fiscal 40509
year for which the district or school is seeking funding for the 40510
program. 40511

(4) Except as provided in division (B)(2) of this section, if 40512
a career-technical education program was approved by the 40513
department prior to September 29, 2013, that approval remains 40514
valid for the unexpired remainder of the approval period specified 40515
by the department. Approval of that program may then be renewed in 40516
accordance with this section on a date prior to the expiration of 40517
the approval period. 40518

(C)(1) The lead district of a career-technical planning 40519
district shall approve or disapprove for a five-year period each 40520
career-technical education program of the city, local, and 40521
exempted village school districts, community schools, and STEM 40522
schools that are assigned by the department to the 40523
career-technical planning district. The lead district's decision 40524
to approve or disapprove a program shall be based on requirements 40525
for career-technical education programs that are specified in 40526
rules adopted by the department. These requirements shall include, 40527
but are not limited to, all of the following: 40528

(a) Demand for the career-technical education program by industries in the state;	40529 40530
(b) Quality of the program;	40531
(c) Potential for a student enrolled in the program to receive the training that will qualify the student for industry credentials or post-secondary education;	40532 40533 40534
(d) Admission requirements of the lead district;	40535
(e) Past performance of the district or school that is offering the program;	40536 40537
(f) Traveling distance;	40538
(g) Sustainability;	40539
(h) Capacity;	40540
(i) Availability of the program within the career-technical planning district;	40541 40542
(j) In the case of a new program, the cost to begin the program.	40543 40544
(2) The lead district shall approve or disapprove each program not later than the first day of March prior to the first fiscal year for which the district or school is seeking funding for the program. If a program is approved, the lead district shall notify the department of its decision. If a program is disapproved, the lead district shall notify the district or school of its decision.	40545 40546 40547 40548 40549 40550 40551
If the lead district disapproves the program or does not take any action to approve or disapprove the program by the first day of March, the district or school may appeal the lead district's decision or failure to take action to the department by the fifteenth day of March.	40552 40553 40554 40555 40556
(D) (1) Upon receiving notification of a lead district's	40557

approval of a district's or school's career-technical education 40558
program, the department shall review the lead district's decision 40559
and determine whether to approve or disapprove the program not 40560
later than the fifteenth day of May prior to the first fiscal year 40561
for which the district or school is seeking funding for the 40562
program. The department shall notify the district or school and 40563
the lead district of the district's or school's career-technical 40564
planning district of its determination. 40565

(2) Upon receiving an appeal from a district or school of a 40566
lead district's disapproval of a career-technical education 40567
program or failure to take action to approve or disapprove the 40568
program, the department shall review the lead district's 40569
disapproval or failure to take action. The department shall decide 40570
whether to approve or disapprove the program as a result of this 40571
review not later than the fifteenth day of May prior to the first 40572
fiscal year for which the district or school is seeking funding 40573
for the program. The department shall notify the lead district and 40574
the appealing district or school of its determination. 40575

(3) In conducting a review under division (D) (1) or (2) of 40576
this section, the department shall consider the criteria 40577
prescribed under division (C) (1) of this section. 40578

(4) If the department approves a program under division 40579
(D) (1) or (2) of this section, it shall authorize the payment to 40580
the district, ~~or the deduction from the state education aid of a~~ 40581
~~district and payment to a community school or STEM school,~~ of the 40582
funds attributed to the career-technical students enrolled in that 40583
program in the next fiscal year according to a payment schedule 40584
prescribed by the department. 40585

(5) The department's decisions under divisions (D) (1) and (2) 40586
of this section shall be final and not appealable. 40587

(6) The superintendent of public instruction may adopt 40588

guidelines identifying circumstances in which the department may, 40589
after consulting with a lead district, approve or disapprove a 40590
program that has been approved or disapproved by the lead district 40591
after the deadline prescribed in division (D) (1) or (2) of this 40592
section has passed. 40593

(E) The department and the lead district of each 40594
career-technical planning district shall conduct an annual review 40595
of each career-technical education program in the lead district's 40596
career-technical planning district that receives approval under 40597
this section. Continued funding of the program during the 40598
five-year approval period shall be subject to the school's 40599
compliance with any directives for performance improvement that 40600
are issued by the department or the lead district as a result of 40601
any review conducted under this section. 40602

Sec. 3317.162. (A) As used in this section, "career-technical 40603
planning district" and "lead district" have the same meanings as 40604
in section 3317.023 of the Revised Code. 40605

(B) In any fiscal year, a lead district of a career-technical 40606
planning district receiving funds under division (A) (10) of 40607
section 3317.022 of the Revised Code or (A) (7) of section 3317.16 40608
of the Revised Code, or through a transfer of funds pursuant to 40609
division (I) of section 3317.023 of the Revised Code, shall 40610
disperse those funds to school districts, community schools, and 40611
STEM schools receiving services from that district that provide 40612
plans for the use of those funds that are consistent with the 40613
career-technical planning district's plan that is on file with the 40614
department of education. A district or school that receives funds 40615
under this division shall spend those funds only for the following 40616
purposes: 40617

(1) Delivery of career awareness programs to students 40618
enrolled in grades kindergarten through twelve; 40619

<u>(2) Provision of a common, consistent curriculum to students</u>	40620
<u>throughout their primary and secondary education;</u>	40621
<u>(3) Assistance to teachers in providing a career development</u>	40622
<u>curriculum to students;</u>	40623
<u>(4) Development of a career development plan for each student</u>	40624
<u>that stays with that student for the duration of the student's</u>	40625
<u>primary and secondary education;</u>	40626
<u>(5) Provision of opportunities for students to engage in</u>	40627
<u>activities, such as career fairs, hands-on experiences, and job</u>	40628
<u>shadowing, across all career pathways at each grade level.</u>	40629
<u>The department may deny payment under this division to any</u>	40630
<u>district or school that the department determines is using funds</u>	40631
<u>paid under this division for other purposes.</u>	40632
Sec. 3317.163. (A) As used in this section:	40633
(1) "Base per pupil amount" has the same meaning as in	40634
section 3317.0219 of the Revised Code.	40635
(2) "Eligible school district" has the same meaning as in	40636
division (C) (1) of section 3317.0219 of the Revised Code.	40637
(3) "Resident district" means the city, local, or exempted	40638
village school district in which a student is entitled to attend	40639
school pursuant to section 3313.64 or 3313.65 of the Revised Code.	40640
(B) Subject to division (D) of this section, for fiscal years	40641
2020 <u>2022</u> and 2021 <u>2023</u> , the department of education shall	40642
calculate and pay to each joint vocational school district student	40643
wellness and success funds, on a full-time equivalency basis, for	40644
each student enrolled in the district in the immediately preceding	40645
fiscal year in an amount equal to the following:	40646
(The base per pupil amount of the student's resident district for	40647
that fiscal year + the scaled amount of the student's resident	40648

district, if any, computed under division (B) (4) of section 40649
3317.0219 of the Revised Code) 40650

However, each joint vocational school district shall receive 40651
a minimum payment of ~~\$25,000~~ \$30,404, for fiscal year ~~2020~~ 2022, 40652
or ~~\$36,000~~ \$24,149, for fiscal year ~~2021~~ 2023. 40653

(C) Subject to division (D) of this section, for fiscal years 40654
~~2020~~2022 and ~~2021~~ 2023, the department shall pay to each joint 40655
vocational school district student wellness and success 40656
enhancement funds, on a full-time equivalency basis, for each 40657
student enrolled in the district in the immediately preceding 40658
fiscal year whose resident district is an eligible school 40659
district, in an amount equal to the following: 40660

The amount paid to the student's resident district under division 40661
(C) (2) of section 3317.0219 of the Revised Code for that fiscal 40662
year / the student wellness and success enrolled ADM of the 40663
student's resident district for the immediately preceding fiscal 40664
year 40665

(D) The department shall pay funds under divisions (B) and 40666
(C) of this section as follows: 40667

(1) One-half of the amount shall be paid not later than the 40668
thirty-first day of October of the fiscal year for which the 40669
payment is calculated. 40670

(2) One-half of the amount shall be paid not later than the 40671
twenty-eighth day of February of the fiscal year for which the 40672
payment is calculated. 40673

Upon making a payment for a fiscal year under this section, 40674
the department shall not make any reconciliations or adjustments 40675
to that payment. 40676

(E) A joint vocational school district that receives a 40677
payment under this section shall comply with section 3317.26 of 40678
the Revised Code. 40679

Sec. 3317.25. (A) As used in this section, "~~economically~~ 40680
~~disadvantaged funds~~ disadvantaged pupil impact aid" means the 40681
following: 40682

(1) For a city, local, or exempted village school district, 40683
the funds received under division (A) (5) of section 3317.022 of 40684
the Revised Code; 40685

(2) For a joint vocational school district, the funds 40686
received under division (A) (3) of section 3317.16 of the Revised 40687
Code; 40688

(3) For a community school established under Chapter 3314. of 40689
the Revised Code, the funds received under division ~~(C) (1) (e)~~ 40690
(A) (5) (b) of section ~~3314.08~~ 3317.022 of the Revised Code; 40691

(4) For a STEM school established under Chapter 3326. of the 40692
Revised Code, the funds received under division ~~(E)~~ (A) (5) (b) of 40693
section ~~3326.33~~ 3317.022 of the Revised Code. 40694

(B) In any fiscal year, a city, local, exempted village, or 40695
joint vocational school district, community school, or STEM school 40696
shall spend the ~~economically disadvantaged funds~~ disadvantaged 40697
pupil impact aid it receives for any of the following initiatives 40698
or a combination of any of the following initiatives: 40699

(1) Extended school day and school year; 40700

(2) Reading improvement and intervention; 40701

(3) Instructional technology or blended learning; 40702

(4) Professional development in reading instruction for 40703
teachers of students in kindergarten through third grade; 40704

(5) Dropout prevention; 40705

(6) School safety and security measures; 40706

(7) Community learning centers that address barriers to 40707
learning; 40708

(8) Academic interventions for students in any of grades six through twelve; 40709
40710

(9) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code. 40711
40712
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(C) At the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's ~~economically disadvantaged funds were~~ disadvantaged pupil impact aid was spent during that fiscal year and the amount of money that was spent on each initiative. 40715
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(D) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the ~~General Assembly~~ general assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code. 40722
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Sec. 3317.26. (A) As used in this section, "student wellness and success funds" means the following: 40727
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(1) For a city, local, or exempted village school district, the funds received under section 3317.0219 of the Revised Code; 40729
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(2) For a joint vocational school district, the funds received under section 3317.163 of the Revised Code. 40731
40732

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under section ~~3314.088~~ 3317.0220 of the Revised Code. 40733
40734
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(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under section ~~3326.42~~ 3317.0221 of the Revised Code. 40736
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(B) In any fiscal year, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the student wellness and success funds it receives for any of the following initiatives or a combination of any of the following initiatives:

(1) Mental health services, including telehealth services;

(2) Culturally appropriate, evidence-based or evidence-informed prevention education, including youth-led programming and social and emotional learning curricula to promote mental health and prevent substance use and suicide;

(3) Services for homeless youth;

~~(3)~~(4) Services for child welfare involved youth;

~~(4)~~(5) Community liaisons or programs that connect students to community resources, including city connects, communities in schools, and other similar programs;

~~(5)~~(6) Physical health care services, including telehealth services;

~~(6) Mentoring programs;~~

(7) Family engagement and support services;

(8) ~~City connects programming;~~

~~(9) Professional development regarding the provision of trauma informed care;~~

~~(10) Professional development regarding cultural competence;~~

~~(11) Student services provided prior to or after the regularly scheduled school day or any time school is not in session, including mentoring programs.~~

(C) Each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for

utilizing the student wellness and success funds it receives in 40768
coordination with at least one of the following community 40769
partners: 40770

(1) A board of alcohol, drug, and mental health services 40771
established under Chapter 340. of the Revised Code; 40772

(2) An educational service center; 40773

(3) A county board of developmental disabilities; 40774

(4) A community-based mental health treatment or prevention 40775
provider; 40776

(5) A board of health of a city or general health district; 40777

(6) A county department of job and family services; 40778

(7) A nonprofit organization with experience serving 40779
children; 40780

(8) A public hospital agency. 40781

(D) After the end of each fiscal year, each city, local, 40782
exempted village, or joint vocational school district, community 40783
school, and STEM school shall submit a report to the department of 40784
education, in a manner prescribed by the department, describing 40785
the initiative or initiatives on which the district's or school's 40786
student wellness and success funds were spent during that fiscal 40787
year. 40788

Sec. 3318.51. (A) Notwithstanding anything in this section to 40789
the contrary, the Ohio facilities construction commission shall 40790
not establish or operate the community school credit enhancement 40791
program prescribed under this section until the general assembly 40792
enacts subsequent legislation authorizing the establishment and 40793
operation of the program. 40794

However, the commission shall conduct a study regarding the 40795
feasibility of establishing and operating the program in 40796

accordance with divisions (B) to (J) of this section. Not later 40797
than July 1, 2022, the commission, in accordance with section 40798
101.68 of the Revised Code, shall submit to general assembly, 40799
including the president of the senate, the minority leader of the 40800
senate, the speaker of the house of representatives, and the 40801
minority leader of the house of representatives, a report 40802
regarding the findings and recommendations of the commission's 40803
study. The report shall include a recommendation regarding the 40804
financial obligations, costs, or guarantees the state would make 40805
under the program. 40806

As used in this section, "classroom facilities" means 40807
buildings, land, grounds, equipment, and furnishings used by a 40808
community school in furtherance of its mission and contract 40809
entered into by the school's governing authority under Chapter 40810
3314. of the Revised Code. 40811

(B) Subject to division (A) of this section, the commission 40812
shall establish the community school credit enhancement program to 40813
assist community schools established under Chapter 3314. of the 40814
Revised Code in obtaining more favorable financing by guaranteeing 40815
the payment of principal and interest on loans, bonds, or other 40816
financing issued by or on behalf of community schools. Under the 40817
program, the commission may guarantee one hundred per cent of the 40818
sum of the principal and interest on the financing made to the 40819
governing authority of a community school for the sole purpose of 40820
assisting the governing authority in acquiring, improving, or 40821
replacing classroom facilities for the community school by lease, 40822
purchase, remodeling of existing facilities, or any other means 40823
including new construction. 40824

(C) To be considered for guaranteed financing under this 40825
section, a community school shall submit an application to the 40826
commission, in a form and manner prescribed by the commission, 40827
that contains at least all of the following: 40828

(1) Evidence that the community school is in good standing 40829
with its sponsor; 40830

(2) Evidence that the community school is creditworthy, with 40831
substantial weight given to academic outcomes as evidenced by 40832
whether the school is designated as a community school of quality 40833
under the quality community school support program established 40834
under Section 265.335 of H.B. 110 of the 134th general assembly, 40835
if applicable; 40836

(3) Evidence that the classroom facilities that have been 40837
acquired, improved, or replaced under the financing meet 40838
applicable health and safety standards established by law for 40839
school buildings or those facilities that will be acquired, 40840
improved, or replaced under the financing will meet such 40841
standards. 40842

(D) The commission shall meet regularly to evaluate 40843
applications under this section and shall either approve or 40844
disapprove each application submitted. The commission shall not 40845
approve an application if doing so would cause the total financing 40846
approved under this section to exceed two hundred million dollars, 40847
except that, if the total financing approved under this section 40848
exceeds ninety per cent of that amount in a school year, in the 40849
following school year, and for subsequent school years, the 40850
commission shall not approve an application if it would cause 40851
total financing approved under this section to exceed three 40852
hundred million dollars. 40853

(E) The commission shall report to each community school that 40854
submits an application under this section whether the application 40855
was approved or disapproved not later than ten business days after 40856
the commission approves or disapproves the application. 40857

(F) Each community school approved to participate in the 40858
program established under this section shall pay an annual program 40859

participation fee equal to up to one-quarter of one per cent of 40860
the amount of outstanding principal of the community school's 40861
guaranteed financing under this section in any year, as determined 40862
by the commission, for as long as that financing is outstanding. 40863
Program participation fees shall be paid to the treasurer of state 40864
on behalf of the program and deposited in the fund established 40865
under division (J) of this section. 40866

(G) The commission may prescribe the terms and conditions in 40867
approving guaranteed financing under this section in a written 40868
agreement entered into by the commission and the community school. 40869

(H) (1) Bonds guaranteed by the commission under this section 40870
for a community school shall not be an indebtedness of the state 40871
or the commission, but are instead special obligations payable 40872
solely from the following: 40873

(a) The revenues or other funds pledged by the community 40874
school; 40875

(b) Amounts appropriated by the general assembly for the 40876
purposes of this section. 40877

(2) One or more debt service reserve funds shall be 40878
established for a community school with respect to bonds issued 40879
pursuant to the program established under this section. 40880

(3) (a) Except as provided for in division (H) (3) (b) of this 40881
section, money in a debt service reserve fund may not be withdrawn 40882
from that fund if the amount withdrawn would reduce the level of 40883
money in the fund to less than a debt service reserve fund 40884
requirement. 40885

(b) As long as the applicable bonds guaranteed under the 40886
program established under this section remain outstanding, money 40887
in a debt service reserve fund may be withdrawn in an amount that 40888
would reduce the level of money in the fund to less than the debt 40889
service reserve fund requirement if the money is withdrawn for 40890

either of the following purposes: 40891

(i) Paying the principal of, redemption price of, or interest 40892
on a bond when due and if no other money of the community school 40893
is available to make the payment, as determined by the commission; 40894

(ii) Paying any redemption premium required to be paid when 40895
the bonds are redeemed prior to maturity if no bonds will remain 40896
outstanding upon payment from the money in the community school's 40897
debt service reserve fund. 40898

(4) Money in a community school's debt service reserve fund 40899
that exceeds the debt service reserve fund requirement may be 40900
withdrawn by the community school. 40901

(5)(a) The commission shall annually, on or before the first 40902
day of December, certify to the governor the amount, if any, 40903
required to restore amounts on deposit in the debt service reserve 40904
funds of community schools to their respective debt service 40905
reserve fund requirements. 40906

(b) The governor shall request from the general assembly an 40907
appropriation of the certified amount to restore amounts on 40908
deposit in the debt service reserve funds of community schools to 40909
their respective service reserve fund requirements. 40910

(c) The general assembly may appropriate money to the 40911
commission to restore amounts on deposit in the debt service 40912
reserve funds of community schools to their respective debt 40913
service reserve fund requirements. 40914

(d) A community school that receives money from an 40915
appropriation to restore amounts on deposit in a debt service 40916
reserve fund to the debt service reserve fund requirement shall 40917
repay the state in a time and manner determined by the commission. 40918

(6)(a) The state may not alter, impair, or limit the rights 40919
of bondholders or persons contracting with a community school 40920

until the bonds, including interest and other contractual obligations, are fully met and discharged. 40921
40922

(b) Nothing in this section precludes an alteration, impairment, or limitation if provision is made by law for the protection of bondholders or persons entering into contracts with a community school. 40923
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(7) The commission may require a community school to vest in the commission the right to enforce any covenant made to secure bond issued under the program established under this section by making appropriate provisions in the indenture related to the community school's bonds. 40927
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(8) The commission may require a community school to make covenants and agreements in indentures or in a reimbursement agreement to protect the interests of the state and to secure repayments to the state of any moneys received by the community school from an appropriation to restore amounts deposited in the community school's debt service reserve fund to the debt service reserve fund requirement. 40932
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(I) The commission shall adopt rules that prescribe financing standards and procedures consistent with this section that are designed to protect the state's interest in any financing guaranteed by this section and to ensure that the state has a reasonable chance of recovering any payments made by the state in the event of a default on any such financing. 40939
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(J) There is hereby established the community school classroom facility guaranteed financing fund. The fund shall consist of moneys deposited by community schools under this section, or any other funds appropriated by the general assembly, federal grants, and private donations. Investment earnings on moneys in the fund shall be credited to the fund. 40945
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Sec. 3319.151. (A) As used in this section, "assessment" 40951
means an assessment administered under section 3301.0711 of the 40952
Revised Code. 40953

(B) No person shall ~~reveal~~ do any of the following: 40954

(1) Reveal to any student any specific question that the 40955
person knows is part of an assessment ~~to be administered under~~ 40956
~~section 3301.0711 of the Revised Code~~ or in any other way assist a 40957
pupil to cheat on ~~such~~ an assessment; 40958

(2) Obtain prior knowledge of the contents of an assessment; 40959

(3) Use prior knowledge of the contents of an assessment to 40960
assist students in preparing for the assessment; 40961

(4) Fail to comply with any rule adopted by the department of 40962
education regarding security protocols for an assessment. 40963

~~(B)~~(C) On a finding by the state board of education, after 40964
investigation, that a school employee who holds a license ~~issued~~ 40965
~~under sections 3319.22 to~~, as defined in section 3319.31 of the 40966
Revised Code, has violated division ~~(A)~~(B) of this section, ~~the~~ 40967
~~license of such teacher shall be suspended for one year. Prior to~~ 40968
~~commencing an investigation,~~ the state board shall take any action 40969
against the employee under section 3319.31 of the Revised Code 40970
that it considers appropriate, based on the nature and extent of 40971
the violation. The state board shall give the ~~teacher~~ employee 40972
notice of the allegation ~~and upon commencing an investigation and~~ 40973
shall give the employee an opportunity to respond and ~~present a~~ 40974
defense prior to taking any disciplinary action. 40975

~~(C)~~(D) (1) Violation of division ~~(A)~~(B) of this section is 40976
grounds for termination of employment of a nonteaching employee 40977
under division (C) of section 3319.081 or section 124.34 of the 40978
Revised Code. 40979

(2) Violation of division ~~(A)~~(B) of this section is grounds 40980

for termination of a teacher contract under section 3311.82 or 40981
3319.16 of the Revised Code. 40982

Sec. 3319.227. (A) Notwithstanding any other provision of the 40983
Revised Code or any rule adopted by the state board of education 40984
to the contrary, the state board shall issue a resident educator 40985
license under section 3319.22 of the Revised Code to each person 40986
who is assigned to teach in this state as a participant in the 40987
teach for America program and who satisfies the following 40988
conditions for the duration of the program: 40989

(1) Holds a bachelor's degree from an accredited institution 40990
of higher education; 40991

(2) Maintained a cumulative undergraduate grade point average 40992
of at least 2.5 out of 4.0, or its equivalent; 40993

(3) Has passed an examination prescribed by the state board 40994
in the subject area to be taught; 40995

(4) Has successfully completed the summer training institute 40996
operated by teach for America; 40997

(5) Remains an active member of the teach for America 40998
two-year support program. 40999

(B) The state board shall issue a resident educator license 41000
under this section for teaching in any grade level or subject area 41001
for which a person may obtain a resident educator license under 41002
section 3319.22 of the Revised Code. The state board shall not 41003
adopt rules establishing any additional qualifications for the 41004
license beyond those specified in this section. 41005

(C) Notwithstanding any other provision of the Revised Code 41006
or any rule adopted by the state board to the contrary, the state 41007
board shall issue a resident educator license under section 41008
3319.22 of the Revised Code to any applicant who has completed at 41009
least two years of teaching in another state as a participant in 41010

the teach for America program and meets all of the conditions of 41011
divisions (A) (1) to (4) of this section. The state board shall 41012
credit an applicant under this division as having completed two 41013
years of the teacher residency program under section 3319.223 of 41014
the Revised Code. 41015

(D) In order to place teachers in this state, the teach for 41016
America program shall enter into an agreement with one or more 41017
accredited four-year public or private institutions of higher 41018
education in the state to provide optional training of teach for 41019
America participants for the purpose of enabling those 41020
participants to complete an optional master's degree or an 41021
equivalent amount of coursework. Nothing in this division shall 41022
require any teach for America participant to complete a master's 41023
degree as a condition of holding a license issued under this 41024
section. 41025

(E) The superintendent of public instruction, on behalf of 41026
the state board, shall ~~revoke~~ inactivate a resident educator 41027
license issued to a participant in the teach for America program 41028
who is assigned to teach in this state if the participant resigns 41029
or is dismissed from the program prior to completion of the 41030
two-year teach for America support program. The inactivation of a 41031
license under this division does not constitute a suspension or 41032
revocation of the license by the state board under section 3319.31 41033
of the Revised Code and the state board and the state 41034
superintendent need not provide the person with an opportunity for 41035
a hearing with respect to the inactivation. 41036

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former 41037
section 3319.229 of the Revised Code by ~~this act~~ S.B. 216 of the 41038
132nd general assembly, the state board of education shall accept 41039
applications for new, and for renewal of, professional 41040
career-technical teaching licenses through June 30, 2019, and 41041

issue them on the basis of the applications received by that date 41042
in accordance with the rules described in that former section. 41043
Except as otherwise provided in divisions (A) (2) and (3) of this 41044
section, beginning July 1, 2019, the state board shall issue 41045
career-technical workforce development educator licenses only 41046
under this section. 41047

(2) An individual who, on July 1, 2019, holds a professional 41048
career-technical teaching license issued under the rules described 41049
in former section 3319.229 of the Revised Code, may continue to 41050
renew that license in accordance with those rules for the 41051
remainder of the individual's teaching career. However, nothing in 41052
this division shall be construed to prohibit the individual from 41053
applying to the state board for a career-technical workforce 41054
development educator license under this section. 41055

(3) An individual who, on July 1, 2019, holds an alternative 41056
resident educator license for teaching career-technical education 41057
issued under section 3319.26 of the Revised Code may, upon the 41058
expiration of the license, apply for a professional 41059
career-technical teaching license issued under the rules described 41060
in former section 3319.229 of the Revised Code. Such an individual 41061
may continue to renew the professional license in accordance with 41062
those rules for the remainder of the individual's teaching career. 41063
However, nothing in this division shall be construed to prohibit 41064
the individual from applying to the state board for a 41065
career-technical workforce development educator license under this 41066
section. 41067

(B) The state board, in collaboration with the chancellor of 41068
higher education, shall adopt rules establishing standards and 41069
requirements for obtaining a two-year initial career-technical 41070
workforce development educator license and a five-year advanced 41071
career-technical workforce development educator license. Each 41072

license shall be valid for teaching career-technical education or 41073
workforce development programs in grades four through twelve. The 41074
rules shall require applicants for either license to have a high 41075
school diploma or a certificate of high school equivalence as 41076
awarded under section 3301.80 of the Revised Code or as recognized 41077
as the equivalent of such certificate under division (C) of that 41078
section. 41079

(C) (1) The state board shall issue an initial 41080
career-technical workforce development educator license to an 41081
applicant upon request from the superintendent of a school 41082
district that has agreed to employ the applicant. In making the 41083
request, the superintendent shall provide documentation, in 41084
accordance with procedures prescribed by the department of 41085
education, showing that the applicant has at least five years of 41086
work experience, or the equivalent, in the subject area in which 41087
the applicant will teach. The license shall be valid for teaching 41088
only in the requesting district. The superintendent also shall 41089
provide documentation, in accordance with procedures prescribed by 41090
the department, that the applicant is enrolled in a 41091
career-technical workforce development educator preparation 41092
program offered by an institution of higher education that has an 41093
existing teacher preparatory program in place that meets all of 41094
the following criteria: 41095

(a) Is approved by the chancellor of higher education to 41096
provide instruction in teaching methods and principles; 41097

(b) Provides classroom support to the license holder; 41098

(c) Includes at least three semester hours of coursework in 41099
the teaching of reading in the subject area; 41100

(d) Is aligned with career-technical education and workforce 41101
development competencies developed by the department; 41102

(e) Uses a summative performance-based assessment developed 41103

by the program and aligned to the competencies described in 41104
division (C) (1) (d) of this section to evaluate the license 41105
holder's knowledge and skills; 41106

(f) Consists of not less than twenty-four semester hours of 41107
coursework, or the equivalent. 41108

(2) As a condition of continuing to hold the initial 41109
career-technical workforce development license, the holder of the 41110
license shall be participating in a career-technical workforce 41111
development educator preparation program described in division 41112
(C) (1) of this section. 41113

(3) The state board shall renew an initial career-technical 41114
workforce development educator license if the supervisor of the 41115
program described in division (C) (1) of this section and the 41116
superintendent of the employing school district indicate that the 41117
applicant is making sufficient progress in both the program and 41118
the teaching position. 41119

(D) The state board shall issue an advanced career-technical 41120
workforce development educator license to an applicant who has 41121
successfully completed the program described in division (C) (1) of 41122
this section, as indicated by the supervisor of the program, and 41123
who demonstrates mastery of the applicable career-technical 41124
education and workforce development competencies described in 41125
division (C) (1) (d) of this section in the teaching position, as 41126
indicated by the superintendent of the employing school district. 41127

(E) The holder of an advanced career-technical workforce 41128
development educator license shall work with a local professional 41129
development committee established under section 3319.22 of the 41130
Revised Code in meeting requirements for renewal of the license. 41131

(F) Notwithstanding the provisions of section 3319.226 of the 41132
Revised Code, the state board shall not require any applicant for 41133
an educator license for substitute teaching who holds a license 41134

issued under this section to hold a post-secondary degree in order 41135
to be issued a license under section 3319.226 of the Revised Code 41136
to work as a substitute teacher for career-technical education 41137
classes. 41138

Sec. 3319.236. (A) Except as provided in division (B) of this 41139
section, a school district shall require an individual to hold a 41140
valid educator license in computer science, or have a license 41141
endorsement in computer technology and a passing score on a 41142
content examination in the area of computer science, to teach 41143
computer science courses. 41144

(B) A school district may employ an individual, for the 41145
purpose of teaching computer science courses, who holds a valid 41146
educator license in any of grades kindergarten through twelve, 41147
provided the individual meets the requirements established by 41148
rules of the state board of education to qualify for a 41149
supplemental teaching license for teaching computer science. The 41150
rules shall require an applicant for a supplemental teaching 41151
license to pass a content examination in the area of computer 41152
science. The rules also shall permit an individual, after at least 41153
two years of successfully teaching computer science courses under 41154
the supplemental teaching license, to advance to a standard 41155
educator license in computer science by completing a pedagogy 41156
course applicable to the grade levels in which the individual is 41157
teaching. However, the rules may exempt an individual teaching 41158
computer science from the requirement to complete a pedagogy 41159
course if the individual previously completed a pedagogy course 41160
applicable to the grade levels in which the individual is 41161
teaching. 41162

(C) In order for an individual to teach advanced placement 41163
computer science courses, a school district shall require the 41164
individual to also complete a professional development program 41165

endorsed or provided by the organization that creates and 41166
administers national advanced placement examinations. For this 41167
purpose, the individual may complete the program at any time 41168
during the calendar year. 41169

(D) Notwithstanding section 3301.012 of the Revised Code, as 41170
used in this section, "computer science courses" means any courses 41171
that are reported in the education management information system 41172
established under section 3301.0714 of the Revised Code as 41173
computer science courses and which are aligned to computer science 41174
standards adopted by the state board of education. 41175

Sec. 3319.31. (A) As used in this section and sections 41176
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 41177
means a certificate, license, or permit described in this chapter 41178
or in division (B) of section 3301.071 or in section 3301.074 of 41179
the Revised Code. 41180

(B) For any of the following reasons, the state board of 41181
education, except as provided in division (H) of this section and 41182
in accordance with Chapter 119. and section 3319.311 of the 41183
Revised Code, may refuse to issue a license to an applicant; may 41184
limit a license it issues to an applicant; may suspend, revoke, or 41185
limit a license that has been issued to any person; or may revoke 41186
a license that has been issued to any person and has expired: 41187

(1) Engaging in an immoral act, incompetence, negligence, or 41188
conduct that is unbecoming to the applicant's or person's 41189
position; 41190

(2) A plea of guilty to, a finding of guilt by a jury or 41191
court of, or a conviction of any of the following: 41192

(a) A felony other than a felony listed in division (C) of 41193
this section; 41194

(b) An offense of violence other than an offense of violence 41195

listed in division (C) of this section;	41196
(c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section;	41197 41198 41199
(d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section;	41200 41201 41202
(e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B) (2) (a) to (d) of this section.	41203 41204 41205
(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B) (2) or (C) of this section;	41206 41207 41208 41209 41210 41211
(4) Failure to comply with section 3314.40, 3319.313, 3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code.	41212 41213
(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in this division by a person who holds a current or expired license or is an applicant for renewal of a license, the state board or the superintendent of public instruction, if the state board has delegated the duty pursuant to division (D) of this section, shall by a written order revoke the person's license or deny renewal of the license to the person. The state board or the superintendent shall revoke a license that has been issued to a person to whom this division applies and has expired in the same manner as a license that has not expired.	41214 41215 41216 41217 41218 41219 41220 41221 41222 41223 41224
Revocation of a license or denial of renewal of a license under this division is effective immediately at the time and date	41225 41226

that the board or superintendent issues the written order and is 41227
not subject to appeal in accordance with Chapter 119. of the 41228
Revised Code. Revocation of a license or denial of renewal of 41229
license under this division remains in force during the pendency 41230
of an appeal by the person of the plea of guilty, finding of 41231
guilt, or conviction that is the basis of the action taken under 41232
this division. 41233

The state board or superintendent shall take the action 41234
required by this division for a violation of division (B) (1), (2), 41235
(3), or (4) of section 2919.22 of the Revised Code; a violation of 41236
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 41237
2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 41238
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 41239
2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 2907.311, 41240
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 2909.02, 41241
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 41242
2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 2917.33, 2919.12, 41243
2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 2921.05, 2921.11, 41244
2921.34, 2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 2923.21, 41245
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 41246
2925.22, 2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 41247
3716.11 of the Revised Code; a violation of section 2905.04 of the 41248
Revised Code as it existed prior to July 1, 1996; a violation of 41249
section 2919.23 of the Revised Code that would have been a 41250
violation of section 2905.04 of the Revised Code as it existed 41251
prior to July 1, 1996, had the violation been committed prior to 41252
that date; felonious sexual penetration in violation of former 41253
section 2907.12 of the Revised Code; or a violation of an 41254
ordinance of a municipal corporation that is substantively 41255
comparable to an offense listed in this paragraph. 41256

(D) The state board may delegate to the superintendent of 41257
public instruction the authority to revoke a person's license or 41258

to deny renewal of a license to a person under division (C) or (F) 41259
of this section. 41260

(E) (1) If the plea of guilty, finding of guilt, or conviction 41261
that is the basis of the action taken under division (B) (2) or (C) 41262
of this section, or under the version of division (F) of section 41263
3319.311 of the Revised Code in effect prior to September 12, 41264
2008, is overturned on appeal, upon exhaustion of the criminal 41265
appeal, the clerk of the court that overturned the plea, finding, 41266
or conviction or, if applicable, the clerk of the court that 41267
accepted an appeal from the court that overturned the plea, 41268
finding, or conviction, shall notify the state board that the 41269
plea, finding, or conviction has been overturned. Within thirty 41270
days after receiving the notification, the state board shall 41271
initiate proceedings to reconsider the revocation or denial of the 41272
person's license in accordance with division (E) (2) of this 41273
section. In addition, the person whose license was revoked or 41274
denied may file with the state board a petition for 41275
reconsideration of the revocation or denial along with appropriate 41276
court documents. 41277

(2) Upon receipt of a court notification or a petition and 41278
supporting court documents under division (E) (1) of this section, 41279
the state board, after offering the person an opportunity for an 41280
adjudication hearing under Chapter 119. of the Revised Code, shall 41281
determine whether the person committed the act in question in the 41282
prior criminal action against the person that is the basis of the 41283
revocation or denial and may continue the revocation or denial, 41284
may reinstate the person's license, with or without limits, or may 41285
grant the person a new license, with or without limits. The 41286
decision of the board shall be based on grounds for revoking, 41287
denying, suspending, or limiting a license adopted by rule under 41288
division (G) of this section and in accordance with the 41289
evidentiary standards the board employs for all other licensure 41290

hearings. The decision of the board under this division is subject 41291
to appeal under Chapter 119. of the Revised Code. 41292

(3) A person whose license is revoked or denied under 41293
division (C) of this section shall not apply for any license if 41294
the plea of guilty, finding of guilt, or conviction that is the 41295
basis of the revocation or denial, upon completion of the criminal 41296
appeal, either is upheld or is overturned but the state board 41297
continues the revocation or denial under division (E) (2) of this 41298
section and that continuation is upheld on final appeal. 41299

(F) The state board may take action under division (B) of 41300
this section, and the state board or the superintendent shall take 41301
the action required under division (C) of this section, on the 41302
basis of substantially comparable conduct occurring in a 41303
jurisdiction outside this state or occurring before a person 41304
applies for or receives any license. 41305

(G) The state board may adopt rules in accordance with 41306
Chapter 119. of the Revised Code to carry out this section and 41307
section 3319.311 of the Revised Code. 41308

(H) The state board shall not refuse to issue a license to an 41309
applicant because of a conviction of, a plea of guilty to, or a 41310
finding of guilt by a jury or court of an offense unless the 41311
refusal is in accordance with section 9.79 of the Revised Code. 41312

Sec. 3319.318. (A) As used in this section: 41313

(1) "School representative" includes all of the following: 41314

(a) An employee of a school district, chartered nonpublic 41315
school, or county board of developmental disabilities; 41316

(b) An employee of an entity with which a school district, 41317
chartered nonpublic school, or county board of developmental 41318
disabilities contracts for the provision of services; 41319

(c) A member of a school district board of education, 41320

chartered nonpublic school governing body, or county board of 41321
developmental disabilities. 41322

(2) "Student" means a child who is enrolled in a school 41323
district or chartered nonpublic school or who is receiving 41324
services from a county board of developmental disabilities. 41325

(B) Except as provided in division (C) of this section, no 41326
school representative shall knowingly engage in any activity 41327
intended to assist another individual in obtaining employment with 41328
a school district or chartered nonpublic school, or in obtaining 41329
employment with a county board of developmental disabilities in a 41330
position responsible for providing educational services to 41331
children from six through twenty-one years of age, other than 41332
transmitting administrative and personnel files to the prospective 41333
employer, if the school representative knows or has reasonable 41334
cause to believe that the individual has committed an offense 41335
listed in Chapter 2907. of the Revised Code, or a substantially 41336
comparable offense, involving a student. 41337

(C) Division (B) of this section shall not apply if the 41338
information on which the knowledge or reasonable cause is based 41339
has been reported to appropriate law enforcement authorities or, 41340
if applicable, to the appropriate public children services agency 41341
under section 2151.421 of the Revised Code and one of the 41342
following conditions is met: 41343

(1) Law enforcement authorities have investigated the alleged 41344
offense and determined that there is insufficient information to 41345
indict the individual for the alleged offense. 41346

(2) The individual has not been indicted for the alleged 41347
offense within four years after the date the alleged offense was 41348
reported to law enforcement authorities or a public children 41349
services agency. 41350

(3) The individual has been acquitted or otherwise exonerated 41351

of the offense. 41352

Sec. 3319.319. The appointing or hiring officer of a school 41353
district or school located in Ohio or another state may request 41354
from the department of education any report the department has 41355
received under sections 3314.40, 3319.313, 3326.24, 3328.19, or 41356
5126.253 of the Revised Code regarding an individual who is under 41357
consideration for employment by the district or school. If the 41358
department has received a report under any of those sections 41359
regarding the individual, the department shall provide the 41360
contents of the report to the requesting officer. Upon provision 41361
of the contents of the report to the requesting officer, the 41362
department shall notify the officer that the information provided 41363
is confidential and may not be disseminated to any other person or 41364
entity. 41365

If the department provides the contents of a report to an 41366
appointing or hiring officer under this section, the department 41367
shall document the information provided in the record of any 41368
investigation undertaken pursuant to section 3319.311 of the 41369
Revised Code based on the report. Such documentation shall include 41370
a list of the information provided, the date the information was 41371
provided, and the name and contact information of the appointing 41372
or hiring officer to whom the information was provided. 41373

Sec. 3319.393. (A) Each school district and chartered 41374
nonpublic school shall include the following notice in boldface 41375
type in each employment application: "ANY PERSON WHO KNOWINGLY 41376
MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 41377
2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST 41378
DEGREE." 41379

(B) (1) Each district and chartered nonpublic school shall 41380
consult the "educator profile" database maintained on the web site 41381

of the department of education prior to making any hiring 41382
decision. 41383

(2) After consulting the "educator profile" database, a 41384
district or chartered nonpublic school may further discern the 41385
employment, disciplinary, or criminal record of an applicant for 41386
employment in either or both of the following ways: 41387

(a) Consulting the office of professional conduct within the 41388
department of education in accordance with section 3319.319 of the 41389
Revised Code to determine whether the individual has been the 41390
subject of either: 41391

(i) Any notice to the department under section 3314.40, 41392
3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code; 41393

(ii) Any disciplinary actions conducted by the department. 41394

(b) Consulting any prior education-related employers of the 41395
individual. 41396

(3) A district or chartered nonpublic school may require 41397
additional background checks other than the criminal records 41398
checks authorized under sections 109.574 to 109.577 of the Revised 41399
Code or those required under section 3319.39 or 3319.391 of the 41400
Revised Code for any applicant for employment or potential 41401
volunteer. 41402

(C) A district or chartered nonpublic school may 41403
conditionally employ an individual pending the receipt of 41404
information sought in accordance with division (B)(2) of this 41405
section. Should that information indicate that the individual has 41406
engaged in conduct unbecoming to the teaching profession or has 41407
committed an offense that prevents, limits, or otherwise affects 41408
the applicant's employment with the district or school, the 41409
district or chartered nonpublic school may release the individual 41410
from employment. 41411

Sec. 3319.47. The school districts, public schools, and 41412
chartered nonpublic schools of this state may provide counseling 41413
to any victim of sexual harassment or sexually related conduct. 41414

Sec. 3319.61. (A) The educator standards board, in 41415
consultation with the chancellor of higher education, shall do all 41416
of the following: 41417

(1) Develop state standards for teachers and principals that 41418
reflect what teachers and principals are expected to know and be 41419
able to do at all stages of their careers. These standards shall 41420
be aligned with the statewide academic content standards for 41421
students adopted pursuant to section 3301.079 of the Revised Code, 41422
be primarily based on educator performance instead of years of 41423
experience or certain courses completed, and rely on 41424
evidence-based factors. These standards shall also be aligned with 41425
the operating standards adopted under division (D) (3) of section 41426
3301.07 of the Revised Code. 41427

(a) The standards for teachers shall reflect the following 41428
additional criteria: 41429

(i) Alignment with the interstate new teacher assessment and 41430
support consortium standards; 41431

(ii) Differentiation among novice, experienced, and advanced 41432
teachers; 41433

(iii) Reliance on competencies that can be measured; 41434

(iv) Reliance on content knowledge, teaching skills, 41435
discipline-specific teaching methods, and requirements for 41436
professional development; 41437

(v) Alignment with a career-long system of professional 41438
development and evaluation that ensures teachers receive the 41439
support and training needed to achieve the teaching standards as 41440

well as reliable feedback about how well they meet the standards; 41441

(vi) The standards under section 3301.079 of the Revised 41442
Code, including standards on collaborative learning environments 41443
and interdisciplinary, project-based, real-world learning and 41444
differentiated instruction; 41445

(vii) The Ohio leadership framework. 41446

(b) The standards for principals shall be aligned with the 41447
interstate school leaders licensing consortium standards. 41448

(2) Develop standards for school district superintendents 41449
that reflect what superintendents are expected to know and be able 41450
to do at all stages of their careers. The standards shall reflect 41451
knowledge of systems theory and effective management principles 41452
and be aligned with the buckeye association of school 41453
administrators standards and the operating standards developed 41454
under division (D)(3) of section 3301.07 of the Revised Code. 41455

(3) Develop standards for school district treasurers and 41456
business managers that reflect what treasurers and business 41457
managers are expected to know and be able to do at all stages of 41458
their careers. The standards shall reflect knowledge of systems 41459
theory and effective management principles and be aligned with the 41460
association of school business officials international standards 41461
and the operating standards developed under division (D)(3) of 41462
section 3301.07 of the Revised Code. 41463

(4) Develop standards for the renewal of licenses under 41464
sections 3301.074 and 3319.22 of the Revised Code; 41465

(5) Develop standards for educator professional development; 41466

(6) Investigate and make recommendations for the creation, 41467
expansion, and implementation of school building and school 41468
district leadership academies; 41469

(7) Develop standards for school counselors that reflect what 41470

school counselors are expected to know and be able to do at all 41471
stages of their careers. The standards shall reflect knowledge of 41472
academic, personal, and social counseling for students and 41473
effective principles to implement an effective school counseling 41474
program. The standards also shall reflect Ohio-specific knowledge 41475
of career counseling for students and education options that 41476
provide flexibility for earning credit, such as earning units of 41477
high school credit using the methods adopted by the state board of 41478
education under division (J) of section 3313.603 of the Revised 41479
Code and earning college credit through the college credit plus 41480
program established under Chapter 3365. of the Revised Code and 41481
the career-technical education credit transfer criteria, policies, 41482
and procedures established under section 3333.162 of the Revised 41483
Code. The standards shall align with the American school counselor 41484
association's professional standards and the operating standards 41485
developed under division (D) (3) of section 3301.07 of the Revised 41486
Code. 41487

The superintendent of public instruction, the chancellor of 41488
higher education, or the education standards board itself may 41489
request that the educator standards board update, review, or 41490
reconsider any standards developed under this section. 41491

(B) The educator standards board shall incorporate indicators 41492
of cultural competency into the standards developed under division 41493
(A) of this section. For this purpose, the educator standards 41494
board shall develop a definition of cultural competency based upon 41495
content and experiences that enable educators to know, understand, 41496
and appreciate the students, families, and communities that they 41497
serve and skills for addressing cultural diversity in ways that 41498
respond equitably and appropriately to the cultural needs of 41499
individual students. 41500

(C) In developing the standards under division (A) of this 41501
section, the educator standards board shall consider the impact of 41502

the standards on closing the achievement gap between students of 41503
different subgroups. 41504

(D) In developing the standards under division (A) of this 41505
section, the educator standards board shall ensure both of the 41506
following: 41507

(1) That teachers have sufficient knowledge to provide 41508
appropriate instruction for students identified as gifted pursuant 41509
to Chapter 3324. of the Revised Code and to assist in the 41510
identification of such students, and have sufficient knowledge 41511
that will enable teachers to provide learning opportunities for 41512
all children to succeed; 41513

(2) That principals, superintendents, school treasurers, and 41514
school business managers have sufficient knowledge to provide 41515
principled, collaborative, foresighted, and data-based leadership 41516
that will provide learning opportunities for all children to 41517
succeed. 41518

(E) The standards for educator professional development 41519
developed under division (A) (5) of this section shall include the 41520
following: 41521

(1) Standards for the inclusion of local professional 41522
development committees established under section 3319.22 of the 41523
Revised Code in the planning and design of professional 41524
development; 41525

(2) Standards that address the crucial link between academic 41526
achievement and mental health issues. 41527

(F) The educator standards board shall also perform the 41528
following functions: 41529

(1) Monitor compliance with the standards developed under 41530
division (A) of this section and make recommendations to the state 41531
board of education for appropriate corrective action if such 41532

standards are not met; 41533

(2) Research, develop, and recommend policies on the 41534
professions of teaching and school administration; 41535

(3) Recommend policies to close the achievement gap between 41536
students of different subgroups; 41537

(4) Define a "master teacher" in a manner that can be used 41538
uniformly by all school districts; 41539

(5) Adopt criteria that a candidate for a lead professional 41540
educator license under section 3319.22 of the Revised Code who 41541
does not hold a valid certificate issued by the national board for 41542
professional teaching standards must meet to be considered a lead 41543
teacher for purposes of division (B) (4) (d) of that section. It is 41544
the intent of the general assembly that the educator standards 41545
board shall adopt multiple, equal-weighted criteria to use in 41546
determining whether a person is a lead teacher. The criteria shall 41547
be in addition to the other standards and qualifications 41548
prescribed in division (B) (4) of section 3319.22 of the Revised 41549
Code. The criteria may include, but shall not be limited to, 41550
completion of educational levels beyond a master's degree or other 41551
professional development courses or demonstration of a leadership 41552
role in the teacher's school building or district. The board shall 41553
determine the number of criteria that a teacher shall satisfy to 41554
be recognized as a lead teacher, which shall not be the total 41555
number of criteria adopted by the board. 41556

(6) Develop model teacher and principal evaluation 41557
instruments and processes. The models shall be based on the 41558
standards developed under division (A) of this section. 41559

(7) Develop a method of measuring the academic improvement 41560
made by individual students during a one-year period and make 41561
recommendations for incorporating the measurement as one of 41562
multiple evaluation criteria into each of the following: 41563

(a) Eligibility for a professional educator license, senior professional educator license, lead professional educator license, or principal license issued under section 3319.22 of the Revised Code; 41564
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(b) The Ohio teacher residency program established under section 3319.223 of the Revised Code; 41568
41569

(c) The model teacher and principal evaluation instruments and processes developed under division (F)(6) of this section. 41570
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(G) The educator standards board shall submit recommendations of standards developed under division (A) of this section to the state board of education not later than September 1, 2010. The state board of education shall review those recommendations at the state board's regular meeting that next succeeds the date that the recommendations are submitted to the state board. At that meeting, the state board of education shall vote to either adopt standards based on those recommendations or request that the educator standards board reconsider its recommendations. The state board of education shall articulate reasons for requesting reconsideration of the recommendations but shall not direct the content of the recommendations. The educator standards board shall reconsider its recommendations if the state board of education so requests, may revise the recommendations, and shall resubmit the recommendations, whether revised or not, to the state board not later than two weeks prior to the state board's regular meeting that next succeeds the meeting at which the state board requested reconsideration of the initial recommendations. The state board of education shall review the recommendations as resubmitted by the educator standards board at the state board's regular meeting that next succeeds the meeting at which the state board requested reconsideration of the initial recommendations and may adopt the standards as resubmitted or, if the resubmitted standards have not addressed the state board's concerns, the state board may modify 41572
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the standards prior to adopting them. The final responsibility to 41596
determine whether to adopt standards as described in division (A) 41597
of this section and the content of those standards, if adopted, 41598
belongs solely to the state board of education. 41599

Sec. 3319.99. (A) Whoever violates division ~~(A)~~(B)(1) of 41600
section 3319.151 of the Revised Code is guilty of a minor 41601
misdemeanor. 41602

(B) Whoever violates division (H)(1) of section 3319.311 of 41603
the Revised Code is guilty of a misdemeanor of the first degree. 41604

(C) Whoever violates division (F) of section 3319.313 of the 41605
Revised Code shall be punished as follows: 41606

(1) Except as otherwise provided in division (C)(2) of this 41607
section, the person is guilty of a misdemeanor of the fourth 41608
degree. 41609

(2) The person is guilty of a misdemeanor of the first degree 41610
if both of the following conditions apply: 41611

(a) The employee who is the subject of the report that the 41612
person fails to submit was required to be reported for the 41613
commission or alleged commission of an act or offense involving 41614
the infliction on a child of any physical or mental wound, injury, 41615
disability, or condition of a nature that constitutes abuse or 41616
neglect of the child; 41617

(b) During the period between the violation of division (F) 41618
of section 3319.313 of the Revised Code and the conviction of or 41619
plea of guilty by the person for that violation, the employee who 41620
is the subject of the report that the person fails to submit 41621
inflicts on any child attending a school district, educational 41622
service center, public or nonpublic school, or county board of 41623
developmental disabilities where the employee works any physical 41624
or mental wound, injury, disability, or condition of a nature that 41625

constitutes abuse or neglect of the child. 41626

(D) Whoever violates division (B) or (D) of section 3319.317 41627
of the Revised Code is guilty of a misdemeanor of the first 41628
degree. 41629

Sec. 3326.01. (A) As used in this chapter: 41630

(1) "Compact career-technical education provider" means two 41631
or more city, exempted village, or local school districts that are 41632
not members of a joint vocational school district and that have 41633
entered into a compact under which students enrolled in any of the 41634
participating districts may access career-technical education 41635
programs provided by a participating district. 41636

(2) "Comprehensive career-technical education provider" means 41637
a city, exempted village, or local school district that is not a 41638
member of a joint vocational school district and that provides a 41639
comprehensive career-technical education program to all high 41640
schools operated by the district. 41641

(3) "STEM" is an abbreviation of "science, technology, 41642
engineering, and mathematics." 41643

~~(2)~~(4) "STEAM" is an abbreviation of "science, technology, 41644
engineering, arts, and mathematics." 41645

(B) (1) A science, technology, engineering, arts, and 41646
mathematics school shall be considered a type of science, 41647
technology, engineering, and mathematics school. 41648

(2) A STEAM school equivalent shall be considered to be a 41649
type of STEM school equivalent. 41650

(3) A STEAM program of excellence shall be considered to be a 41651
type of STEM program of excellence. 41652

(C) (1) Any reference to a STEM school or science, technology, 41653
engineering, and mathematics school in the Revised Code shall be 41654

considered to include a STEAM school, unless the context 41655
specifically indicates a different meaning or intent. All 41656
provisions of the Revised Code applicable to a STEM school shall 41657
apply to a STEAM school in the same manner, except as otherwise 41658
provided in this chapter. 41659

(2) Any reference to a STEM school equivalent in the Revised 41660
Code shall be considered to include a STEAM school equivalent, 41661
unless the context specifically indicates a different meaning or 41662
intent. All provisions of the Revised Code applicable to a STEM 41663
school equivalent shall apply to a STEAM school equivalent in the 41664
same manner, except as otherwise provided in this chapter. 41665

(3) Any reference to a STEM program of excellence in the 41666
Revised Code shall be considered to include a STEAM program of 41667
excellence, unless the context specifically indicates a different 41668
meaning or intent. All provisions of the Revised Code applicable 41669
to a STEM program of excellence shall apply to a STEAM program of 41670
excellence in the same manner, except as otherwise provided in 41671
this chapter. 41672

Sec. 3326.02. There is hereby established the STEM committee 41673
of the department of education consisting of the following 41674
members: 41675

(A) The superintendent of public instruction, or the 41676
superintendent's designee; 41677

(B) The chancellor of ~~the Ohio board of regents~~ higher 41678
education, or the chancellor's designee; 41679

(C) The director of development, or the director's designee; 41680

(D) Four members of the public, two of whom shall be 41681
appointed by the governor, one of whom shall be appointed by the 41682
speaker of the house of representatives, and one of whom shall be 41683
appointed by the president of the senate. Members of the public 41684

shall be appointed based on their expertise in business or in STEM 41685
fields. ~~The initial members of the committee shall be appointed~~ 41686
~~under division (D) of this section not later than forty five days~~ 41687
~~after June 30, 2007.~~ 41688

All members of the committee appointed under division (D) of 41689
this section shall serve at the pleasure of their appointing 41690
authority. 41691

If a member listed in divisions (A) to (C) of this section 41692
elects to assign a designee to participate in committee business 41693
on the member's behalf, the member shall assign that designation 41694
to a single person for the time period in which the designation is 41695
effective. 41696

Members of the committee shall receive no compensation for 41697
their services. The department of education shall provide 41698
administrative support for the committee. 41699

Sec. 3326.03. (A) The STEM committee shall authorize the 41700
establishment of ~~and award grants to~~ science, technology, 41701
engineering, and mathematics schools based on proposals submitted 41702
to the committee. 41703

The committee shall determine the criteria for proposals, 41704
establish procedures for the submission of proposals, accept and 41705
evaluate proposals, and choose which proposals to approve to 41706
become a STEM school. In approving proposals for STEM schools, the 41707
committee shall consider ~~locating the~~ designating schools in 41708
diverse geographic regions of the state so that all students have 41709
access to a STEM school. 41710

The committee shall seek technical assistance from the Ohio 41711
STEM learning network, or its successor, throughout the process of 41712
accepting and evaluating proposals and choosing which proposals to 41713
approve. In approving proposals for STEM schools, the committee 41714

shall consider the recommendations of the Ohio STEM learning 41715
network, or its successor. 41716

The committee may authorize the establishment of a group of 41717
multiple STEM schools to operate from multiple facilities located 41718
in one or more school districts under the direction of a single 41719
governing body in the manner prescribed by section 3326.031 of the 41720
Revised Code. The committee shall consider the merits of each of 41721
the proposed STEM schools within a group and shall authorize each 41722
school separately. Anytime after authorizing a group of STEM 41723
schools to be under the direction of a single governing body, ~~upon~~ 41724
~~a proposal from the governing body,~~ the committee may authorize 41725
one or more additional schools to operate as part of that group, 41726
provided a proposal for each school is submitted in accordance 41727
with this section. 41728

The STEM committee may approve one or more STEM schools to 41729
serve only students identified as gifted under Chapter 3324. of 41730
the Revised Code. 41731

(B) Proposals may be submitted only by a partnership of 41732
public and private entities consisting of at least all of the 41733
following: 41734

(1) A city, exempted village, or local, ~~or joint vocational~~ 41735
school district ~~or an educational service center;~~ 41736

(2) Higher education entities; 41737

(3) Business organizations. 41738

A community school established under Chapter 3314. of the 41739
Revised Code, a chartered nonpublic school, or both may be part of 41740
the partnership. 41741

(C) Each proposal shall include at least the following: 41742

(1) A statement of which of grades kindergarten through 41743
twelve will be offered by the school; 41744

(2) Assurances that the STEM school or group of STEM schools will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;

~~(2)~~(3) Assurances that each STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the committee and that the school will maintain the STEM education practices set forth in the proposal;

~~(3)~~(4) Evidence that each school will exhibit school-wide cultural strategies reflecting innovation, an entrepreneurial spirit, inquiry, and collaboration with individual accountability;

(5) Evidence that each school will offer a rigorous, diverse, integrated, and problem- or project-based curriculum to all students in any of grades kindergarten through twelve enrolled in the school, with the goal to prepare ~~these~~ all students for college post-high school learning experiences, the workforce, and citizenship, and that does all of the following:

(a) Emphasizes and supports the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;

(b) ~~Incorporates scientific inquiry and technological design~~ Emphasizes the use of design thinking as a school-wide approach;

(c) Provides opportunities for students to engage in personalized learning;

(d) Includes the arts and humanities. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.

~~(d)~~ Emphasizes personalized learning and teamwork skills. 41775

~~(4)(6)~~ Evidence that each school will attract school leaders who support leadership supports the curriculum principles of division ~~(C)(3)~~ (C)(5) of this section; 41776
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~~(5)(7)~~ A description of how each school's curriculum will be was developed using the curriculum principles described in division (C)(5) of this section and approved by a team in accordance with section 3326.09 of the Revised Code; 41779
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~~(6)(8)~~ Evidence that each school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor participate in regular STEM-focused professional development and share knowledge of best practices; 41783
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~~(7)(9)~~ Evidence that each school will operate in collaboration with a partnership that includes has established partnerships with institutions of higher education and businesses. If the proposal is for a STEAM school, it also shall include evidence ~~that this partnership will include~~ of established partnerships with one or more arts organizations. 41788
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~~(8)(10)~~ Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations. 41794
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~~(9)(11)~~ A description of how each school's assets will be distributed if the school closes for any reason. 41800
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(D) A STEM school that is designated under this section may submit an amended proposal to the STEM committee at any time to offer additional grade levels. Upon approval of the amended proposal by the committee, those grades may be offered by the 41802
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school. 41806

(E) (1) If a school is designated as a STEM school under this section, it shall maintain that designation for five years unless the STEM committee revokes its designation during that five-year period under division (F) of this section. At the end of that five-year period, the school shall reapply to the STEM committee in order to maintain that designation. The committee shall authorize the continuation of the school's STEM designation if the committee finds that the school is in compliance with this chapter and the provisions of its proposal and any subsequent amendments to that proposal. 41807
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If a school chooses not to reapply for designation as a STEM school under division (E) (1) of this section, the committee shall revoke the school's designation at the end of its five-year designation period. 41817
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(2) If a school reapplies for its designation as a STEM school under division (E) (1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the school, in collaboration with the department of education and the Ohio STEM learning network or its successor, to develop a corrective action plan. The school shall implement the corrective action plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation. 41821
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(3) The department shall maintain records of the application status and designation renewal deadlines for each school that has been designated as a STEM school under this section. 41834
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(F) If the STEM committee has reason to believe that a school that is designated as a STEM school under this section is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, it may review the school's designation prior to the end of its five-year designation period. If the committee reviews a school's designation under this division, it must require the school to develop a corrective action plan in the same manner as specified in division (E)(2) of this section and implement that plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation.

(G) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions ~~(C)(3)(e)~~ (C)(5)(d), ~~(C)(7)~~, and ~~(C)(8)~~ (C)(9), and (C)(10) of this section and submit the revised proposal to the STEM committee for approval.

(H) Notwithstanding division (B)(1) of this section, on and after the effective date of this amendment, a school operated by a joint vocational school district that was designated as a STEM school prior to that date may maintain that designation provided the school continues to comply with this chapter and all provisions of its proposal and any subsequent amendments to that proposal. However, nothing shall prohibit that school from electing to apply for a designation of STEM school equivalent or distinction as a STEM program of excellence under section 3326.032 or 3326.04 of the Revised Code, respectively.

Sec. 3326.032. (A) The STEM committee may grant a designation of STEM school equivalent to a any of the following schools:

(1) A school operated by a joint vocational school district;

(2) A school offering career-technical education programs 41868
that is operated by a school district that is a comprehensive 41869
career-technical education provider; 41870

(3) A school offering career-technical education programs 41871
that is operated by a school district that is a participant in a 41872
compact career-technical education provider; 41873

(4) A community school established under Chapter 3314. of the 41874
Revised Code, to a career center, or to a; 41875

(5) A chartered nonpublic school. In 41876

In order to be eligible for this designation, a community 41877
school, a career center, or chartered nonpublic school shall 41878
submit a proposal that satisfies the requirements of this section. 41879

The committee shall determine the criteria for proposals, 41880
establish procedures for the submission of proposals, accept and 41881
evaluate proposals, and choose which proposals warrant a ~~community~~ 41882
~~school, career center, or chartered nonpublic school~~ to be 41883
designated as a STEM school equivalent. 41884

(B) A proposal for designation as a STEM school equivalent 41885
shall include at least the following: 41886

~~(1) Assurances that the community school, career center, or~~ 41887
~~chartered nonpublic school submitting the proposal has a working~~ 41888
~~partnership with both public and private entities, including~~ 41889
~~higher education entities and business organizations. If the~~ 41890
~~proposal is for a STEAM school equivalent, it also shall include~~ 41891
~~evidence that this partnership includes arts organizations. A~~ 41892
statement of which of grades kindergarten through twelve will be 41893
offered by the school; 41894

(2) Assurances that the school ~~or career center~~ submitting 41895
~~the proposal~~ will operate in compliance with this section and the 41896
provisions of the proposal as accepted by the committee and that 41897

the school will maintain the STEM education practices set forth in the proposal; 41898
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(3) Evidence that the school will exhibit school-wide cultural strategies reflecting innovation, an entrepreneurial spirit, inquiry, and collaboration with individual accountability; 41900
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~~(4)~~ Evidence that the school ~~or career center submitting the proposal~~ will offer a rigorous, diverse, integrated, and problem- 41903
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or project-based curriculum to all students in any of grades 41905
~~kindergarten through twelve enrolled in the school,~~ with the goal 41906
to prepare ~~those~~ all students for college post-secondary learning 41907
experiences, the workforce, and citizenship, and that does all of 41908
the following: 41909

(a) Emphasizes and supports the role of science, technology, 41910
engineering, and mathematics in promoting innovation and economic 41911
progress; 41912

~~(b) Incorporates scientific inquiry and technological design~~ 41913
Emphasizes the use of design thinking as a school-wide approach; 41914

(c) Provides opportunities for students to engage in 41915
personalized learning; 41916

(d) Includes the arts and humanities. If the proposal is for 41917
a STEAM school equivalent, it also shall include evidence that the 41918
curriculum will integrate arts and design into the study of 41919
science, technology, engineering, and mathematics to foster 41920
creative thinking, problem-solving, and new approaches to 41921
scientific invention. 41922

~~(d) Emphasizes personalized learning and teamwork skills.~~ 41923

~~(4)(5)~~ Evidence that the school ~~or career center submitting~~ 41924
~~the proposal will attract school leaders who support~~ leadership 41925
supports the curriculum principles of division ~~(B)(3)~~ (B)(4) of 41926
this section; 41927

~~(5)(6)~~ A description of how ~~each~~ the school's ~~or career~~ center's curriculum ~~will be~~ was developed using the principles of division (B)(4) of this section and approved by a team in accordance with section 3326.09 of the Revised Code;

~~(6)(7)~~ Evidence that the school ~~or career center~~ submitting the ~~proposal~~ will ~~utilize an established capacity to capture and share knowledge for best practices and innovative professional development~~ participate in regular professional development and share knowledge of best practices;

~~(7)(8)~~ Evidence that the school has established partnerships with institutions of higher education and businesses. If the proposal is for a STEAM school equivalent, it also shall include evidence of established partnerships with one or more arts organizations.

(9) Assurances that the school ~~or career center~~ submitting the ~~proposal~~ has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school equivalent, it also shall include assurances that the school ~~or career center~~ has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.

(C) (1) If a school is designated as a STEM school equivalent under this section, it shall maintain that designation for five years unless the STEM committee revokes its designation during that five-year period under division (D) of this section. At the end of that five-year period, the school shall reapply to the STEM committee in order to maintain that designation. The committee shall authorize the continuation of the school's designation as a STEM school equivalent if the committee finds that the school is in compliance with this chapter and the provisions of its proposal and any subsequent amendments to that proposal.

If a school chooses not to reapply for designation as a STEM school equivalent under division (C)(1) of this section, the committee shall revoke the school's designation at the end of its five-year designation period. 41959
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(2) If a school reapplies for its designation as a STEM school equivalent under division (C)(1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the school, in collaboration with the department of education and the Ohio STEM learning network or its successor, to develop a corrective action plan. The school shall implement the corrective action plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation. 41963
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(3) The department shall maintain records of the application status and designation renewal deadlines for each school that has been designated as a STEM school equivalent under this section. 41976
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(D) If the STEM committee has reason to believe that a school that is designated as a STEM school equivalent under this section is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, it may review the school's designation prior to the end of its five-year designation period. If the committee reviews a school's designation under this division, it must require the school to develop a corrective action plan in the same manner as specified in division (C)(2) of this section and implement that plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the 41979
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end of that year, the committee shall revoke the school's 41991
designation. 41992

(E) A community school, career center, or chartered nonpublic 41993
school that is designated as a STEM school equivalent under this 41994
section shall not be subject to the requirements of Chapter 3326. 41995
of the Revised Code, except that the school ~~or career center~~ shall 41996
be subject to the requirements of this section and to the 41997
curriculum requirements of section 3326.09 of the Revised Code. 41998

Nothing in this section, however, shall relieve a community 41999
school of the applicable requirements of Chapter 3314. of the 42000
Revised Code. Nor shall anything in this section relieve a school 42001
operated by a joint vocational school district, a school operated 42002
by a comprehensive career-technical education provider, a school 42003
operated by a compact career-technical education provider, or a 42004
chartered nonpublic school of any provisions of law outside of 42005
this chapter that are applicable to ~~chartered nonpublic~~ such 42006
schools. 42007

(2) A ~~community school, career center, or chartered nonpublic~~ 42008
school that is designated as a STEM school equivalent under this 42009
section shall not be eligible for operating funding under sections 42010
3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised 42011
Code. 42012

(3) A ~~community school, career center, or chartered nonpublic~~ 42013
school that is designated as a STEM school equivalent under this 42014
section may apply for any of the grants and additional funds 42015
described in section 3326.38 of the Revised Code for which the 42016
school ~~or career center~~ is eligible. 42017

~~(D)~~ (F) If a ~~community school, a career center, or chartered~~ 42018
~~nonpublic~~ school that is designated as a STEM school equivalent 42019
under this section intends to close or intends to no longer be 42020
designated as a STEM school equivalent, it shall notify the STEM 42021

committee of that fact. 42022

~~(E) (G) If a community school, a career center, or chartered nonpublic school that is designated as a STEM school equivalent wishes to be designated as a STEAM school equivalent, it may change its existing proposal to include the items required under divisions ~~(B) (1), (B) (3) (e)~~ (B) (4) (d), (B) (8), and (B) (7) (B) (9) of this section and submit the revised proposal to the STEM committee for approval.~~ 42023
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~~(F) As used in this section, "career center" means a school building that enrolls students in any of grades nine through twelve and in which a career technical planning district, as defined in section 3317.023 of the Revised Code, provides career technical education services that meet standards adopted by the state board of education.~~ 42030
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Sec. 3326.04. (A) ~~The STEM committee shall award grants to support the operation of grant distinctions as STEM programs of excellence to serve students in any of grades kindergarten through twelve through a request for proposals to STEM programs operated by joint vocational school districts, comprehensive career-technical education providers, compact career-technical education providers, and educational service centers in accordance with this section.~~ 42036
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~~(B) Proposals may be submitted by any of the following:~~ 42044

~~(1) The board of education of a city, exempted village, or local school district;~~ 42045
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~~(2) The governing authority of a community school established under Chapter 3314. of the Revised Code;~~ 42047
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~~(3) The governing authority of a chartered nonpublic school.~~ 42049

~~(C) Each A joint vocational school district, comprehensive career-technical education provider, compact career-technical~~ 42050
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education provider, or educational service center may submit a 42052
proposal to the STEM committee seeking distinction as a STEM 42053
program of excellence. The proposal shall demonstrate to the 42054
satisfaction of the STEM committee that the program meets at least 42055
the following standards: 42056

(1) Unless the program is designed to serve only students 42057
identified as gifted under Chapter 3324. of the Revised Code, the 42058
program will serve all students enrolled ~~in the district or school~~ 42059
in the grades for which the program is designed. 42060

~~(2) The program will offer a rigorous and diverse curriculum 42061
that is based on scientific inquiry and technological design, that 42062
emphasizes personalized learning and teamwork skills, and that 42063
will expose students to advanced scientific concepts within and 42064
outside the classroom. If the proposal is for a STEAM program of 42065
excellence, it also shall include evidence that the curriculum 42066
will integrate arts and design into the curriculum to foster 42067
creative thinking, problem solving, and new approaches to 42068
scientific invention. 42069~~

~~(3) Unless the program is designed to serve only students 42070
identified as gifted under Chapter 3324. of the Revised Code, the 42071
program will not limit participation of students on the basis of 42072
intellectual ability, measures of achievement, or aptitude. 42073~~

~~(4) The program will utilize an established capacity to 42074
capture and share knowledge for best practices and innovative 42075
professional development. 42076~~

~~(5) The program will operate in collaboration with a 42077
partnership that includes institutions of higher education and 42078
businesses. If the proposal is for a STEAM program of excellence, 42079
it also shall include evidence that this partnership includes arts 42080
organizations. 42081~~

~~(6) The program will include teacher professional development 42082~~

~~strategies that are augmented by community and business partners~~ 42083
~~The program will provide students with the opportunity to~~ 42084
~~innovate, develop an entrepreneurial spirit, engage in inquiry,~~ 42085
~~and collaborate with individual accountability.~~ 42086

(3) The program will offer a rigorous, diverse, integrated, 42087
and problem- or project-based curriculum to students, with the 42088
goal to prepare students for post-secondary learning experiences, 42089
the workforce, and citizenship, and that does all of the 42090
following: 42091

(a) Emphasizes and supports the role of science, technology, 42092
engineering, and mathematics in promoting innovation and economic 42093
progress; 42094

(b) Emphasizes the use of design thinking as a school-wide 42095
approach; 42096

(c) Provides opportunities for students to engage in 42097
personalized learning; 42098

(d) Includes the arts and humanities. If the proposal is for 42099
distinction as a STEAM program of excellence, it also shall 42100
include evidence that the curriculum will integrate arts and 42101
design into the study of science, technology, engineering, and 42102
mathematics to foster creative thinking, problem-solving, and new 42103
approaches to scientific invention. 42104

(4) The district, provider, or service center leadership 42105
supports the curriculum principles of division (B)(3) of this 42106
section. 42107

(5) The program's leaders participate in regular STEM-focused 42108
professional development and share knowledge of best practices. 42109

(6) The program has established partnerships with 42110
institutions of higher education and businesses. If the proposal 42111
is for distinction as a STEAM program of excellence, it also shall 42112

include evidence of established partnerships with one or more arts organizations. 42113
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(7) The program has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for distinction as a STEAM program of excellence, the program also has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations; 42115
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(8) The program's curriculum was developed using the principles described in division (B) (3) of this section and approved by a team in accordance with section 3326.09 of the Revised Code. 42121
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~~(D) The STEM committee shall give priority to proposals for new or expanding innovative programs.~~ 42125
(C) (1) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center receives a distinction as a STEM program of excellence under this section, it shall maintain that distinction for five years unless the STEM committee revokes the distinction during that five-year period under division (E) of this section. At the end of that five-year period, the district, provider, or service center shall reapply to the STEM committee in order to maintain that distinction. The committee shall authorize the continuation of the district's, provider's, or service center's distinction as a STEM program of excellence if the committee finds that the district, provider, or service center is in compliance with this chapter and the provisions of its proposal and any subsequent amendments to that proposal. 42126
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If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center chooses not to reapply for a distinction for a STEM program of excellence under 42141
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division (C)(1) of this section, the committee shall revoke the 42145
district's, provider's, or service center's distinction at the end 42146
of its five-year period of distinction. 42147

(2) If a joint vocational school district, comprehensive 42148
career-technical education provider, compact career-technical 42149
education provider, or educational service center reapplies for 42150
distinction as a STEM program of excellence under division (C)(1) 42151
of this section and the committee has reason to believe that it is 42152
not in compliance with this chapter or the provisions of its 42153
proposal and any subsequent amendments to that proposal, the 42154
committee shall require the district, provider, or service center, 42155
in collaboration with the department of education and the Ohio 42156
STEM learning network or its successor, to develop a corrective 42157
action plan. The district, provider, or service center shall 42158
implement the corrective action plan and demonstrate exemplary 42159
STEM pedagogy and practices within one year of the plan's 42160
development. If the district, provider, or service center fails to 42161
implement the corrective action plan to the satisfaction of the 42162
committee at the end of that year, the committee shall revoke the 42163
district's, provider's, or service center's distinction. 42164

(3) The department shall maintain records of the application 42165
status and designation renewal deadlines for each joint vocational 42166
school district, comprehensive career-technical education 42167
provider, compact career-technical education provider, or 42168
educational service center that has received a distinction as a 42169
STEM program of excellence under this section. 42170

(D) If the STEM committee has reason to believe that a joint 42171
vocational school district, comprehensive career-technical 42172
education provider, compact career-technical education provider, 42173
or educational service center that has received a distinction as a 42174
STEM program of excellence under this section is not in compliance 42175
with this chapter or the provisions of its proposal and any 42176

subsequent amendments to that proposal, it may review the 42177
district's, provider's, or service center's distinction prior to 42178
the end of the five-year period during which that distinction is 42179
effective. If the committee reviews a district's, provider's, or 42180
service center's distinction under this division, it must require 42181
the district, provider, or service center to develop a corrective 42182
action plan in the same manner as specified in division (C) (2) of 42183
this section and implement that plan and demonstrate exemplary 42184
STEM pedagogy and practices within one year of the plan's 42185
development. If the district, provider, or service center fails to 42186
implement the corrective action plan to the satisfaction of the 42187
committee at the end of that year, the committee shall revoke the 42188
district's, provider's, or service center's distinction. 42189

(E) If a joint vocational school district, comprehensive 42190
career-technical education provider, compact career-technical 42191
education provider, or educational service center that has 42192
received distinction for a STEM program of excellence instead 42193
wishes to ~~become a~~ receive a distinction for a STEAM program of 42194
excellence, it may change its existing proposal to include the 42195
items required under divisions ~~(C) (2)~~ (B) (3) (d), (B) (6), and 42196
~~(C) (5)~~ (B) (7) of this section and submit the revised proposal to 42197
the STEM committee for approval. 42198

Sec. 3326.07. Each science, technology, engineering, and 42199
mathematics school established under this chapter is a public 42200
school, is part of the state's program of education, may contract 42201
for any services necessary for the operation of the school, and 42202
may continue in operation for as long as the school is in 42203
compliance with the provisions of this chapter and with the 42204
proposal for its establishment as approved by the STEM committee. 42205
If the school closes for any reason, its assets shall be 42206
distributed in the manner provided in the proposal for its 42207
establishment as required by division ~~(C) (9)~~ (C) (11) of section 42208

3326.03 of the Revised Code. 42209

Sec. 3326.08. (A) The governing body of each science, 42210
technology, engineering, and mathematics school shall engage the 42211
services of administrative officers, teachers, and nonteaching 42212
employees of the STEM school necessary for the school to carry out 42213
its mission and shall oversee the operations of the school. The 42214
governing body of each STEM school shall engage the services of a 42215
chief administrative officer to serve as the school's 42216
instructional and administrative leader. The chief administrative 42217
officer shall be granted the authority to oversee the recruitment, 42218
retention, and employment of teachers and nonteaching employees. 42219

(B) The department of education shall monitor the oversight 42220
of each STEM school exercised by the school's governing body and 42221
shall monitor the school's compliance with this chapter and with 42222
the proposal for the establishment of the school as it was 42223
approved by the STEM committee under section ~~3326.04~~ 3326.03 of 42224
the Revised Code. If Except in the case of a STEM school that is 42225
governed and controlled by a school district in accordance with 42226
section 3326.51 of the Revised Code, if the department finds that 42227
the school is not in compliance with this chapter or with the 42228
proposal and the STEM committee has revoked the school's STEM 42229
designation under division (E)(1) or (2) or (F) of section 3326.03 42230
of the Revised Code, the department shall consult with the STEM 42231
committee, and the committee ~~may~~ shall order the school to close 42232
on the last day of the school year in which the committee issues 42233
its order. 42234

(C) The governing body of each STEM school shall comply with 42235
sections 121.22 and 149.43 of the Revised Code. 42236

Sec. 3326.10. Each science, technology, engineering, and 42237
mathematics school shall adopt admission procedures that specify 42238

the following: 42239

(A) (1) Admission shall be open to individuals entitled and 42240
eligible to attend school pursuant to section 3313.64 or 3313.65 42241
of the Revised Code in a school district in the state. 42242

(2) (a) Admission may be open on a tuition basis to 42243
individuals who are not residents of this state. The school shall 42244
not receive state funds under ~~sections 3326.33 to 3326.51~~ section 42245
3317.022 of the Revised Code for any student who is not a resident 42246
of this state. 42247

(b) The school shall charge tuition for a student who is not 42248
a resident of this state in an amount determined by the school in 42249
accordance with section 3326.101 of the Revised Code. 42250

(B) There will be no discrimination in the admission of 42251
students to the school on the basis of race, creed, color, 42252
disability, or sex. 42253

(C) The school will comply with all federal and state laws 42254
regarding the education of students with disabilities. 42255

(D) Unless the school serves only students identified as 42256
gifted under Chapter 3324. of the Revised Code, the school will 42257
not limit admission to students on the basis of intellectual 42258
ability, measures of achievement or aptitude, or athletic or 42259
artistic ability. 42260

(E) The school will assert its best effort to attract a 42261
diverse student body that reflects the community, and the school 42262
will recruit students from disadvantaged and underrepresented 42263
groups. 42264

Sec. 3326.101. For each student who is not a resident of this 42265
state and is enrolled in a science, technology, engineering, and 42266
mathematics school under division (A) (2) of section 3326.10 of the 42267
Revised Code, the school shall determine the amount to charge to 42268

the student as tuition. This amount shall be not less than the 42269
minimum amount paid to the school for a student under section 42270
~~3326.33~~ 3317.022 of the Revised Code. 42271

Sec. 3326.11. Each science, technology, engineering, and 42272
mathematics school established under this chapter and its 42273
governing body shall comply with sections 9.90, 9.91, 109.65, 42274
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 42275
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 42276
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 42277
3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.6012, 42278
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.6024, 42279
3313.6025, 3313.6026, 3313.61, 3313.611, 3313.614, 3313.615, 42280
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 42281
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 42282
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 42283
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 42284
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 42285
3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 42286
3319.21, 3319.318, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 42287
3319.393, 3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 42288
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 42289
3321.18, 3321.19, 3321.191, 3323.251, 3327.10, 4111.17, 4113.52, 42290
5502.262, and 5705.391 and Chapters 102., 117., 1347., 2744., 42291
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 42292
Revised Code as if it were a school district. 42293

Sec. 3326.14. Each science, technology, engineering, and 42294
mathematics school and its governing body shall administer the 42295
assessments required by sections 3301.0710, 3301.0711, and 42296
3301.0712 of the Revised Code, as if it were a school district, 42297
~~except that, notwithstanding any provision of those sections to~~ 42298

~~the contrary, any student enrolled in a grade lower than the tenth 42299
grade in a STEM school may take one or more of the Ohio graduation 42300
tests prescribed under division (B)(1) of section 3301.0710 of the 42301
Revised Code on any of the dates prescribed for that assessment. 42302~~

Sec. 3326.23. This section does not apply to any science, 42303
technology, engineering, and mathematics school that is governed 42304
and controlled by a school district in accordance with section 42305
3326.51 of the Revised Code on or after the effective date of this 42306
amendment. 42307

The governing body of each science, technology, engineering, 42308
and mathematics school annually shall provide the following 42309
assurances in writing to the department of education not later 42310
than ten business days prior to the opening of the school: 42311

(A) That the school has a plan for providing special 42312
education and related services to students with disabilities and 42313
has demonstrated the capacity to provide those services in 42314
accordance with Chapter 3323. of the Revised Code and federal law; 42315

(B) That the school has a plan and procedures for 42316
administering the achievement and diagnostic assessments 42317
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 42318
Revised Code; 42319

(C) That school personnel have the necessary training, 42320
knowledge, and resources to properly use and submit information to 42321
all databases maintained by the department for the collection of 42322
education data, including the education management information 42323
system established under section 3301.0714 of the Revised Code; 42324

(D) That all required information about the school has been 42325
submitted to the Ohio education directory system or any successor 42326
system; 42327

(E) That all classroom teachers are licensed in accordance 42328

with sections 3319.22 to 3319.31 of the Revised Code or are 42329
engaged to teach pursuant to section 3319.301 of the Revised Code; 42330

(F) That the school's treasurer is in compliance with section 42331
3326.21 of the Revised Code; 42332

(G) That the school has complied with sections 3319.39 and 42333
3319.391 of the Revised Code with respect to all employees and 42334
that the school has conducted a criminal records check of each of 42335
its governing body members; 42336

(H) That the school holds all of the following: 42337

(1) Proof of property ownership or a lease for the facilities 42338
used by the school; 42339

(2) A certificate of occupancy; 42340

(3) Liability insurance for the school, as required by 42341
section 3326.11 of the Revised Code; 42342

(4) A satisfactory health and safety inspection; 42343

(5) A satisfactory fire inspection; 42344

(6) A valid food permit, if applicable. 42345

(I) That the governing body has conducted a pre-opening site 42346
visit to the school for the school year for which the assurances 42347
are provided; 42348

(J) That the school has designated a date it will open for 42349
the school year for which the assurances are provided; 42350

(K) That the school has met all of the governing body's 42351
requirements for opening and any other requirements of the 42352
governing body. 42353

Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the 42354
Revised Code: 42355

(A) ~~(1) "Category one career technical education student"~~ 42356

~~means a student who is receiving the career technical education services described in division (A) of section 3317.014 of the Revised Code.~~

~~(2) "Category two career technical student" means a student who is receiving the career technical education services described in division (B) of section 3317.014 of the Revised Code.~~

~~(3) "Category three career technical student" means a student who is receiving the career technical education services described in division (C) of section 3317.014 of the Revised Code.~~

~~(4) "Category four career technical student" means a student who is receiving the career technical education services described in division (D) of section 3317.014 of the Revised Code.~~

~~(5) "Category five career technical education student" means a student who is receiving the career technical education services described in division (E) of section 3317.014 of the Revised Code.~~

~~(B) (1) "Category one English learner" means an English learner described in division (A) of section 3317.016 of the Revised Code.~~

~~(2) "Category two English learner" means an English learner described in division (B) of section 3317.016 of the Revised Code.~~

~~(3) "Category three English learner" means an English learner described in division (C) of section 3317.016 of the Revised Code.~~

~~(C) (1) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.~~

~~(2) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.~~

~~(3) "Category three special education student" means a~~

~~student who is receiving special education services for a 42387
disability specified in division (C) of section 3317.013 of the 42388
Revised Code. 42389~~

~~(4) "Category four special education student" means a student 42390
who is receiving special education services for a disability 42391
specified in division (D) of section 3317.013 of the Revised Code. 42392~~

~~(5) "Category five special education student" means a student 42393
who is receiving special education services for a disability 42394
specified in division (E) of section 3317.013 of the Revised Code. 42395~~

~~(6) "Category six special education student" means a student 42396
who is receiving special education services for a disability 42397
specified in division (F) of section 3317.013 of the Revised Code. 42398~~

~~(D) "Formula amount" has the same meaning as in section 42399
3317.02 of the Revised Code. 42400~~

~~(E)(B) "IEP" means an individualized education program as 42401
defined in section 3323.01 of the Revised Code. 42402~~

~~(F)(C) "Resident district" means the school district in which 42403
a student is entitled to attend school under section 3313.64 or 42404
3313.65 of the Revised Code. 42405~~

~~(G) "State education aid" has the same meaning as in section 42406
5751.20 of the Revised Code. 42407~~

Sec. 3326.34. If a science, technology, engineering, and 42408
mathematics school established under this chapter incurs costs for 42409
a fiscal year for a student receiving special education and 42410
related services pursuant to an IEP for a disability described in 42411
divisions (B) to (F) of section 3317.013 of the Revised Code that 42412
exceed the threshold catastrophic cost for serving the student as 42413
specified in division (B) of section 3317.0214 of the Revised 42414
Code, the STEM school may submit to the superintendent of public 42415
instruction documentation, as prescribed by the superintendent, of 42416

all its costs for that student. Upon submission of documentation 42417
for a student of the type and in the manner prescribed, the 42418
department of education shall pay to the school or, if the school 42419
is part of a group of science, technology, engineering, and 42420
mathematics schools under section 3326.031 of the Revised Code, to 42421
the governing body of that group an amount equal to the school's 42422
costs for the student in excess of the threshold ~~catastrophic~~ 42423
costs. 42424

The school shall only report under this section, and the 42425
department shall only pay for, the costs of educational expenses 42426
and the related services provided to the student in accordance 42427
with the student's IEP. Any legal fees, court costs, or other 42428
costs associated with any cause of action relating to the student 42429
may not be included in the amount. 42430

Sec. 3326.35. The department of education shall adjust the 42431
amounts paid under section ~~3326.33~~ 3317.022 of the Revised Code to 42432
reflect any enrollment of students in science, technology, 42433
engineering, and mathematics schools for less than the equivalent 42434
of a full school year. 42435

Sec. 3326.36. The department of education shall reduce the 42436
amounts paid to a science, technology, engineering, and 42437
mathematics school or to the governing body of a group of science, 42438
technology, engineering, and mathematics schools under section 42439
~~3326.33~~ 3317.022 of the Revised Code to reflect payments made to 42440
colleges under section 3365.07 of the Revised Code. A student 42441
shall be considered enrolled in the school for any portion of the 42442
school year the student is attending a college under Chapter 3365. 42443
of the Revised Code. 42444

Sec. 3326.39. (A) In any fiscal year, a STEM school receiving 42445
funds under ~~division (C)~~ divisions (A) (8) and (11) of section 42446

~~3326.33~~ 3317.022 of the Revised Code shall spend those funds only 42447
for the purposes that the department designates as approved for 42448
career-technical education expenses. Career-technical ~~educational~~ 42449
education expenses approved by the department shall include only 42450
expenses connected to the delivery of career-technical programming 42451
to career-technical students. The department shall require the 42452
school to report data annually so that the department may monitor 42453
the school's compliance with the requirements regarding the manner 42454
in which funding received under ~~division (G)~~ divisions (A) (8) and 42455
(11) of section ~~3326.33~~ 3317.022 of the Revised Code may be spent. 42456

42457

(B) All funds received under ~~division (G)~~ divisions (A) (8) 42458
and (11) of section ~~3326.33~~ 3317.022 of the Revised Code shall be 42459
spent in the following manner: 42460

(1) At least seventy-five per cent of the funds shall be 42461
spent on curriculum development, purchase, and implementation; 42462
instructional resources and supplies; industry-based program 42463
certification; student assessment, credentialing, and placement; 42464
curriculum specific equipment purchases and leases; 42465
career-technical student organization fees and expenses; home and 42466
agency linkages; work-based learning experiences; professional 42467
development; and other costs directly associated with 42468
career-technical education programs including development of new 42469
programs. 42470

(2) Not more than twenty-five per cent of the funds shall be 42471
used for personnel expenditures. 42472

Sec. 3326.40. A STEM school shall spend the funds it receives 42473
under division ~~(E)~~ (A) (5) of section ~~3326.33~~ 3317.022 of the 42474
Revised Code in accordance with section 3317.25 of the Revised 42475
Code. 42476

Sec. 3326.51. (A) As used in this section:	42477
(1) "Resident district" has the same meaning as in section 3326.31 of the Revised Code.	42478 42479
(2) "STEM school sponsoring district" means a municipal, city, local, <u>or</u> exempted village, or joint vocational school district that governs and controls a STEM school pursuant to this section.	42480 42481 42482 42483
(B) Notwithstanding any other provision of this chapter to the contrary:	42484 42485
(1) If a proposal for a STEM school submitted under section 3326.03 of the Revised Code proposes that the governing body of the school be the board of education of a municipal, city, local, <u>or</u> exempted village, or joint vocational school district that is one of the partners submitting the proposal, and the STEM committee approves that proposal, that school district board shall govern and control the STEM school as one of the schools of its district.	42486 42487 42488 42489 42490 42491 42492 42493
(2) The STEM school sponsoring district shall maintain a separate accounting for the STEM school as a separate and distinct operational unit within the district's finances. The auditor of state, in the course of an annual or biennial audit of the school district serving as the STEM school sponsoring district, shall audit that school district for compliance with the financing requirements of this section.	42494 42495 42496 42497 42498 42499 42500
(3) With respect to students enrolled in a STEM school whose resident district is the STEM school sponsoring district:	42501 42502
(a) The department of education shall make no deductions under section 3326.33 of the Revised Code from the STEM school sponsoring district's state payments.	42503 42504 42505
(b) The STEM school sponsoring district shall ensure that it	42506

allocates to the STEM school funds equal to or exceeding the 42507
amount that would be calculated pursuant to division (B) of 42508
section 3313.981 of the Revised Code for the students attending 42509
the school whose resident district is the STEM school sponsoring 42510
district. 42511

~~(e)~~(b) The STEM school sponsoring district is responsible for 42512
providing children with disabilities with a free appropriate 42513
public education under Chapter 3323. of the Revised Code. 42514

~~(d)~~(c) The STEM school sponsoring district shall provide 42515
student transportation in accordance with laws and policies 42516
generally applicable to the district. 42517

(4) With respect to students enrolled in the STEM school 42518
whose resident district is another school district, the department 42519
shall make no payments ~~or deductions to the STEM school~~ under 42520
~~sections 3326.31 to 3326.49~~ section 3317.022 of the Revised Code. 42521
Instead, the students shall be considered as open enrollment 42522
students and the department shall make payments and deductions in 42523
accordance with section 3313.981 of the Revised Code. The STEM 42524
school sponsoring district shall allocate the payments to the STEM 42525
school. The STEM school sponsoring district may enter into 42526
financial agreements with the students' resident districts, which 42527
agreements may provide financial support in addition to the funds 42528
received from the open enrollment calculation. The STEM school 42529
sponsoring district shall allocate all such additional funds to 42530
the STEM school. 42531

(5) Where the department is required to make, deny, reduce, 42532
or adjust payments to a STEM school sponsoring district pursuant 42533
to this section, it shall do so in such a manner that the STEM 42534
school sponsoring district may allocate that action to the STEM 42535
school. 42536

(6) A STEM school sponsoring district and its board may 42537

assign its district employees to the STEM school, in which case 42538
section 3326.18 of the Revised Code shall not apply. The district 42539
and board may apply any other resources of the district to the 42540
STEM school in the same manner that it applies district resources 42541
to other district schools. 42542

(7) Provisions of this chapter requiring a STEM school and 42543
its governing body to comply with specified laws as if it were a 42544
school district and in the same manner as a board of education 42545
shall instead require such compliance by the STEM school 42546
sponsoring district and its board of education, respectively, with 42547
respect to the STEM school. Where a STEM school or its governing 42548
body is required to perform a specific duty or permitted to take a 42549
specific action under this chapter, that duty is required to be 42550
performed or that action is permitted to be taken by the STEM 42551
school sponsoring district or its board of education, 42552
respectively, with respect to the STEM school. 42553

(8) No provision of this chapter limits the authority, as 42554
provided otherwise by law, of a school district and its board of 42555
education to levy taxes and issue bonds secured by tax revenues. 42556

(9) The treasurer of the STEM school sponsoring district or, 42557
if the STEM school sponsoring district is a municipal school 42558
district, the chief financial officer of the district, shall have 42559
all of the respective rights, authority, exemptions, and duties 42560
otherwise conferred upon the treasurer or chief financial officer 42561
by the Revised Code. 42562

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 42563
and division (D) of section 3311.52 of the Revised Code, this 42564
section and sections 3327.011, 3327.012, and 3327.02 of the 42565
Revised Code do not apply to any joint vocational or cooperative 42566
education school district. 42567

In all city, local, and exempted village school districts 42568

where resident school pupils in grades kindergarten through eight 42569
live more than two miles from the school for which the state board 42570
of education prescribes minimum standards pursuant to division (D) 42571
of section 3301.07 of the Revised Code and to which they are 42572
assigned by the board of education of the district of residence or 42573
to and from the nonpublic or community school which they attend, 42574
the board of education shall provide transportation for such 42575
pupils to and from that school except as provided in section 42576
3327.02 of the Revised Code. 42577

In all city, local, and exempted village school districts 42578
where pupil transportation is required under a career-technical 42579
plan approved by the state board of education under section 42580
3313.90 of the Revised Code, for any student attending a 42581
career-technical program operated by another school district, 42582
including a joint vocational school district, as prescribed under 42583
that section, the board of education of the student's district of 42584
residence shall provide transportation from the public high school 42585
operated by that district to which the student is assigned to the 42586
career-technical program. 42587

In all city, local, and exempted village school districts, 42588
the board may provide transportation for resident school pupils in 42589
grades nine through twelve to and from the high school to which 42590
they are assigned by the board of education of the district of 42591
residence or to and from the nonpublic or community high school 42592
which they attend for which the state board of education 42593
prescribes minimum standards pursuant to division (D) of section 42594
3301.07 of the Revised Code. 42595

A board of education shall not be required to transport 42596
elementary or high school pupils to and from a nonpublic or 42597
community school where such transportation would require more than 42598
thirty minutes of direct travel time as measured by school bus 42599
from the public school building to which the pupils would be 42600

assigned if attending the public school designated by the district 42601
of residence. 42602

Where it is impractical to transport a pupil by school 42603
conveyance, a board of education may offer payment, in lieu of 42604
providing such transportation in accordance with section 3327.02 42605
of the Revised Code. 42606

A board of education shall provide transportation to students 42607
enrolled in a community school or nonpublic school in accordance 42608
with this section on each day in which that school is open for 42609
operation with students in attendance, regardless of whether the 42610
district's own schools are open for operation with students in 42611
attendance on that day. However, a board of education shall not be 42612
required to transport elementary or high school pupils to and from 42613
a nonpublic or community school on Saturday or Sunday, unless a 42614
board of education and a nonpublic or community school have an 42615
agreement in place to do so before the first day of July of the 42616
school year in which the agreement takes effect. 42617

The governing authority of a nonpublic or community school 42618
may request, from a school district, a list of names and addresses 42619
of pupils enrolled in the school for whom the district provides 42620
transportation under this section. If so requested, a school 42621
district shall provide a list that includes only the names and 42622
addresses of the pupils enrolled in the school making the request. 42623

In all city, local, and exempted village school districts, 42624
the board shall provide transportation for all children who are so 42625
disabled that they are unable to walk to and from the school for 42626
which the state board of education prescribes minimum standards 42627
pursuant to division (D) of section 3301.07 of the Revised Code 42628
and which they attend. In case of dispute whether the child is 42629
able to walk to and from the school, the health commissioner shall 42630
be the judge of such ability. In all city, exempted village, and 42631
local school districts, the board shall provide transportation to 42632

and from school or special education classes for mentally disabled 42633
children in accordance with standards adopted by the state board 42634
of education. 42635

When transportation of pupils is provided the conveyance 42636
shall be run on a time schedule that shall be adopted and put in 42637
force by the board not later than ten days after the beginning of 42638
the school term. The operator of every school bus or motor van 42639
owned and operated by any school district or educational service 42640
center or privately owned and operated under contract with any 42641
school district or service center in this state shall deliver 42642
students enrolled in preschool through twelfth grades to their 42643
respective public and nonpublic schools not sooner than thirty 42644
minutes prior to the beginning of school and to be available to 42645
pick them up not later than thirty minutes after the close of 42646
their respective schools each day. 42647

The cost of any transportation service authorized by this 42648
section shall be paid first out of federal funds, if any, 42649
available for the purpose of pupil transportation, and secondly 42650
out of state appropriations, in accordance with regulations 42651
adopted by the state board of education. 42652

No transportation of any pupils shall be provided by any 42653
board of education to or from any school which in the selection of 42654
pupils, faculty members, or employees, practices discrimination 42655
against any person on the grounds of race, color, religion, or 42656
national origin. 42657

Sec. 3327.016. (A) As used in this section, "eligible 42658
student" means a student entitled to transportation services from 42659
the city, local, or exempted village school district pursuant to 42660
section 3327.01 of the Revised Code. 42661

(B) Each community school established under Chapter 3314. of 42662
the Revised Code or chartered nonpublic school shall establish the 42663

school's start and end times for a particular school year not 42664
later than the first day of April prior to that school year. Each 42665
community or chartered nonpublic school shall provide such start 42666
and end times to each city, local, or exempted village school 42667
district that the school expects will be responsible for providing 42668
transportation services to eligible students enrolled in the 42669
school for that school year. 42670

(C) Each city, local, or exempted village school district 42671
that receives start and end times as prescribed under division (B) 42672
of this section shall use those start and end times to develop a 42673
transportation plan, including transportation routes and 42674
schedules, for eligible students who enrolled in a community or 42675
chartered nonpublic school shall provide such transportation plan 42676
to the community or chartered nonpublic school within sixty days 42677
after receiving the information described in that division. If a 42678
school provides the start and end times to the school district 42679
after the first day of April but before the first day of July, the 42680
district shall attempt to provide a transportation plan to the 42681
school by the first day of August of that school year. For any 42682
eligible student who enrolls in a community or chartered nonpublic 42683
school after the first day of July prior to that school year, a 42684
district shall develop a transportation plan, including 42685
transportation routes and schedules, for that student within 42686
fourteen business days of receiving a request for transportation 42687
services from the student's parent or guardian. 42688

Sec. 3327.017. (A) As used in this section: 42689

(1) "Eligible student" has the same meaning as in section 42690
3327.016 of the Revised Code. 42691

(2) "Mass transit system" has the same meaning as in section 42692
4511.78 of the Revised Code. 42693

(B) No city, local, or exempted village school district shall 42694

provide or arrange for transportation for any eligible student 42695
enrolled in any of grades kindergarten through eight in a 42696
community school established under Chapter 3314. of the Revised 42697
Code or chartered nonpublic school to and from school using 42698
vehicles operated by a mass transit system, unless the district 42699
enters into an agreement with that school authorizing such 42700
transportation. An agreement under division (B) of this section 42701
shall not be effective unless both the school district and 42702
community or chartered nonpublic school approve it. 42703

(C) A city, local, or exempted village school district that 42704
elects to provide or arrange for transportation for any eligible 42705
student enrolled in any of grades nine through twelve in a 42706
community or chartered nonpublic school to and from school using 42707
vehicles operated by a mass transit system shall ensure that the 42708
student is assigned to a route that does not require the student 42709
to make more than one transfer. 42710

Sec. 3327.018. The board of education of each city, local, or 42711
exempted village school district that owns and operates buses for 42712
transporting students may contract, in writing, with a public or 42713
private not-for-profit agency, group, or organization, with a 42714
municipal corporation or other political subdivision or agency of 42715
the state, or with an agency of the federal government to operate 42716
its buses to assist the agency, group, organization, or political 42717
subdivision in the fulfillment of its legitimate activities and in 42718
times of emergency. These contracts shall be entered into under 42719
the authority of the school district as a political subdivision 42720
and shall not be considered commerce. When buses are made 42721
available to other agencies, groups, organizations, or political 42722
subdivisions under this section, the buses must be operated by 42723
individuals holding certificates issued by either the educational 42724
service center governing board that has entered into an agreement 42725
with the school district under section 3313.843 or 3313.845 of the 42726

Revised Code or the superintendent of the school district 42727
certifying that the individuals satisfy the requirements of 42728
section 3327.10 of the Revised Code. All state board of education 42729
regulations governing the operation of school buses when 42730
transporting students shall apply when buses are used in 42731
accordance with this section. 42732

Any board of education of a city, local, or exempted village 42733
school district that makes one or more of its vehicles available 42734
under this section shall procure liability and property damage 42735
insurance, as provided in section 3327.09 of the Revised Code, 42736
covering all vehicles used and passengers transported under this 42737
section. The board of education may recover expenses from 42738
contracting entities, not to exceed the costs of operation and 42739
insurance coverage. 42740

Sec. 3327.02. (A) After considering each of the following 42741
factors, the board of education of a city, exempted village, or 42742
local school district, or a community school governing authority 42743
providing transportation pursuant to section 3314.091 of the 42744
Revised Code, may determine that it is impractical to transport a 42745
pupil who is eligible for transportation to and from a school 42746
under section 3327.01 of the Revised Code: 42747

(1) The time and distance required to provide the 42748
transportation; 42749

(2) The number of pupils to be transported; 42750

(3) The cost of providing transportation in terms of 42751
equipment, maintenance, personnel, and administration; 42752

(4) Whether similar or equivalent service is provided to 42753
other pupils eligible for transportation; 42754

(5) Whether and to what extent the additional service 42755
unavoidably disrupts current transportation schedules; 42756

(6) Whether other reimbursable types of transportation are available. 42757
42758

(B) Based on its consideration of the factors established in 42759
division (A) of this section, the board or governing authority may 42760
pass a resolution declaring the impracticality of transportation. 42761
The resolution shall include each pupil's name and the reason for 42762
impracticality. Such determination shall be made not later than 42763
thirty calendar days prior to the district's or school's first day 42764
of instruction, or in the case of a student who enrolls within 42765
thirty calendar days prior to the first day of instruction or on 42766
or after the first day of instruction, not later than fourteen 42767
calendar days after the student's enrollment. The determination 42768
may be made by the superintendent and formalized at the next 42769
following meeting of the board or governing authority. 42770

The board or governing authority shall report its 42771
determination to the state board of education in a manner 42772
determined by the state board. 42773

In addition, the board or governing authority shall issue a 42774
letter to the pupil's parent, guardian, or other person in charge 42775
of the pupil, the nonpublic or community school in which the pupil 42776
is enrolled, and to the state board with a detailed description of 42777
the reasons for which such determination was made. 42778

(C) After passing the resolution declaring the impracticality 42779
of transportation, the district board or governing authority shall 42780
offer to provide payment in lieu of transportation by doing the 42781
following: 42782

(1) In accordance with guidelines established by the 42783
department of education, informing the pupil's parent, guardian, 42784
or other person in charge of the pupil of both of the following: 42785

(a) The resolution; 42786

(b) The right of the pupil's parent, guardian, or other 42787

person in charge of the pupil to accept the offer of payment in lieu of transportation or to reject the offer and instead request the department to initiate mediation procedures.

(2) Issuing the pupil's parent, guardian, or other person in charge of the pupil a contract or other form on which the parent, guardian, or other person in charge of the pupil is given the option to accept or reject the board's offer of payment in lieu of transportation.

(D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board or governing authority shall pay the parent, guardian, or other person in charge of the pupil an amount that shall be not less than ~~the amount determined by the general assembly as the minimum for payment in lieu of~~ fifty per cent transportation, and not more than the amount determined by the department of education as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.

(E) (1) (a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures. A parent, guardian, or other person in charge of the pupil may authorize the nonpublic or community school in which the pupil is enrolled to act on the parent's, guardian's, or other person's behalf during the mediation proceedings.

(b) If the mediation does not resolve the dispute, the state board ~~of education~~ shall conduct a hearing in accordance with Chapter 119. of the Revised Code. The state board may approve the payment in lieu of transportation or may order the district board of education or governing authority to provide transportation. The decision of the state board is binding in subsequent years and on

future parties in interest provided the facts of the determination 42820
remain comparable. 42821

(2) The school district or governing authority shall provide 42822
transportation for the pupil from the time the parent, guardian, 42823
or other person in charge of the pupil requests mediation until 42824
the matter is resolved under division (E) (1) (a) or (b) of this 42825
section. 42826

(F) (1) If the department determines that a school district 42827
board or governing authority has failed or is failing to provide 42828
transportation as required by division (E) (2) of this section or 42829
as ordered by the state board under division (E) (1) (b) of this 42830
section, the department shall order the school district board or 42831
governing authority to pay to the pupil's parent, guardian, or 42832
other person in charge of the pupil, an amount equal to ~~the state~~ 42833
~~average daily cost of transportation as determined by the state~~ 42834
~~board of education for the previous year~~ fifty per cent of the 42835
cost of providing transportation as determined by the board or 42836
governing authority under division (A) (3) of this section, and not 42837
more than two thousand five hundred dollars. The school district 42838
board or governing authority shall make payments on a schedule 42839
ordered by the department. 42840

(2) If the department subsequently finds that a school 42841
district board is not in compliance with an order issued under 42842
division (F) (1) of this section and the affected pupils are 42843
enrolled in a nonpublic or community school, the department shall 42844
deduct the amount that the board is required to pay under that 42845
order from any pupil transportation payments the department makes 42846
to the school district board under section 3317.0212 of the 42847
Revised Code or other provisions of law. The department shall use 42848
the moneys so deducted to make payments to the nonpublic or 42849
community school attended by the pupil. The department shall 42850
continue to make the deductions and payments required under this 42851

division until the school district board either complies with the 42852
department's order issued under division (F) (1) of this section or 42853
begins providing transportation. 42854

(G) A nonpublic or community school that receives payments 42855
from the department under division (F) (2) of this section shall do 42856
either of the following: 42857

(1) Disburse the entire amount of the payments to the parent, 42858
guardian, or other person in charge of the pupil affected by the 42859
failure of the school district of residence to provide 42860
transportation; 42861

(2) Use the entire amount of the payments to provide 42862
acceptable transportation for the affected pupil. 42863

(H) At any time after a parent, guardian, or other person in 42864
charge of a pupil requests transportation for a pupil, that 42865
parent, guardian, or other person may authorize the nonpublic or 42866
community school in which the pupil is enrolled to act on the 42867
parent's, guardian's, or other person's behalf for purposes of 42868
this section. 42869

Sec. 3327.021. The department of education shall monitor each 42870
city, local, or exempted village school district's compliance with 42871
sections 3327.01 and 3327.016 and division (B) of section 3327.017 42872
of the Revised Code. If the department determines a consistent or 42873
prolonged period of noncompliance on the part of the school 42874
district to provide transportation as required under those 42875
sections, the department shall deduct from the district's payment 42876
for student transportation under Chapter 3317. of the Revised Code 42877
the total daily amount of that payment, as computed by the 42878
department, for each day that the district is not in compliance. 42879

This section does not affect the authority of a school 42880
district to provide payment in lieu of transportation in 42881

accordance with section 3327.02 of the Revised Code. 42882

Sec. 3327.101. Notwithstanding anything to the contrary in 42883
this chapter or Chapter 3301-83 of the Administrative Code, the 42884
department of education shall develop an online bus driver 42885
training program to satisfy the classroom portion of pre-service 42886
and annual in-service training for school bus driver 42887
certification. On-the-bus training for drivers shall continue to 42888
be completed in person. 42889

Sec. 3328.24. A college-preparatory boarding school 42890
established under this chapter and its board of trustees shall 42891
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 42892
3301.0714, 3301.0729, 3301.948, 3313.6013, 3313.6021, 3313.6024, 42893
3313.6025, 3313.6026, 3313.617, 3313.618, 3313.6114, 3313.6411, 42894
3313.668, 3313.669, 3313.6610, 3313.7112, 3313.721, 3313.89, 42895
3319.073, 3319.077, 3319.078, 3319.318, 3319.39, 3319.391, 42896
3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3323.251, and 42897
5502.262, and Chapter 3365. of the Revised Code as if the school 42898
were a school district and the school's board of trustees were a 42899
district board of education. 42900

Sec. 3333.049. (A) Not later than July 1, 2016, the 42901
chancellor of higher education shall revise the requirements for 42902
reading endorsement programs offered by institutions of higher 42903
education to align those requirements with the reading 42904
competencies adopted by the state board of education under section 42905
3301.077 of the Revised Code. 42906

(B) Each educator preparation program approved under section 42907
3333.048 of the Revised Code shall require each candidate for an 42908
educator license who enters the program in the 2022-2023 academic 42909
year, or any academic year thereafter, to receive instruction in 42910
computer science and computational thinking, as applied to student 42911

learning and classroom instruction, as appropriate for the grade 42912
level and subject area of the candidate's prospective educator 42913
license. 42914

Sec. 3333.0417. (A) The chancellor of higher education may 42915
adopt rules regarding when a state institution of higher 42916
education, as defined in section 3345.011 of the Revised Code, may 42917
withhold official transcripts from a student, including when a 42918
student owes money to the institution. 42919

(B) In adopting rules under division (A) of this section, the 42920
chancellor shall consider all of the following: 42921

(1) Promoting the state's postsecondary education attainment 42922
goals; 42923

(2) Workforce goals; 42924

(3) Helping adult students complete their education, whether 42925
at the same institution or another state institution of higher 42926
education. 42927

Sec. 3333.051. (A) The chancellor of higher education shall 42928
establish a program under which a community college established 42929
under Chapter 3354., technical college established under Chapter 42930
3357., or state community college established under Chapter 3358. 42931
of the Revised Code may apply to the chancellor for authorization 42932
to offer applied bachelor's and nursing bachelor's degree 42933
programs. 42934

The chancellor may approve programs under this section that 42935
demonstrate all of the following: 42936

(1) Evidence of an agreement between the college and a 42937
regional business or industry to train students in an in-demand 42938
field and to employ students upon their successful completion of 42939
the program; 42940

(2) That the workforce need of the regional business or industry is in an in-demand field with long-term sustainability based upon data provided by the governor's office of workforce transformation;

(3) Supporting data that identifies the specific workforce need the program will address;

(4) The absence of a bachelor's degree program that meets the workforce need addressed by the proposed program that is offered by a state university or private college or university;

(5) Willingness of an industry partner to offer workplace-based learning and employment opportunities to students enrolled in the proposed program.

~~(B) Before approving a program under this section, the chancellor shall consult with the governor's office of workforce transformation, the inter university council of Ohio, the Ohio association of community colleges, and the association of independent colleges and universities of Ohio, or any successor to these organizations~~ The chancellor shall approve the creation of any nursing bachelor's degree program proposed by a community, state community, or technical college that meet the requirements prescribed in divisions (A) (1) to (5) of this section and the standards and procedures for academic program approval pursuant to section 3333.04 of the Revised Code. Upon the approval of the chancellor the institution shall establish an accredited nursing bachelor's degree program.

(C) As used in this section:

(1) "Applied bachelor's degree" means a bachelor's degree that is both of the following:

(a) Specifically designed for an individual who holds an associate of applied science degree, or its equivalent, in order to maximize application of the individual's technical course

credits toward the bachelor's degree; 42972

(b) Based on curriculum that incorporates both theoretical 42973
and applied knowledge and skills in a specific technical field. 42974

(2) "Private college or university" means a nonprofit 42975
institution that holds a certificate of authorization pursuant to 42976
Chapter 1713. of the Revised Code. 42977

(3) "State university" has the same meaning as in section 42978
3345.011 of the Revised Code. 42979

Sec. 3333.301. (A) The chancellor of higher education, in 42980
collaboration with the management council of the Ohio education 42981
computer network established under section 3301.0715 of the 42982
Revised Code, shall establish a data system to track the free 42983
application for federal student aid form completion rate of public 42984
and chartered nonpublic school students in the state. 42985

(B) The chancellor and the management council shall develop 42986
guidelines and procedures for the operation of the system. 42987

(C) The chancellor may publish and share aggregate data 42988
regarding the free application for federal student aid, including 42989
completion counts and rates for the state and each school 42990
district, chartered nonpublic school, community school established 42991
under Chapter 3314., STEM school established under Chapter 3326., 42992
and college-preparatory boarding school established under Chapter 42993
3328. of the Revised Code. Such data may be used for the benefit 42994
of public and chartered nonpublic schools, to increase public 42995
understanding regarding the free application for federal student 42996
aid, and to assist in encouraging student completion of the free 42997
application for federal student aid form. 42998

**Sec. 3333.31. (A) For state subsidy and tuition surcharge 42999
purposes, status as a resident of Ohio shall be defined by the 43000
chancellor of higher education by rule promulgated pursuant to 43001**

Chapter 119. of the Revised Code. No adjudication as to the status 43002
of any person under such rule, however, shall be required to be 43003
made pursuant to Chapter 119. of the Revised Code. The term 43004
"resident" for these purposes shall not be equated with the 43005
definition of that term as it is employed elsewhere under the laws 43006
of this state and other states, and shall not carry with it any of 43007
the legal connotations appurtenant thereto. Rather, except as 43008
provided in divisions (B), (C), (D), ~~and (F)~~, and (G) of this 43009
section, for such purposes, the rule promulgated under this 43010
section shall have the objective of excluding from treatment as 43011
residents those who are present in the state primarily for the 43012
purpose of attending a state-supported or state-assisted 43013
institution of higher education, and may prescribe presumptive 43014
rules, rebuttable or conclusive, as to such purpose based upon the 43015
source or sources of support of the student, residence prior to 43016
first enrollment, evidence of intention to remain in the state 43017
after completion of studies, or such other factors as the 43018
chancellor deems relevant. 43019

(B) The rules of the chancellor for determining student 43020
residency shall grant residency status to a veteran and to the 43021
veteran's spouse and any dependent of the veteran, if both of the 43022
following conditions are met: 43023

(1) The veteran either: 43024

(a) Served one or more years on active military duty and was 43025
honorably discharged or received a medical discharge that was 43026
related to the military service; 43027

(b) Was killed while serving on active military duty or has 43028
been declared to be missing in action or a prisoner of war. 43029

(2) If the veteran seeks residency status for tuition 43030
surcharge purposes, the veteran has established domicile in this 43031
state as of the first day of a term of enrollment in an 43032

institution of higher education. If the spouse or a dependent of 43033
the veteran seeks residency status for tuition surcharge purposes, 43034
the veteran and the spouse or dependent seeking residency status 43035
have established domicile in this state as of the first day of a 43036
term of enrollment in an institution of higher education, except 43037
that if the veteran was killed while serving on active military 43038
duty, has been declared to be missing in action or a prisoner of 43039
war, or is deceased after discharge, only the spouse or dependent 43040
seeking residency status shall be required to have established 43041
domicile in accordance with this division. 43042

(C) The rules of the chancellor for determining student 43043
residency shall grant residency status to both of the following: 43044

(1) A veteran who is the recipient of federal veterans' 43045
benefits under the "All-Volunteer Force Educational Assistance 43046
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 43047
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 43048
successor program, if the veteran meets all of the following 43049
criteria: 43050

(a) The veteran served at least ninety days on active duty. 43051

(b) The veteran enrolls in a state institution of higher 43052
education, as defined in section 3345.011 of the Revised Code. 43053

(c) The veteran lives in the state as of the first day of a 43054
term of enrollment in the state institution of higher education. 43055

(2) A person who is the recipient of the federal Marine 43056
Gunnery Sergeant John David Fry scholarship or transferred federal 43057
veterans' benefits under any of the programs described in division 43058
(C)(1) of this section, if the person meets both of the following 43059
criteria: 43060

(a) The person enrolls in a state institution of higher 43061
education. 43062

(b) The person lives in the state as of the first day of a 43063
term of enrollment in the state institution of higher education. 43064

In order for a person using transferred federal veterans' 43065
benefits to qualify under division (C)(2) of this section, the 43066
veteran who transferred the benefits must have served at least 43067
ninety days on active duty or the service member who transferred 43068
the benefits must be on active duty. 43069

(D) The rules of the chancellor for determining student 43070
residency shall grant residency status to a service member who is 43071
on active duty and to the service member's spouse and any 43072
dependent of the service member while the service member is on 43073
active duty. In order to qualify under division (D) of this 43074
section, the rules shall require the student seeking in-state 43075
tuition rates to live in the state as of the first day of a term 43076
of enrollment in the state institution of higher education, but 43077
shall not require the service member or the service member's 43078
spouse or dependent to establish domicile in this state as of the 43079
first day of a term of enrollment in a an institution of higher 43080
education. 43081

(E) The rules of the chancellor for determining student 43082
residency shall not deny residency status to a student who is 43083
either a dependent child of a parent, or the spouse of a person 43084
who, as of the first day of a term of enrollment in an institution 43085
of higher education, has accepted full-time employment and 43086
established domicile in this state for reasons other than gaining 43087
the benefit of favorable tuition rates. 43088

Documentation of full-time employment and domicile shall 43089
include both of the following documents: 43090

(1) A sworn statement from the employer or the employer's 43091
representative on the letterhead of the employer or the employer's 43092
representative certifying that the parent or spouse of the student 43093

is employed full-time in Ohio; 43094

(2) A copy of the lease under which the parent or spouse is 43095
the lessee and occupant of rented residential property in the 43096
state, a copy of the closing statement on residential real 43097
property of which the parent or spouse is the owner and occupant 43098
in this state or, if the parent or spouse is not the lessee or 43099
owner of the residence in which the parent or spouse has 43100
established domicile, a letter from the owner of the residence 43101
certifying that the parent or spouse resides at that residence. 43102

Residency officers may also evaluate, in accordance with the 43103
chancellor's rule, requests for immediate residency status from 43104
dependent students whose parents are not living and whose domicile 43105
follows that of a legal guardian who has accepted full-time 43106
employment and established domicile in the state for reasons other 43107
than gaining the benefit of favorable tuition rates. 43108

(F) (1) The rules of the chancellor for determining student 43109
residency shall grant residency status to a person who enrolls in 43110
an institution of higher education and establishes domicile in 43111
this state, regardless of the student's residence prior to that 43112
enrollment and satisfies either of the following conditions: 43113

(a) The person, while a resident of this state for state 43114
subsidy and tuition surcharge purposes, graduated from a high 43115
school in this state or completed the final year of instruction at 43116
home as authorized under section 3321.04 of the Revised Code. 43117

(b) The person meets all of the following criteria: 43118

(i) The person officially withdrew from a school in this 43119
state while the person was a resident of this state for state 43120
subsidy and tuition surcharge purposes. 43121

(ii) The person has not received a high school diploma or 43122
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 43123
or 3325.08 of the Revised Code or a high school diploma awarded by 43124

a school located in another state or country. 43125

(iii) The person, while a resident of this state for state 43126
subsidy and tuition surcharge purposes, both took a high school 43127
equivalency test and was awarded a certificate of high school 43128
equivalence. 43129

(2) The rules of the chancellor for determining student 43130
residency shall not grant residency status to an alien if the 43131
alien is not also an immigrant or a nonimmigrant. 43132

(G) The rules of the chancellor for determining student 43133
residency status shall grant residency status to a person to whom 43134
all of the following apply: 43135

(1) The person, while not a resident of this state for state 43136
subsidy and tuition surcharge purposes, lives in this state and 43137
completes a bachelor's degree program at an institution of higher 43138
education in this state. 43139

(2) The person, upon completing that bachelor's degree 43140
program, immediately enrolls in a graduate degree program, as 43141
determined appropriate by the chancellor, offered at any state 43142
institution of higher education. 43143

(3) The person, while enrolled in the graduate degree 43144
program, resides in this state. 43145

The chancellor's rules adopted under this section shall 43146
define "immediately" for the purposes of division (G) of this 43147
section. 43148

(H) As used in this section: 43149

(1) "Dependent," "domicile," "institution of higher 43150
education," and "residency officer" have the meanings ascribed in 43151
the chancellor's rules adopted under this section. 43152

(2) "Alien" means a person who is not a United States citizen 43153
or a United States national. 43154

(3) "Immigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside permanently in the United States and to work without restrictions in the United States.

(4) "Nonimmigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside temporarily in the United States.

(5) "Veteran" means any person who has completed service in the uniformed services, as defined in section 3511.01 of the Revised Code.

(6) "Service member" has the same meaning as in section 5903.01 of the Revised Code.

(7) "Certificate of high school equivalence" means either of the following:

(a) A certificate of high school equivalence awarded by the department of education under division (A) of section 3301.80 of the Revised Code;

(b) The equivalent of a certificate of high school equivalence awarded by the state board of education under former law, as defined in division (C) (1) of section 3301.80 of the Revised Code.

Sec. 3333.61. The chancellor of higher education shall establish and administer the ~~Ohio innovation partnership, which shall consist of the~~ choose Ohio first scholarship program ~~and the Ohio research scholars program.~~ Under the ~~programs~~ program, the chancellor, subject to approval by the controlling board, shall make awards to state universities or colleges for programs and initiatives that recruit students and ~~scientists~~ provide work-based learning opportunities in the fields of science, including health professions, technology, engineering, and

mathematics, ~~medicine, and dentistry~~ to state universities or 43185
colleges, in order to enhance regional educational and economic 43186
strengths and meet the needs of the state's regional economies. 43187
Awards may be granted for programs and initiatives to be 43188
implemented by a state university or college alone or in 43189
collaboration with other state institutions of higher education, 43190
nonpublic Ohio universities and colleges, or other public or 43191
private Ohio entities. If the chancellor makes an award to a 43192
program or initiative that is intended to be implemented by a 43193
state university or college in collaboration with other state 43194
institutions of higher education or nonpublic Ohio universities or 43195
colleges, the chancellor may provide that some portion of the 43196
award be received directly by the collaborating universities or 43197
colleges consistent with all terms of the choose Ohio ~~innovation~~ 43198
partnership first scholarship program. 43199

The choose Ohio first scholarship program shall assign a 43200
number of scholarships to state universities and colleges to 43201
recruit Ohio residents as undergraduate, ~~or as provided in section~~ 43202
~~3333.66 of the Revised Code~~ graduate, students in the fields of 43203
science, technology, engineering, and mathematics, ~~medicine, and~~ 43204
~~dentistry~~, or in science, technology, engineering, or mathematics, 43205
~~medical, or dental~~ education. The chancellor also may assign a 43206
number of choose Ohio first scholarships to state universities and 43207
colleges to recruit Ohio residents to enroll in certificate 43208
programs in the fields of science, technology, engineering, and 43209
mathematics, ~~medicine, and dentistry~~. Choose Ohio first 43210
scholarships shall be awarded to each participating eligible 43211
student as a grant to the state university or college the student 43212
is attending and shall be reflected on the student's tuition bill. 43213
Choose Ohio first scholarships are student-centered grants from 43214
the state to students to use to attend a university or college and 43215
are not grants from the state to universities or colleges. 43216

Notwithstanding any other provision of this section or 43217
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 43218
four-year Ohio institution of higher education may submit a 43219
proposal for choose Ohio first scholarships ~~or Ohio research~~ 43220
~~scholars grants~~. If the chancellor awards a nonpublic institution 43221
scholarships ~~or grants~~, the nonpublic institution shall comply 43222
with all requirements of this section, sections 3333.62 to 3333.69 43223
of the Revised Code, and the rules adopted under this section that 43224
apply to state universities or colleges awarded choose Ohio first 43225
scholarships ~~or Ohio research scholars grants~~. 43226

~~The Ohio research scholars program shall award grants to use 43227
in recruiting scientists to the faculties of state universities or 43228
colleges.~~ 43229

The chancellor shall adopt rules in accordance with Chapter 43230
119. of the Revised Code to administer the ~~programs~~ program. 43231

Sec. 3333.613. There is hereby created in the state treasury 43232
the choose Ohio first scholarship reserve fund to consist of such 43233
amounts designated for the purposes of the fund by the general 43234
assembly or the federal government. As soon as possible following 43235
the end of each fiscal year, the chancellor of higher education 43236
shall certify to the director of budget and management the 43237
unencumbered balance of the general revenue fund appropriations 43238
made in the immediately preceding fiscal year for purposes of the 43239
choose Ohio first scholarship program created in section 3333.61 43240
of the Revised Code. Upon receipt of the certification, the 43241
director of budget and management may transfer an amount not 43242
exceeding the certified amount from the general revenue fund to 43243
the choose Ohio first scholarship reserve fund. Moneys in the 43244
choose Ohio first scholarship reserve fund shall be used to pay 43245
scholarship obligations in excess of the general revenue fund 43246
appropriations made for that purpose. 43247

The director of budget and management may transfer any 43248
unencumbered balance from the choose Ohio first scholarship 43249
reserve fund to the general revenue fund. 43250

If it is determined that general revenue fund appropriations 43251
are insufficient to meet the obligations for the choose Ohio first 43252
scholarship in a fiscal year, the director of budget and 43253
management may transfer funds from the choose Ohio first 43254
scholarship reserve fund to the general revenue fund in order to 43255
meet those obligations. The amount transferred is hereby 43256
appropriated. If the funds transferred from the choose Ohio first 43257
scholarship reserve fund are not needed, the director of budget 43258
and management may transfer the unexpended balance from the 43259
general revenue fund back to the choose Ohio first scholarship 43260
reserve fund. 43261

Sec. 3333.615. The primary care medical student, primary care 43262
nursing student, and primary care dental student components of the 43263
choose Ohio first scholarship program created under former 43264
sections 3333.611, 3333.612, and 3333.614 of the Revised Code as 43265
those sections existed prior to the effective date of this section 43266
are abolished on the effective date of this section. 43267

Sec. 3333.62. The chancellor of higher education shall 43268
establish a competitive process for making awards under the choose 43269
Ohio first scholarship program ~~and the Ohio research scholars~~ 43270
~~program~~. The chancellor, on completion of that process, shall make 43271
a recommendation to the controlling board asking for approval of 43272
each award selected by the chancellor. 43273

Any state university or college may apply for ~~one or more~~ 43274
~~awards~~ an award under ~~one or both programs~~ the program. The state 43275
university or college shall submit a proposal and other 43276
documentation required by the chancellor, in the form and manner 43277

prescribed by the chancellor, ~~for each award it seeks.~~ A proposal 43278
may propose an initiative to be implemented solely by the state 43279
university or college or in collaboration with other state 43280
institutions of higher education, nonpublic Ohio universities or 43281
colleges, or other public or nonpublic Ohio entities. ~~A single~~ 43282
~~proposal may seek an award under one or both programs.~~ 43283

The chancellor shall determine which proposals will receive 43284
awards each fiscal year, and the amount of each award, on the 43285
basis of the merit of each proposal, which the chancellor, subject 43286
to approval by the controlling board, shall determine based on the 43287
extent to which a proposal recruits underrepresented populations 43288
in the fields of science, technology, engineering, and mathematics 43289
or science, technology, engineering, or mathematics education, 43290
along with one or more of the following criteria: 43291

(A) The quality of the program that is the subject of the 43292
proposal and the extent to which additional resources will enhance 43293
its quality; 43294

(B) The extent to which the proposal is integrated with the 43295
strengths of the regional economy; 43296

~~(C) The extent to which the proposal is integrated with~~ 43297
~~centers of research excellence within the private sector;~~ 43298

~~(D) The amount of other institutional, public, or private~~ 43299
~~resources, whether monetary or nonmonetary, that the proposal~~ 43300
~~pledges to leverage;~~ 43301

~~(E) The extent to which the proposal is collaborative with~~ 43302
~~other public or nonpublic Ohio institutions of higher education;~~ 43303

~~(F) The extent to which the proposal is integrated with the~~ 43304
~~university's or college's mission and does not displace existing~~ 43305
~~resources already committed to the mission;~~ 43306

(D) The extent to which the university or college has 43307

committed to, or demonstrated, an increase in total graduates 43308
within the disciplines of science, technology, engineering, and 43309
mathematics or science, technology, engineering, or mathematics 43310
education, consistent with a goal to increase the total number of 43311
Ohio residents in the workforce who are highly qualified in these 43312
disciplines; 43313

~~(G) The extent to which the proposal facilitates a more~~ 43314
~~efficient utilization of existing faculty and programs;~~ 43315

~~(H)(E) The extent to which the proposal meets a statewide~~ 43316
~~educational need;~~ 43317

~~(I) The demonstrated productivity or future capacity of the~~ 43318
~~students or scientists to be recruited;~~ 43319

~~(J) The extent to which the proposal will create additional~~ 43320
~~capacity in educational or economic areas of need;~~ 43321

~~(K) The extent to which the proposal will encourage students~~ 43322
~~who received degrees in the fields of science, technology,~~ 43323
~~engineering, mathematics, or medicine from two-year institutions~~ 43324
~~to transfer to state universities or colleges to pursue~~ 43325
~~baccalaureate degrees in science, technology, engineering,~~ 43326
~~mathematics, or medicine;~~ 43327

~~(L) The extent to which the proposal encourages students~~ 43328
~~enrolled in state universities to transfer into science,~~ 43329
~~technology, engineering, mathematics, or medicine programs;~~ 43330

~~(M)(F) The extent to which the proposal facilitates the~~ 43331
~~completion of an associate or a baccalaureate degree in a~~ 43332
~~cost-effective manner, for example, by facilitating students'~~ 43333
~~completing two years at a two-year institution and two years at a~~ 43334
~~state university or college;~~ 43335

~~(N) The extent to which the proposal allows attendance at a~~ 43336
~~state university or college of students who otherwise could not~~ 43337

~~afford to attend,~~ 43338

~~(O) The extent to which other institutional, public, or private resources pledged to the proposal will be deployed to assist in sustaining students' scholarships over their academic careers,~~ 43339
43340
43341
43342

~~(P) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education,~~ 43343
43344
43345
43346
43347

~~(Q) The extent to which the proposal ensures that a student who is awarded a scholarship is appropriately qualified and prepared to successfully complete a degree program in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education,~~ 43348
43349
43350
43351
43352

~~(R) The extent to which the proposal will increase the number of women participating in the choose Ohio first scholarship program,~~ 43353
43354
43355

~~(S)~~(G) The extent to which the proposal encourages students to complete a certificate program at a state university or college. 43356
43357
43358

Sec. 3333.63. The chancellor of higher education shall 43359
conduct at least one public meeting annually, prior to deciding 43360
awards under the choose Ohio innovation partnership first scholarship program. At the meeting, an employee of the chancellor 43361
shall summarize the proposals submitted for consideration, and 43362
each state university or college that has a proposal pending shall 43363
have the opportunity to review the summary of their proposal 43364
prepared by the chancellor's staff and answer questions or respond 43365
to concerns about the proposal raised by the chancellor's staff. 43366
43367

Sec. 3333.64. The chancellor of higher education shall 43368
endeavor to make awards under the choose Ohio first scholarship 43369
program ~~and the Ohio research scholars program~~ such that the 43370
aggregate, statewide amount of other institutional, public, and 43371
private money pledged to the ~~proposals~~ program in each fiscal year 43372
equals at least one hundred per cent of the aggregate amount of 43373
the money awarded under ~~both programs~~ the program that year. ~~The~~ 43374
~~ehancellor shall endeavor to make awards under the choose Ohio~~ 43375
~~first scholarship program in such a way that at least fifty per~~ 43376
~~cent of the students receiving the scholarships are involved in a~~ 43377
~~co-op or internship program in a private industry or a university~~ 43378
~~laboratory. All students receiving a choose Ohio first scholarship~~ 43379
shall be involved in work-based learning through a co-op, 43380
internship, experience in a university, college, or private 43381
laboratory, or other work-based learning experience. State 43382
universities or colleges or nonpublic four-year Ohio institutions 43383
of higher education may appeal to the chancellor for a waiver of 43384
this requirement in cases where exceptional circumstances make one 43385
hundred per cent placement in a work-based learning environment 43386
impractical or significantly unachievable. The value of 43387
institutional, public, or private industry co-ops and internships 43388
shall count toward the statewide aggregate amount of other 43389
institutional, public, or private money specified in this 43390
paragraph. 43391

The chancellor also shall endeavor to ~~distribute awards in~~ 43392
~~such a way that all regions of the state benefit from the economic~~ 43393
~~development impact of the programs and shall guarantee~~ provide 43394
that students from all regions of the state are able to 43395
participate in the scholarship program. 43396

Sec. 3333.65. The chancellor of higher education shall 43397
require each state university or college, and any nonpublic Ohio 43398

university or college with which the state university or college 43399
is collaborating, that the controlling board approves to receive 43400
an award under the choose Ohio ~~innovation partnership~~ first 43401
scholarship program to enter into an agreement governing the use 43402
of ~~the~~ an award under the program. The agreement shall contain 43403
terms the chancellor determines to be necessary, ~~which shall~~ 43404
~~include performance measures, reporting requirements, and an~~ 43405
~~obligation to fulfill pledges of other institutional, public, or~~ 43406
~~nonpublic resources for the proposal.~~ 43407

The chancellor may require a state university or college or a 43408
nonpublic Ohio university or college that violates the terms of 43409
the agreement to repay the award plus interest at the rate 43410
required by section 5703.47 of the Revised Code ~~to the chancellor,~~ 43411
~~except that the chancellor shall not hold a state or nonpublic~~ 43412
~~university or college responsible for a repayment due to a student~~ 43413
~~obligation under section 3333.611 of the Revised Code, until the~~ 43414
~~state or nonpublic university or college is able to obtain~~ 43415
~~repayment from the student or if the state or nonpublic university~~ 43416
~~or college has certified collection of the repayment to the~~ 43417
~~attorney general and has sent a copy of the certification to the~~ 43418
~~chancellor.~~ 43419

If the chancellor makes an award to a program or initiative 43420
that is intended to be implemented by a state university or 43421
college in collaboration with other state institutions of higher 43422
education or nonpublic Ohio universities or colleges, the 43423
chancellor may enter into an agreement with the collaborating 43424
universities or colleges that permits awards to be received 43425
directly by the collaborating universities or colleges consistent 43426
with the terms of the program or initiative. In that case, the 43427
chancellor shall incorporate into the agreement terms consistent 43428
with the requirements of this section. 43429

Sec. 3333.66. (A) (1) Except as provided in ~~divisions~~ division 43430
(A) (2), ~~(3), and (4)~~ of this section, in each academic year, no 43431
student who receives a choose Ohio first scholarship shall receive 43432
less than one thousand five hundred dollars or more than one-half 43433
of the highest in-state undergraduate instructional and general 43434
fees charged by all state universities. For this purpose, if Miami 43435
university is implementing the pilot tuition restructuring plan 43436
originally recognized in Am. Sub. H.B. 95 of the 125th general 43437
assembly, that university's instructional and general fees shall 43438
be considered to be the average full-time in-state undergraduate 43439
instructional and general fee amount after taking into account the 43440
Ohio resident and Ohio leader scholarships and any other credit 43441
provided to all Ohio residents. 43442

~~(2) The chancellor of higher education may authorize a state 43443
university or college or a nonpublic Ohio institution of higher 43444
education to award a choose Ohio first scholarship in an amount 43445
greater than one half of the highest in state undergraduate 43446
instructional and general fees charged by all state universities 43447
to either of the following: 43448~~

~~(a) Any undergraduate student who qualifies for a scholarship 43449
and is enrolled in a program leading to a teaching profession in 43450
science, technology, engineering, mathematics, or medicine; 43451~~

~~(b) Any graduate student who qualifies for a scholarship, if 43452
any initiatives are selected for award under division (B) of this 43453
section. 43454~~

~~(3) The chancellor may authorize a state university or 43455
college or a nonpublic Ohio institution of higher education to 43456
award a choose Ohio first scholarship in the amount of not less 43457
than five hundred dollars but not more than one-half of the 43458
highest in-state undergraduate instructional and general fees 43459
charged by all state universities to a student enrolled in a 43460~~

certificate program designated as an eligible program by the 43461
chancellor. 43462

~~(4)(3)~~ A student receiving multiple awards under division (A) 43463
of this section may not exceed the maximum permitted ~~provided that~~ 43464
~~each award is within its permitted amount~~ for each individual 43465
award. 43466

~~(B) The chancellor shall encourage state universities and 43467
colleges, alone or in collaboration with other state institutions 43468
of higher education, nonpublic Ohio universities and colleges, or 43469
other public or private Ohio entities, to submit proposals under 43470
the choose Ohio first scholarship program for initiatives that 43471
recruit either of the following: 43472~~

~~(1) Ohio residents who enrolled in colleges and universities 43473
in other states or other countries to return to Ohio and enroll in 43474
state universities or colleges as graduate students in the fields 43475
of science, technology, engineering, mathematics, and medicine, or 43476
in the fields of science, technology, engineering, mathematics, or 43477
medical education. If such proposals are submitted and meet the 43478
chancellor's competitive criteria for awards, the chancellor, 43479
subject to approval by the controlling board, shall give at least 43480
one of the proposals preference for an award. 43481~~

~~(2) Graduates, or undergraduates who will graduate in time to 43482
participate in the program described in this division by the 43483
subsequent school year, from an Ohio college or university who 43484
received, or will receive, a degree in science, technology, 43485
engineering, mathematics, or medicine to participate in a 43486
graduate level teacher education masters program in one of those 43487
fields that requires the student to establish a domicile in the 43488
state and to commit to teach for a minimum of three years in a 43489
hard to staff school district in the state upon completion of the 43490
master's degree program. The chancellor may require a college or 43491
university to give priority to qualified candidates who graduated 43492~~

~~from a high school in this state.~~ 43493

~~"Hard to staff" shall be as defined by the department of
education.~~ 43494
43495

~~(C) The general assembly intends that money appropriated for
the choose Ohio first scholarship program in each fiscal year be
used for scholarships in the following academic year.~~ 43496
43497
43498

Sec. 3333.68. When making an award under the choose Ohio 43499
~~innovation partnership~~ first scholarship program, the chancellor 43500
of higher education, subject to approval by the controlling board, 43501
may commit to giving a state university's or college's proposal 43502
preference for future awards after the current fiscal year or 43503
fiscal biennium. A proposal's eligibility for future awards 43504
remains conditional on all of the following: 43505

(A) Future appropriations of the general assembly; 43506

(B) The university's or college's adherence to the agreement 43507
entered into under section 3333.65 of the Revised Code, including 43508
its fulfillment of pledges of other institutional, public, or 43509
nonpublic resources; 43510

~~(C) With respect to the choose Ohio first scholarship
program,~~ A demonstration that the students receiving the 43511
scholarship are satisfied with the state universities or colleges 43512
selected by the chancellor to offer the scholarships. 43513
43514

The chancellor and the controlling board shall not commit to 43515
awarding any proposal for more than five fiscal years at a time. 43516
However, when a commitment for future awards expires, ~~a state~~ 43517
university or college may reapply the chancellor and the 43518
controlling board may grant a one-time extension of the award for 43519
a period not to exceed four years. 43520

Sec. 3333.69. The chancellor of higher education shall 43521

monitor each initiative for which an award is granted under the 43522
choose Ohio ~~innovation partnership~~ first scholarship program to 43523
ensure the following: 43524

(A) Fiscal accountability, so that the award is used in 43525
accordance with the agreement entered into under section 3333.65 43526
of the Revised Code; 43527

(B) Operating progress, so that the initiative is managed to 43528
achieve the goals stated in the proposal and in the agreement, and 43529
so that problems may be promptly identified and remedied; 43530

(C) Desired outcomes, so that the initiative contributes to 43531
the ~~programs'~~ program's goals of enhancing regional educational 43532
and economic strengths and meeting regional economic needs. 43533

Sec. 3333.79. (A) As used in this section, "minority" has the 43534
same meaning as in section 184.17 of the Revised Code. The term 43535
also includes an individual who is economically disadvantaged. 43536

(B) The chancellor of higher education shall conduct outreach 43537
activities in Ohio that seek to include minorities in the Ohio 43538
co-op/internship program established under section 3333.72 of the 43539
Revised Code. The outreach activities shall include the following, 43540
when appropriate: 43541

(1) Identifying and partnering with historically black 43542
colleges and universities; 43543

(2) Working with all institutions of higher education in the 43544
state to support minority faculty and students involved in 43545
cooperative and intern programs; 43546

(3) Developing a plan to contact by telephone minorities and 43547
other economically disadvantaged individuals to notify them of 43548
opportunities to participate in the co-op/internship program; 43549

(4) Identifying minority professional and trade associations 43550
and economic development assistance organizations and notifying 43551

them of the co-op/internship program; 43552

(5) Partnering with regional technology councils to foster 43553
local efforts to support minority participation in the 43554
co-op/internship program. 43555

(C) To the extent possible, outreach activities described in 43556
this section shall be conducted in conjunction with the EDGE 43557
program created in section ~~123.152~~122.922 of the Revised Code. 43558

Sec. 3335.38. The board of trustees of the Ohio state 43559
university shall establish a farm production, policy, and 43560
financial management institute in OSU extension to train 43561
interested and qualified persons to assist farmers ~~needing help~~ 43562
with in addressing integration of farm production practices, 43563
agricultural marketing, farm policy, and financial management 43564
~~problems~~ challenges. 43565

Participation shall be open to all interested persons, but 43566
the following persons shall be given priority as to enrollment: 43567
farm owners and managers, employees or representatives of banks 43568
and other farm credit agencies, agricultural teachers, and faculty 43569
and employees of the Ohio state university and OSU extension who 43570
agree to assist Ohio farmers in completing and understanding the 43571
coordinated financial statement and other subjects. A fee may be 43572
charged participants, as determined by OSU extension, but may be 43573
waived for those participants granted priority status at 43574
enrollment. 43575

Sec. 3345.063. (A) As used in this section, "state 43576
university" has the same meaning as in section 3345.011 of the 43577
Revised Code. 43578

(B) Beginning with the 2022-2023 academic year, each state 43579
university shall recognize the successful completion of a course 43580
in advanced computer science in high school, as described in the 43581

standards adopted pursuant to division (A)(4) of section 3301.079 43582
of the Revised Code, as a unit for admission to the university, as 43583
follows: 43584

(1) The state university shall recognize one unit of advanced 43585
computer science as one unit toward meeting a general mathematics 43586
requirement, as determined by the university, if the student used 43587
that advanced computer science unit to meet the mathematics 43588
curriculum requirement under division (C)(3) of section 3313.603 43589
of the Revised Code. 43590

(2) The state university shall recognize one unit of advanced 43591
computer science as one unit toward meeting a general science 43592
requirement, as determined by the university, if the student used 43593
that advanced computer science unit to meet the science curriculum 43594
requirement under division (C)(5) of section 3313.603 of the 43595
Revised Code. 43596

(3) The state university shall recognize one unit of advanced 43597
computer science as one unit toward meeting a general elective 43598
requirement, as determined by the university, if the student used 43599
the advanced computer science unit to meet the curriculum 43600
requirement under division (C)(8) of section 3313.603 of the 43601
Revised Code. 43602

(4) The state university shall recognize one unit of computer 43603
coding as one unit toward meeting a general foreign language 43604
requirement, as determined by the university, if the student used 43605
the computer coding unit to meet a school district's or school's 43606
foreign language curriculum requirement as described in division 43607
(E) of section 3313.603 of the Revised Code. 43608

(C) Each state university shall post a description of the 43609
university's recognition of advanced computer science as a core 43610
unit for admission to the university, as described in division (B) 43611
of this section, in a prominent location on the university's web 43612

site. 43613

Sec. 3354.01. As used in sections 3354.01 to 3354.18 of the 43614
Revised Code: 43615

(A) "Community college district" means a political 43616
subdivision of the state and a body corporate with all the powers 43617
of a corporation, comprised of the territory of one or more 43618
contiguous counties having together a total population of not less 43619
than seventy-five thousand preceding the establishment of such 43620
district, and organized for the purpose of establishing, owning, 43621
and operating a community college within the territory of such 43622
district. 43623

(B) "Contiguous counties" means counties so located that each 43624
such county shares at least one boundary in common with at least 43625
one other such county in the group of counties referred to as 43626
being "contiguous." 43627

(C) "Community college" means a public institution of 43628
education beyond the high school organized for the principal 43629
purpose of providing for the people of the community college 43630
district wherein such college is situated the instructional 43631
programs defined in this section as "arts and sciences" and 43632
"technical," or either, and may include the "adult-education" 43633
program as defined in this section. Except for applied bachelor's 43634
degree programs or nursing bachelor's degree programs approved by 43635
the chancellor of higher education under section 3333.051 of the 43636
Revised Code, instructional programs shall not exceed two years in 43637
duration. 43638

A university maintained and operated by a municipality 43639
located in a county having a total population equal to the 43640
requirement for a community college district as set forth in 43641
division (A) of section 3354.01 of the Revised Code and is found 43642
by the chancellor of higher education to offer instructional 43643

programs which are needed in the community and which are 43644
equivalent to those required of community colleges shall be, for 43645
the purposes of receiving state or federal financial aid only, 43646
considered a community college and shall receive the same state 43647
financial assistance granted to community colleges but only in 43648
respect to students enrolled in their first and second year of 43649
post high school education in the kinds of instructional programs 43650
offered by the municipal university. 43651

(D) "Arts and sciences program" means both of the following: 43652

(1) A curricular program of two years or less duration, 43653
provided within a community college, planned and intended to 43654
enable students to gain academic credit for courses generally 43655
comparable to courses offered in the first two years in accredited 43656
colleges and universities in the state, and designed either to 43657
enable students to transfer to such colleges and universities for 43658
the purpose of earning baccalaureate degrees or to enable students 43659
to terminate academic study after two years with a proportionate 43660
recognition of academic achievement. 43661

(2) An applied bachelor's degree program or nursing 43662
bachelor's degree program approved and offered under section 43663
3333.051 of the Revised Code. 43664

(E) "Adult-education program" means the dissemination of post 43665
high school educational service and knowledge, by a community 43666
college, for the occupational, cultural, or general educational 43667
benefit of adult persons, such educational service and knowledge 43668
not being offered for the primary purpose of enabling such persons 43669
to obtain academic credit or other formal academic recognition. 43670

(F) "Charter amendment" means a change in the official plan 43671
of a community college for the purpose of acquiring additional 43672
lands or structures, disposing of or transferring lands or 43673
structures, erection of structures, or creating or abolishing of 43674

one or more academic departments corresponding to generally 43675
recognized fields of academic study. 43676

(G) "Technical program" means a post high school curricular 43677
program of two years or less duration, provided within a community 43678
college, planned and intended to enable students to gain academic 43679
credit for courses designed to prepare such students to meet the 43680
occupational requirements of the community. 43681

(H) "Operating costs" means all expenses for all purposes of 43682
the community college district except expenditures for permanent 43683
improvements having an estimated life of usefulness of five years 43684
or more as certified by the fiscal officer of the community 43685
college district. 43686

(I) "Applied bachelor's degree" has the same meaning as in 43687
section 3333.051 of the Revised Code. 43688

Sec. 3357.09. The board of trustees of a technical college 43689
district may: 43690

(A) Own and operate a technical college, pursuant to an 43691
official plan prepared and approved in accordance with section 43692
3357.07 of the Revised Code; 43693

(B) Hold, encumber, control, acquire by donation, purchase, 43694
or condemnation, construct, own, lease, use, and sell, real and 43695
personal property as necessary for the conduct of the program of 43696
the technical college on whatever terms and for whatever 43697
consideration may be appropriate for the purposes of the 43698
institution; 43699

(C) Accept gifts, grants, bequests, and devises absolutely or 43700
in trust for support of the technical college; 43701

(D) Appoint the president, faculty, and such other employees 43702
as necessary and proper for such technical college, and fix their 43703
compensation; 43704

(E) Provide for a technical college necessary lands, 43705
buildings or other structures, equipment, means, and appliances; 43706

(F) Develop and adopt, pursuant to the official plan, any one 43707
or more of the curricular programs identified in section 3357.01 43708
of the Revised Code as technical-college programs, or 43709
adult-education technical programs, and applied bachelor's degree 43710
programs or nursing bachelor's degree programs under section 43711
3333.051 of the Revised Code; 43712

(G) Except as provided in sections 3333.17 and 3333.32 of the 43713
Revised Code, establish schedules of fees and tuition for: 43714
students who are residents of the district; students who are 43715
residents of Ohio but not of the district; students who are 43716
nonresidents of Ohio. The establishment of rules governing the 43717
determination of residence shall be subject to approval of the 43718
chancellor of higher education. Students who are nonresidents of 43719
Ohio shall be required to pay higher rates of fees and tuition 43720
than the rates required of students who are residents of Ohio but 43721
not of the district, and students who are residents of the 43722
district shall pay smaller tuition and fee rates than the rates 43723
for either of the above categories of nonresident students, except 43724
that students who are residents of Ohio but not of the district 43725
shall be required to pay higher fees and tuition than students who 43726
are residents of the district only when a district tax levy has 43727
been adopted and is in effect under the authority of section 43728
3357.11, 5705.19, or 5705.191 of the Revised Code. 43729

(H) Authorize, approve, ratify, or confirm, with approval of 43730
the chancellor, any agreement with the United States government, 43731
acting through any agency designated to aid in the financing of 43732
technical college projects, or with any person, organization, or 43733
agency offering grants-in-aid for technical college facilities or 43734
operation; 43735

(I) Receive assistance for the cost of equipment and for the 43736

operation of such technical colleges from moneys appropriated for 43737
technical education or for matching of Title VIII of the "National 43738
Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. 43739
Moneys shall be distributed by the chancellor in accordance with 43740
rules which the board shall establish governing its allocations to 43741
technical colleges chartered under section 3357.07 of the Revised 43742
Code. 43743

(J) Grant appropriate associate degrees to students 43744
successfully completing the technical college programs, 43745
appropriate applied bachelor's degrees to students successfully 43746
completing applied bachelor's degree programs, appropriate 43747
bachelor's degrees to students successfully completing nursing 43748
bachelor's degree programs offered pursuant to section 3333.051 of 43749
the Revised Code, and certificates of achievement to those 43750
students who complete other programs; 43751

(K) Prescribe rules for the effective operation of a 43752
technical college, and exercise such other powers as are necessary 43753
for the efficient management of such college; 43754

(L) Enter into contracts and conduct technical college 43755
programs or technical courses outside the technical college 43756
district; 43757

(M) Enter into contracts with the board of education of any 43758
local, exempted village, or city school district or the governing 43759
board of any educational service center to permit the school 43760
district or service center to use the facilities of the technical 43761
college district; 43762

(N) Designate one or more employees of the institution as 43763
state university law enforcement officers, to serve and have 43764
duties as prescribed in section 3345.04 of the Revised Code; 43765

(O) Subject to the approval of the chancellor, offer 43766
technical college programs or technical courses for credit at 43767

locations outside the technical college district. For purposes of 43768
computing state aid, students enrolled in such courses shall be 43769
deemed to be students enrolled in programs and courses at 43770
off-campus locations in the district. 43771

(P) Purchase a policy or policies of liability insurance from 43772
an insurer or insurers licensed to do business in this state 43773
insuring its members, officers, and employees against all civil 43774
liability arising from an act or omission by the member, officer, 43775
or employee, when the member, officer, or employee is not acting 43776
manifestly outside the scope of the member's, officer's, or 43777
employee's employment or official responsibilities with the 43778
institution, with malicious purpose or bad faith, or in a wanton 43779
or reckless manner, or may otherwise provide for the 43780
indemnification of such persons against such liability. All or any 43781
portion of the cost, premium, or charge for such a policy or 43782
policies or indemnification payment may be paid from any funds 43783
under the institution's control. The policy or policies of 43784
liability insurance or the indemnification policy of the 43785
institution may cover any risks including, but not limited to, 43786
damages resulting from injury to property or person, professional 43787
liability, and other special risks, including legal fees and 43788
expenses incurred in the defense or settlement of claims for such 43789
damages. 43790

Any instrument by which real property is acquired pursuant to 43791
this section shall identify the agency of the state that has the 43792
use and benefit of the real property as specified in section 43793
5301.012 of the Revised Code. 43794

Sec. 3358.01. As used in sections 3358.01 to 3358.10 of the 43795
Revised Code: 43796

(A) "State community college district" means a political 43797
subdivision composed of the territory of a county, or of two or 43798

more contiguous counties, in either case having a total population 43799
of at least one hundred fifty thousand, and organized for the 43800
purpose of establishing, owning, and operating a state community 43801
college within the district or a political subdivision created 43802
pursuant to division (A) of section 3358.02 of the Revised Code. 43803

(B) "State community college" means a two-year institution, 43804
offering a baccalaureate-oriented program, technical education 43805
program, or an adult continuing education program. The extent to 43806
which the college offers baccalaureate-oriented and technical 43807
programs shall be determined in its charter. However, a state 43808
community college may offer applied bachelor's degree programs or 43809
nursing bachelor's degree programs pursuant to section 3333.051 of 43810
the Revised Code. 43811

(C) "Baccalaureate-oriented program" means a curricular 43812
program of not more than two years' duration that is planned and 43813
intended to enable students to gain academic credit for courses 43814
comparable to first- and second-year courses offered by accredited 43815
colleges and universities. The purpose of baccalaureate-oriented 43816
coursework in state community colleges is to enable students to 43817
transfer to colleges and universities and earn baccalaureate 43818
degrees or to enable students to terminate academic study after 43819
two years with a proportionate recognition of academic achievement 43820
through receipt of an associate degree. 43821

(D) "Technical education program" means a post high school 43822
program of not more than two years' duration that is planned and 43823
intended to prepare students to pursue employment or improve 43824
technical knowledge in careers generally but not exclusively at 43825
the semiprofessional level. Technical education programs include, 43826
but are not limited to, programs in the technologies of business, 43827
engineering, health, natural science, and public service and are 43828
programs which, after two years of academic study, result in 43829
proportionate recognition of academic achievement through receipt 43830

of an associate degree. 43831

(E) "Adult continuing education program" means the offering 43832
of short courses, seminars, workshops, exhibits, performances, and 43833
other educational activities for the general educational or 43834
occupational benefit of adults. 43835

(F) "Applied bachelor's degree" has the same meaning as in 43836
section 3333.051 of the Revised Code. 43837

Sec. 3365.01. As used in this chapter: 43838

(A) "Articulated credit" means post-secondary credit that is 43839
reflected on the official record of a student at an institution of 43840
higher education only upon enrollment at that institution after 43841
graduation from a secondary school. 43842

(B) "Default ceiling amount" means one of the following 43843
amounts, whichever is applicable: 43844

(1) For a participant enrolled in a college operating on a 43845
semester schedule, the amount calculated according to the 43846
following formula: 43847

$$\begin{aligned} & ((0.83 \times \text{formula amount}) / 30) & 43848 \\ & \times \text{number of enrolled credit hours} & 43849 \end{aligned}$$

(2) For a participant enrolled in a college operating on a 43850
quarter schedule, the amount calculated according to the following 43851
formula: 43852

$$\begin{aligned} & ((0.83 \times \text{formula amount}) / 45) & 43853 \\ & \times \text{number of enrolled credit hours} & 43854 \end{aligned}$$

(C) "Default floor amount" means twenty-five per cent of the 43855
default ceiling amount. 43856

(D) "Eligible out-of-state college" means any institution of 43857
higher education that is located outside of Ohio and is approved 43858
by the chancellor of higher education to participate in the 43859
college credit plus program. 43860

(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.	43861 43862 43863
(F) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	43864 43865
(G) "Governing entity" means a <u>any of the following:</u>	43866
<u>(1) A board of education of a school district,</u> a;	43867
<u>(2) A governing authority of a community school established under Chapter 3314.,</u> a <u>of the Revised Code;</u>	43868 43869
<u>(3) A governing body of a STEM school established under Chapter 3326.,</u> or a <u>of the Revised Code;</u>	43870 43871
<u>(4) A board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;</u>	43872 43873
<u>(5) When referring to the state school for the deaf or the state school for the blind, the state board of education;</u>	43874 43875
<u>(6) When referring to an institution operated by the department of youth services, the superintendent of that institution.</u>	43876 43877 43878
(H) "Home-instructed participant" means a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, and is participating in the program established by this chapter.	43879 43880 43881 43882
(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable:	43883 43884
(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	43885 43886 43887
((formula amount / 30)	43888
X number of enrolled credit hours)	43889

(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:

$$\begin{aligned} & ((\text{formula amount} / 45) \\ & \times \text{number of enrolled credit hours}) \end{aligned}$$

(J) "Nonpublic secondary school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(K) "Number of enrolled credit hours" means the number of credit hours for a course in which a participant is enrolled during the previous term after the date on which a withdrawal from a course would have negatively affected the participant's transcribed grade, as prescribed by the college's established withdrawal policy.

(L) "Parent" has the same meaning as in section 3313.64 of the Revised Code.

(M) "Participant" means any student enrolled in a college under the program established by this chapter.

(N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.

(O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an agreement in order to offer the program established by this chapter.

(P) "Private college" means any of the following:

(1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(2) An institution holding a certificate of registration from

the state board of career colleges and schools and program 43920
authorization for an associate or bachelor's degree program issued 43921
under section 3332.05 of the Revised Code; 43922

(3) A private institution exempt from regulation under 43923
Chapter 3332. of the Revised Code as prescribed in section 43924
3333.046 of the Revised Code. 43925

(Q) "Public college" means a "state institution of higher 43926
education" in section 3345.011 of the Revised Code, excluding the 43927
northeast Ohio medical university. 43928

(R) "Public secondary school" means a school serving grades 43929
nine through twelve in a city, local, or exempted village school 43930
district, a joint vocational school district, a community school 43931
established under Chapter 3314. of the Revised Code, a STEM school 43932
established under Chapter 3326. of the Revised Code, ~~or~~ a 43933
college-preparatory boarding school established under Chapter 43934
3328. of the Revised Code, the state school for the deaf, the 43935
state school for the blind, or an institution operated by the 43936
department of youth services. 43937

(S) "School year" has the same meaning as in section 3313.62 43938
of the Revised Code. 43939

(T) "Secondary grade" means any of grades nine through 43940
twelve. 43941

(U) "Standard rate" means the amount per credit hour assessed 43942
by the college for an in-state student who is enrolled in an 43943
undergraduate course at that college, but who is not participating 43944
in the college credit plus program, as prescribed by the college's 43945
established tuition policy. 43946

(V) "Transcripted credit" means post-secondary credit that is 43947
conferred by an institution of higher education and is reflected 43948
on a student's official record at that institution upon completion 43949
of a course. 43950

Sec. 3365.02. (A) There is hereby established the college 43951
credit plus program under which, beginning with the 2015-2016 43952
school year, a secondary grade student who is a resident of this 43953
state may enroll at a college, on a full- or part-time basis, and 43954
complete nonsectarian, nonremedial courses for high school and 43955
college credit. The program shall govern arrangements in which a 43956
secondary grade student enrolls in a college and, upon successful 43957
completion of coursework taken under the program, receives 43958
transcripted credit from the college. The following are not 43959
governed by the college credit plus program: 43960

(1) An agreement governing an early college high school 43961
program, provided the program meets the definition set forth in 43962
division (F)(2) of section 3313.6013 of the Revised Code and is 43963
approved by the superintendent of public instruction and the 43964
chancellor of higher education; 43965

(2) An advanced placement course or international 43966
baccalaureate diploma course, as described in divisions (A)(2) and 43967
(3) of section 3313.6013 of the Revised Code; 43968

(3) A career-technical education program that is approved by 43969
the department of education under section 3317.161 of the Revised 43970
Code and grants articulated credit to students participating in 43971
that program. However, any portion of an approved program that 43972
results in the conferral of transcripted credit upon the 43973
completion of the course shall be governed by the college credit 43974
plus program. 43975

(B) Any student enrolled in a public or nonpublic secondary 43976
school in the student's ninth, tenth, eleventh, or twelfth grade; 43977
any student enrolled in a nonchartered nonpublic secondary school 43978
in the student's ninth, tenth, eleventh, or twelfth grade; and any 43979
student who has been excused from the compulsory attendance law 43980
for the purpose of home instruction under section 3321.04 of the 43981

Revised Code and is the equivalent of a ninth, tenth, eleventh, or 43982
twelfth grade student, may participate in the program, if the 43983
student meets the applicable eligibility criteria in section 43984
3365.03 of the Revised Code. If a nonchartered nonpublic secondary 43985
school student chooses to participate in the program, that student 43986
shall be subject to the same requirements as a home-instructed 43987
student who chooses to participate in the program under this 43988
chapter. 43989

(C) All public secondary schools and all public colleges 43990
shall participate in the program and are subject to the 43991
requirements of this chapter. Any nonpublic secondary school or 43992
private college that chooses to participate in the program shall 43993
also be subject to the requirements of this chapter. 43994

If a nonpublic secondary school chooses not to participate in 43995
the program, the school shall not be subject to the requirements 43996
of this chapter or any rule adopted by the chancellor of higher 43997
education or the state board of education for purposes of the 43998
college credit plus program. 43999

(D) The chancellor, in accordance with Chapter 119. of the 44000
Revised Code and in consultation with the state superintendent, 44001
shall adopt rules governing the program. 44002

Sec. 3365.03. (A) A student enrolled in a public or nonpublic 44003
secondary school during the student's ninth, tenth, eleventh, or 44004
twelfth grade school year; a student enrolled in a nonchartered 44005
nonpublic secondary school in the student's ninth, tenth, 44006
eleventh, or twelfth grade school year; or a student who has been 44007
excused from the compulsory attendance law for the purpose of home 44008
instruction under section 3321.04 of the Revised Code and is the 44009
equivalent of a ninth, tenth, eleventh, or twelfth grade student, 44010
may apply to and enroll in a college under the college credit plus 44011
program. 44012

(1) In order for a public secondary school student to participate in the program, all of the following criteria shall be met:

(a) The student or the student's parent shall inform the principal, or equivalent, of the student's school by the first day of April of the student's intent to participate in the program during the following school year. Any student who fails to provide the notification by the required date may not participate in the program during the following school year without the written consent of the principal, or equivalent. If a student seeks consent from the principal after failing to provide notification by the required date, the principal shall notify the department of education of the student's intent to participate within ten days of the date on which the student seeks consent. If the principal does not provide written consent, the student may appeal the principal's decision to the governing entity of the school, except for a student who is enrolled in a school district, who may appeal the decision to the district superintendent. Not later than thirty days after the notification of the appeal, the district superintendent or governing entity shall hear the appeal and shall make a decision to either grant or deny that student's participation in the program. The decision of the district superintendent or governing entity shall be final.

(b) The student shall:

(i) Apply to a public or a participating private college, or an eligible out-of-state college participating in the program, in accordance with the college's established procedures for admission, pursuant to section 3365.05 of the Revised Code;

(ii) As a condition of eligibility, ~~be~~ satisfy one of the following criteria:

(I) Be remediation-free, in accordance with one of the

assessments established under division (F) of section 3345.061 of 44044
the Revised Code. ~~However, a student who scores within one 44045~~
~~standard error of measurement below the remediation free threshold 44046~~
~~for one of those assessments shall be considered to have met this 44047~~
~~requirement if the student also either: 44048~~

~~(I) Has a cumulative high school grade point average of at 44049~~
~~least 3.0. If the student is seeking to participate under section 44050~~
~~3365.033 of the Revised Code, the student must have an equivalent 44051~~
~~cumulative grade point average in the applicable grade levels.; 44052~~

~~(II) Receives a recommendation from a school counselor, 44053~~
~~principal, or career technical program advisor Meet an alternative 44054~~
~~remediation-free eligibility option, as defined by the chancellor 44055~~
~~of higher education, in consultation with the superintendent of 44056~~
~~public instruction, in rules adopted under this section; 44057~~

~~(III) Have participated in the program prior to the effective 44058~~
~~date of this amendment and qualified to participate in the program 44059~~
~~by scoring within one standard error of measurement below the 44060~~
~~remediation-free threshold for one of the assessments established 44061~~
~~under division (F) of section 3345.061 of the Revised Code and 44062~~
~~satisfying one of the conditions specified under division 44063~~
~~(A) (1) (b) (ii) (I) or (II) of this section as those divisions 44064~~
~~existed prior to the effective date of this amendment. 44065~~

~~(iii) Meet the college's and relevant academic program's 44066~~
~~established standards for admission, enrollment, and course 44067~~
~~placement, including course-specific capacity limitations, 44068~~
~~pursuant to section 3365.05 of the Revised Code. 44069~~

~~(c) The student shall elect at the time of enrollment to 44070~~
~~participate under either division (A) or (B) of section 3365.06 of 44071~~
~~the Revised Code for each course under the program. 44072~~

~~(d) The student and the student's parent shall sign a form, 44073~~
~~provided by the school, stating that they have received the 44074~~

counseling required under division (B) of section 3365.04 of the Revised Code and that they understand the responsibilities they must assume in the program.

(2) In order for a nonpublic secondary school student, a nonchartered nonpublic secondary school student, or a home-instructed student to participate in the program, both of the following criteria shall be met:

(a) The student shall meet the criteria in divisions (A) (1) (b) and (c) of this section.

(b) (i) If the student is enrolled in a nonpublic secondary school, that student shall send to the department of education a copy of the student's acceptance from a college and an application. The application shall be made on forms provided by the state board of education and shall include information about the student's proposed participation, including the school year in which the student wishes to participate; and the semesters or terms the student wishes to enroll during such year. The department shall mark each application with the date and time of receipt.

(ii) If the student is enrolled in a nonchartered nonpublic secondary school or is home-instructed, the parent or guardian of that student shall notify the department by the first day of April prior to the school year in which the student wishes to participate.

(B) Except as provided for in division (C) of this section and in sections 3365.031 and 3365.032 of the Revised Code:

(1) No public secondary school shall prohibit a student enrolled in that school from participating in the program if that student meets all of the criteria in division (A) (1) of this section.

(2) No participating nonpublic secondary school shall

prohibit a student enrolled in that school from participating in 44106
the program if the student meets all of the criteria in division 44107
(A) (2) of this section and, if the student is enrolled under 44108
division (B) of section 3365.06 of the Revised Code, the student 44109
is awarded funding from the department in accordance with rules 44110
adopted by the chancellor ~~of higher education~~, in consultation 44111
with the superintendent of public instruction, pursuant to section 44112
3365.071 of the Revised Code. 44113

(C) For purposes of this section, during the period of an 44114
expulsion imposed by a public secondary school, a student is 44115
ineligible to apply to enroll in a college under this section, 44116
unless the student is admitted to another public secondary or 44117
participating nonpublic secondary school. If a student is enrolled 44118
in a college under this section at the time the student is 44119
expelled, the student's status for the remainder of the college 44120
term in which the expulsion is imposed shall be determined under 44121
section 3365.032 of the Revised Code. 44122

(D) Upon a student's graduation from high school, 44123
participation in the college credit plus program shall not affect 44124
the student's eligibility at any public college for scholarships 44125
or for other benefits or opportunities that are available to 44126
first-time college students and are awarded by that college, 44127
regardless of the number of credit hours that the student 44128
completed under the program. 44129

(E) The college to which a student applies to participate 44130
under this section shall pay for one assessment used to determine 44131
that student's eligibility under this section. However, 44132
notwithstanding anything to the contrary in Chapter 3365. of the 44133
Revised Code, any additional assessments used to determine the 44134
student's eligibility shall be the financial responsibility of the 44135
student. 44136

Sec. 3365.032. (A) For purposes of this section: 44137

(1) The "expulsion of a student" or "expelling a student" means the following: 44138
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(a) For a public secondary school that is a school operated by a city, local, exempted village, or joint vocational school district, community school established under Chapter 3314. of the Revised Code, or STEM school established under Chapter 3326. of the Revised Code, the expulsion of a student or the act of expelling a student under division (B) of section 3313.66 of the Revised Code; 44140
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(b) For a public secondary school that is a college-preparatory boarding school, the expulsion of a student or the act of expelling a student in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code; 44147
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(c) For a public secondary school that is the state school for the deaf or the state school for the blind, the expulsion of a student or the act of expelling a student in accordance with rules adopted by the state board of education. 44151
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(2) A "policy to deny high school credit for courses taken under the college credit plus program during an expulsion" means the following: 44155
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(a) For a public secondary school that is a school operated by a city, local, exempted village, or joint vocational school district, community school established under Chapter 3314. of the Revised Code, or STEM school established under Chapter 3326. of the Revised Code, a policy adopted under section 3313.613 of the Revised Code; 44158
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(b) For a college-preparatory boarding school established under Chapter 3328. of the Revised Code, a policy adopted in accordance with the school's bylaws adopted pursuant to section 44164
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3328.13 of the Revised Code; 44167

(c) For the state school for the deaf or the state school for the blind, a policy adopted in accordance with any rules adopted by the state board requiring such a policy. 44168
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(B) When a public secondary school expels a student under division (B) of section 3313.66 of the Revised Code or, for a college preparatory boarding school established under Chapter 3328. of the Revised Code, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code, the superintendent, or equivalent, shall send a written notice of the expulsion to any college in which the expelled student is enrolled under section 3365.03 of the Revised Code at the time the expulsion is imposed. The notice shall indicate the date the expulsion is scheduled to expire. The notice also shall indicate whether the school has adopted a policy under section 3313.613 of the Revised Code or, for a college preparatory boarding school, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code to deny high school credit for courses taken under the college credit plus program during an expulsion. If the expulsion is extended under division (F) of section 3313.66 of the Revised Code or, for a college preparatory boarding school, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code, the superintendent, or equivalent, shall notify the college of the extension. 44171
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(B)(C) A college may withdraw its acceptance under section 3365.03 of the Revised Code of a student who is expelled from school under division (B) of section 3313.66 of the Revised Code or, for a college preparatory boarding school, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code. As provided in section 3365.03 of the Revised Code, regardless of whether the college withdraws its acceptance of the student for the college term in which the student is expelled, the 44191
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student is ineligible to enroll in a college under that section 44199
for subsequent college terms during the period of the expulsion, 44200
unless the student enrolls in another public school or a 44201
participating nonpublic school during that period. 44202

If a college withdraws its acceptance of an expelled student 44203
who elected either option of division (A) (1) or (2) of section 44204
3365.06 of the Revised Code, the college shall refund tuition and 44205
fees paid by the student in the same proportion that it refunds 44206
tuition and fees to students who voluntarily withdraw from the 44207
college at the same time in the term. 44208

If a college withdraws its acceptance of an expelled student 44209
who elected the option of division (B) of section 3365.06 of the 44210
Revised Code, the public school shall not award high school credit 44211
for the college courses in which the student was enrolled at the 44212
time the college withdrew its acceptance, and any reimbursement 44213
under section 3365.07 of the Revised Code for the student's 44214
attendance prior to the withdrawal shall be the same as would be 44215
paid for a student who voluntarily withdrew from the college at 44216
the same time in the term. If the withdrawal results in the 44217
college's receiving no reimbursement, the college or secondary 44218
school may require the student to return or pay for any textbooks 44219
and materials it provided the student free of charge. 44220

~~(C) (D)~~ When a student who elected the option of division (B) 44221
of section 3365.06 of the Revised Code is expelled ~~under division~~ 44222
~~(B) of section 3313.66 of the Revised Code or, for a~~ 44223
~~college preparatory boarding school, in accordance with the~~ 44224
~~school's bylaws adopted pursuant to section 3328.13 of the Revised~~ 44225
~~Code from a public school that has adopted a policy under section~~ 44226
~~3313.613 of the Revised Code or, for a college preparatory~~ 44227
~~boarding school, in accordance with the school's bylaws adopted~~ 44228
~~pursuant to section 3328.13 of the Revised Code to deny high~~ 44229
school credit for courses taken under the college credit plus 44230

program during an expulsion, that election is automatically 44231
revoked for all college courses in which the student is enrolled 44232
during the college term in which the expulsion is imposed. Any 44233
reimbursement under section 3365.07 of the Revised Code for the 44234
student's attendance prior to the expulsion shall be the same as 44235
would be paid for a student who voluntarily withdrew from the 44236
college at the same time in the term. If the revocation results in 44237
the college's receiving no reimbursement, the college or secondary 44238
school may require the student to return or pay for any textbooks 44239
and materials it provided the student free of charge. 44240

Not later than five days after receiving an expulsion notice 44241
from the superintendent, or equivalent, of a public school that 44242
has adopted a policy ~~under section 3313.613 of the Revised Code~~ 44243
~~er, for a college preparatory boarding school, in accordance with~~ 44244
~~the school's bylaws adopted pursuant to section 3328.13 of the~~ 44245
~~Revised Code~~ to deny high school credit for courses taken under 44246
the college credit plus program during an expulsion, the college 44247
shall send a written notice to the expelled student that the 44248
student's election of division (B) of section 3365.06 of the 44249
Revised Code is revoked. If the college elects not to withdraw its 44250
acceptance of the student, the student shall pay all applicable 44251
tuition and fees for the college courses and shall pay for any 44252
textbooks and materials that the college or secondary school 44253
provided to the student. 44254

Sec. 3365.035. (A) As used in this section, "mature subject 44255
matter" means any course subject matter or material of a graphic, 44256
explicit, violent, or sexual nature. 44257

(B) The department of education and the department of higher 44258
education shall jointly develop a permission slip regarding the 44259
potential for mature subject matter in a course taken through the 44260
college credit plus program. The departments shall post the 44261

permission slip in a prominent place on their college credit plus 44262
program web sites. 44263

(C) For a student enrolled in a public, chartered nonpublic, 44264
or nonchartered nonpublic school or a home-instructed student to 44265
enroll in any college course under the college credit plus 44266
program, the parent of the student and the student shall sign and 44267
include the permission slip described in division (B) of this 44268
section within the student's application to the public college, 44269
participating private college, or eligible out-of-state college in 44270
which the student wishes to enroll. 44271

(D) Each public and participating private college and 44272
eligible out-of-state college participating in the program, upon 44273
admitting a student under the program, shall include in the 44274
college's enrollment materials the following: 44275

(1) A questionnaire for students, developed by the college, 44276
to answer in the affirmative acknowledging that the student 44277
possesses the necessary social and emotional maturity and is ready 44278
to accept the responsibility and independence that a college 44279
classroom demands and to resubmit to the college; 44280

(2) Guidance on reviewing any course materials available 44281
prior to enrolling in a course; 44282

(3) Information about the college's and the program's 44283
policies on withdrawing from or dropping a course; 44284

(4) Information about the student's right to speak with the 44285
student's high school counselor or with the academic advisor 44286
assigned to the student as prescribed in division (F) of section 44287
3365.05 of the Revised Code. 44288

(E) Each public and participating private college and 44289
eligible out-of-state college participating in the program shall 44290
include a discussion at student orientation about the potential 44291
for mature subject matter in courses taken through the program. 44292

(F) The department of education, the department of higher education, and each public and participating private college and eligible out-of-state college participating in the program shall post in a prominent place on their college credit plus program web sites the following disclaimer:

"The subject matter of a course enrolled in under the college credit plus program may include mature subject matter or materials, including those of a graphic, explicit, violent, or sexual nature, that will not be modified based upon college credit plus enrollee participation regardless of where course instruction occurs."

Sec. 3365.04. Each public and participating nonpublic secondary school shall do all of the following with respect to the college credit plus program:

(A) Provide information about the program prior to the first day of February of each year to all students enrolled in grades six through eleven;

(B) Provide counseling services to students in grades six through eleven and to their parents before the students participate in the program under this chapter to ensure that students and parents are fully aware of the possible consequences and benefits of participation. Counseling information shall include:

- (1) Program eligibility;
- (2) The process for granting academic credits;
- (3) Any necessary financial arrangements for tuition, textbooks, and fees;
- (4) Criteria for any transportation aid;
- (5) Available support services;

(6) Scheduling;	44322
(7) Communicating the possible consequences and benefits of participation, including all of the following:	44323 44324
(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;	44325 44326 44327
(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;	44328 44329 44330
(c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the overall costs of, and the amount of time required for, a college education.	44331 44332 44333 44334
(8) The academic and social responsibilities of students and parents under the program;	44335 44336
(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;	44337 44338
(10) The standard packet of information for the program developed by the chancellor of higher education pursuant to section 3365.15 of the Revised Code;	44339 44340 44341
For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may be able to do so.	44342 44343 44344 44345
<u>(11) Information about the potential for mature subject matter, as defined in section 3365.035 of the Revised Code, in courses in which the student intends to enroll through the program and notification that courses will not be modified based upon program enrollee participation regardless of where course instruction occurs. The information shall include the permission</u>	44346 44347 44348 44349 44350 44351

slip described in division (B) of section 3365.035 of the Revised Code. 44352
44353

(C) Promote the program on the school's web site, including 44354
the details of the school's current agreements with partnering 44355
colleges; 44356

(D) Schedule at least one informational session per school 44357
year to allow each participating college that is located within 44358
thirty miles of the school to meet with interested students and 44359
parents. The session shall include the benefits and consequences 44360
of participation and shall outline any changes or additions to the 44361
requirements of the program. If there are no participating 44362
colleges located within thirty miles of the school, the school 44363
shall coordinate with the closest participating college to offer 44364
an informational session. 44365

For the purposes of division (D) of this section, 44366
"participating college" shall include both of the following: 44367

(1) A partnering college; 44368

(2) Any public college, private college, or eligible 44369
out-of-state college to which both of the following ~~applies~~ apply: 44370

(a) The college participates in the college credit plus 44371
program. 44372

(b) The college submits to the public or participating 44373
nonpublic secondary school a request to attend an informational 44374
session. 44375

(E) Implement a policy for the awarding of grades and the 44376
calculation of class standing for courses taken under division 44377
(A) (2) or (B) of section 3365.06 of the Revised Code. The policy 44378
adopted under this division shall be equivalent to the school's 44379
policy for courses taken under the advanced standing programs 44380
described in divisions (A) (2) and (3) of section 3313.6013 of the 44381

Revised Code or for other courses designated as honors courses by 44382
the school. If the policy includes awarding a weighted grade or 44383
enhancing a student's class standing for these courses, the policy 44384
adopted under this section shall also provide for these procedures 44385
to be applied to courses taken under the college credit plus 44386
program. 44387

(F) Develop model course pathways, pursuant to section 44388
3365.13 of the Revised Code, and publish the course pathways among 44389
the school's official list of course offerings for the program. 44390

(G) Annually collect, report, and track specified data 44391
related to the program according to data reporting guidelines 44392
adopted by the chancellor and the superintendent of public 44393
instruction pursuant to section 3365.15 of the Revised Code. 44394

Sec. 3365.07. The department of education shall calculate and 44395
pay state funds to colleges for participants in the college credit 44396
plus program under division (B) of section 3365.06 of the Revised 44397
Code pursuant to this section. For a nonpublic secondary school 44398
participant, a nonchartered nonpublic secondary school 44399
participant, or a home-instructed participant, the department 44400
shall pay state funds pursuant to this section only if that 44401
participant is awarded funding according to rules adopted by the 44402
chancellor of higher education, in consultation with the 44403
superintendent of public instruction, pursuant to section 3365.071 44404
of the Revised Code. The program shall be the sole mechanism by 44405
which state funds are paid to colleges for students to earn 44406
transcripted credit for college courses while enrolled in both a 44407
secondary school and a college, with the exception of state funds 44408
paid to colleges according to an agreement described in division 44409
(A) (1) of section 3365.02 of the Revised Code. 44410

(A) For each public or nonpublic secondary school participant 44411
enrolled in a public college: 44412

(1) If no agreement has been entered into under division 44413
(A) (2) of this section, both of the following shall apply: 44414

(a) The department shall pay to the college the applicable 44415
amount as follows: 44416

(i) For a participant enrolled in a college course delivered 44417
on the college campus, at another location operated by the 44418
college, or online, the lesser of the default ceiling amount or 44419
the college's standard rate; 44420

(ii) For a participant enrolled in a college course delivered 44421
at the participant's secondary school but taught by college 44422
faculty, the lesser of fifty per cent of the default ceiling 44423
amount or the college's standard rate; 44424

(iii) For a participant enrolled in a college course 44425
delivered at the participant's secondary school and taught by a 44426
high school teacher who has met the credential requirements 44427
established for purposes of the program in rules adopted by the 44428
chancellor, the default floor amount. 44429

(b) The participant's secondary school shall pay for 44430
textbooks, and the college shall waive payment of all other fees 44431
related to participation in the program. 44432

(2) The governing entity of a participant's secondary school 44433
and the college may enter into an agreement to establish an 44434
alternative payment structure for tuition, textbooks, and fees. 44435
Under such an agreement, payments for each participant made by the 44436
department shall be not less than the default floor amount, unless 44437
approved by the chancellor, and not more than either the default 44438
ceiling amount or the college's standard rate, whichever is less. 44439
The chancellor may approve an agreement that includes a payment 44440
below the default floor amount, as long as the provisions of the 44441
agreement comply with all other requirements of this chapter to 44442
ensure program quality. If no agreement is entered into under 44443

division (A) (2) of this section, both of the following shall 44444
apply: 44445

(a) The department shall pay to the college the applicable 44446
default amounts prescribed by division (A) (1) (a) of this section, 44447
depending upon the method of delivery and instruction. 44448

(b) In accordance with division (A) (1) (b) of this section, 44449
the participant's secondary school shall pay for textbooks, and 44450
the college shall waive payment of all other fees related to 44451
participation in the program. 44452

(3) No participant that is enrolled in a public college shall 44453
be charged for any tuition, textbooks, or other fees related to 44454
participation in the program. 44455

(B) For each public secondary school participant enrolled in 44456
a private college: 44457

(1) If no agreement has been entered into under division 44458
(B) (2) of this section, the department shall pay to the college 44459
the applicable amount calculated in the same manner as in division 44460
(A) (1) (a) of this section. 44461

(2) The governing entity of a participant's secondary school 44462
and the college may enter into an agreement to establish an 44463
alternative payment structure for tuition, textbooks, and fees. 44464
Under such an agreement, payments shall be not less than the 44465
default floor amount, unless approved by the chancellor, and not 44466
more than either the default ceiling amount or the college's 44467
standard rate, whichever is less. 44468

If an agreement is entered into under division (B) (2) of this 44469
section, both of the following shall apply: 44470

(a) The department shall make a payment to the college for 44471
each participant that is equal to the default floor amount, unless 44472
approved by the chancellor to pay an amount below the default 44473

floor amount. The chancellor may approve an agreement that 44474
includes a payment below the default floor amount, as long as the 44475
provisions of the agreement comply with all other requirements of 44476
this chapter to ensure program quality. 44477

(b) Payment for costs for the participant that exceed the 44478
amount paid by the department pursuant to division (B)(2)(a) of 44479
this section shall be negotiated by the school and the college. 44480
The agreement may include a stipulation permitting the charging of 44481
a participant. 44482

However, under no circumstances shall: 44483

(i) Payments for a participant made by the department under 44484
division (B)(2) of this section exceed the lesser of the default 44485
ceiling amount or the college's standard rate; 44486

(ii) The amount charged to a participant under division 44487
(B)(2) of this section exceed the difference between the maximum 44488
per participant charge amount and the default floor amount; 44489

(iii) The sum of the payments made by the department for a 44490
participant and the amount charged to that participant under 44491
division (B)(2) of this section exceed the following amounts, as 44492
applicable: 44493

(I) For a participant enrolled in a college course delivered 44494
on the college campus, at another location operated by the 44495
college, or online, the maximum per participant charge amount; 44496

(II) For a participant enrolled in a college course delivered 44497
at the participant's secondary school but taught by college 44498
faculty, one hundred twenty-five dollars; 44499

(III) For a participant enrolled in a college course 44500
delivered at the participant's secondary school and taught by a 44501
high school teacher who has met the credential requirements 44502
established for purposes of the program in rules adopted by the 44503

chancellor, one hundred dollars. 44504

(iv) A participant that is identified as economically 44505
disadvantaged according to rules adopted by the department be 44506
charged under division (B) (2) of this section for any tuition, 44507
textbooks, or other fees related to participation in the program. 44508

(C) For each nonpublic secondary school participant enrolled 44509
in a private or eligible out-of-state college, the department 44510
shall pay to the college the applicable amount calculated in the 44511
same manner as in division (A) (1) (a) of this section. Payment for 44512
costs for the participant that exceed the amount paid by the 44513
department shall be negotiated by the governing body of the 44514
nonpublic secondary school and the college. 44515

However, under no circumstances shall: 44516

(1) The payments for a participant made by the department 44517
under this division exceed the lesser of the default ceiling 44518
amount or the college's standard rate. 44519

(2) Any nonpublic secondary school participant, who is 44520
enrolled in that secondary school with a scholarship awarded under 44521
either the educational choice scholarship pilot program, as 44522
prescribed by sections 3310.01 to 3310.17, or the pilot project 44523
scholarship program, as prescribed by sections 3313.974 to 44524
3313.979 of the Revised Code, and who qualifies as a low-income 44525
student under either of those programs, be charged for any 44526
tuition, textbooks, or other fees related to participation in the 44527
college credit plus program. 44528

(D) For each nonchartered nonpublic secondary school 44529
participant and each home-instructed participant enrolled in a 44530
public, private, or eligible out-of-state college, the department 44531
shall pay to the college the lesser of the default ceiling amount 44532
or the college's standard rate, if that participant is enrolled in 44533
a college course delivered on the college campus, at another 44534

location operated by the college, or online. 44535

(E) Not later than thirty days after the end of each term, 44536
each college expecting to receive payment for the costs of a 44537
participant under this section shall notify the department of the 44538
number of enrolled credit hours for each participant. 44539

(F) The department shall make the applicable payments under 44540
this section to each college, which provided proper notification 44541
to the department under division (E) of this section, for the 44542
number of enrolled credit hours for participants enrolled in the 44543
college under division (B) of section 3365.06 of the Revised Code. 44544
Except in cases involving incomplete participant information or a 44545
dispute of participant information, payments shall be made by the 44546
last day of January for participants who were enrolled during the 44547
fall term and by the last day of July for participants who were 44548
enrolled during the spring term. The department shall not make any 44549
payments to a college under this section if a participant withdrew 44550
from a course prior to the date on which a withdrawal from the 44551
course would have negatively affected the participant's 44552
transcripted grade, as prescribed by the college's established 44553
withdrawal policy. 44554

(1) Payments made for public secondary school participants 44555
under this section shall be deducted as follows: 44556

(a) For a participant enrolled in a school district, from the 44557
school foundation payments made to the participant's school 44558
district ~~or, if the participant is enrolled in a community school,~~ 44559
~~a STEM school, or a college preparatory boarding school, from the~~ 44560
~~payments made to that school under section 3314.08, 3326.33, or~~ 44561
~~3328.34 of the Revised Code.~~ If the participant is enrolled in a 44562
joint vocational school district, a portion of the amount shall be 44563
deducted from the payments to the joint vocational school district 44564
and a portion shall be deducted from the payments to the 44565
participant's city, local, or exempted village school district in 44566

accordance with the full-time equivalency of the student's 44567
enrollment in each district. 44568

(b) For a participant enrolled in a community school 44569
established under Chapter 3314. of the Revised Code, from the 44570
payments made to that school under section 3317.022 of the Revised 44571
Code; 44572

(c) For a participant enrolled in a STEM school, from the 44573
payments made to that school under section 3317.022 of the Revised 44574
Code; 44575

(d) For a participant enrolled in a college-preparatory 44576
boarding school, from the payments made to that school under 44577
section 3328.34 of the Revised Code; 44578

(e) For a participant enrolled in the state school for the 44579
deaf or the state school for the blind, from the amount paid to 44580
that school with funds appropriated by the general assembly for 44581
support of that school; 44582

(f) For a participant enrolled in an institution operated by 44583
the department of youth services, from the amount paid to that 44584
institution with funds appropriated by the general assembly for 44585
support of that institution. Amounts 44586

Amounts deducted under ~~division~~ divisions (F) (1) (a) to (f) of 44587
this section shall be calculated in accordance with rules adopted 44588
by the chancellor, in consultation with the state superintendent, 44589
pursuant to division (B) of section 3365.071 of the Revised Code 44590

(2) Payments made for nonpublic secondary school 44591
participants, nonchartered nonpublic secondary school 44592
participants, and home-instructed participants under this section 44593
shall be deducted from moneys appropriated by the general assembly 44594
for such purpose. Payments shall be allocated and distributed in 44595
accordance with rules adopted by the chancellor, in consultation 44596
with the state superintendent, pursuant to division (A) of section 44597

3365.071 of the Revised Code. 44598

(G) Any public college that enrolls a student under division 44599
(B) of section 3365.06 of the Revised Code may include that 44600
student in the calculation used to determine its state share of 44601
instruction funds appropriated to the department of higher 44602
education by the general assembly. 44603

Sec. 3365.08. (A) No participant enrolled under this chapter 44604
in a course for which credit toward high school graduation is 44605
awarded shall receive direct financial aid through any state or 44606
federal program. 44607

(B) If a school district provides transportation for resident 44608
school students in grades eleven and twelve under section 3327.01 44609
of the Revised Code, a parent of a participant enrolled in a 44610
course under division (A) (2) or (B) of section 3365.06 of the 44611
Revised Code may apply to the board of education for full or 44612
partial reimbursement for the necessary costs of transporting the 44613
participant between the secondary school the participant attends 44614
and the college in which the participant is enrolled. 44615
Reimbursement may be paid solely from funds received by the 44616
district for student transportation under section 3317.0212 of the 44617
Revised Code or other provisions of law. The state board of 44618
education shall establish guidelines, based on financial need, 44619
under which a district may provide such reimbursement. 44620

(C) If a community school provides or arranges transportation 44621
for its students in grades nine through twelve under section 44622
3314.091 of the Revised Code, a parent of a participant of the 44623
community school who is enrolled in a course under division (A) (2) 44624
or (B) of section 3365.06 of the Revised Code may apply to the 44625
governing authority of the community school for full or partial 44626
reimbursement of the necessary costs of transporting the 44627
participant between the community school and the college. The 44628

governing authority may pay the reimbursement in accordance with 44629
the state board's rules adopted under division (B) of this section 44630
solely from funds paid to it under division (H) of section 44631
~~3314.091~~ 3317.0212 of the Revised Code. 44632

Sec. 3375.011. Any library organized under Chapter 3375. of 44633
the Revised Code shall provide free of charge to any individual a 44634
photocopy of that individual's driver's license, temporary 44635
driver's permit, or state identification card, if the individual 44636
requests one. 44637

Sec. 3501.01. As used in the sections of the Revised Code 44638
relating to elections and political communications: 44639

(A) "General election" means the election held on the first 44640
Tuesday after the first Monday in each November. 44641

(B) "Regular municipal election" means the election held on 44642
the first Tuesday after the first Monday in November in each 44643
odd-numbered year. 44644

(C) "Regular state election" means the election held on the 44645
first Tuesday after the first Monday in November in each 44646
even-numbered year. 44647

(D) "Special election" means any election other than those 44648
elections defined in other divisions of this section. A special 44649
election may be held only on the first Tuesday after the first 44650
Monday in May, August, or November, or on the day authorized by a 44651
particular municipal or county charter for the holding of a 44652
primary election, except that in any year in which a presidential 44653
primary election is held, no special election shall be held in 44654
May, except as authorized by a municipal or county charter, but 44655
may be held on the third Tuesday after the first Monday in March. 44656

(E) (1) "Primary" or "primary election" means an election held 44657
for the purpose of nominating persons as candidates of political 44658

parties for election to offices, and for the purpose of electing 44659
persons as members of the controlling committees of political 44660
parties and as delegates and alternates to the conventions of 44661
political parties. Primary elections shall be held on the first 44662
Tuesday after the first Monday in May of each year except in years 44663
in which a presidential primary election is held. 44664

(2) "Presidential primary election" means a primary election 44665
as defined by division (E)(1) of this section at which an election 44666
is held for the purpose of choosing delegates and alternates to 44667
the national conventions of the major political parties pursuant 44668
to section 3513.12 of the Revised Code. Unless otherwise 44669
specified, presidential primary elections are included in 44670
references to primary elections. In years in which a presidential 44671
primary election is held, all primary elections shall be held on 44672
the third Tuesday after the first Monday in March except as 44673
otherwise authorized by a municipal or county charter. 44674

(F) "Political party" means any group of voters meeting the 44675
requirements set forth in section 3517.01 of the Revised Code for 44676
the formation and existence of a political party. 44677

(1) "Major political party" means any political party 44678
organized under the laws of this state whose candidate for 44679
governor or nominees for presidential electors received not less 44680
than twenty per cent of the total vote cast for such office at the 44681
most recent regular state election. 44682

(2) "Minor political party" means any political party 44683
organized under the laws of this state that meets either of the 44684
following requirements: 44685

(a) Except as otherwise provided in this division, the 44686
political party's candidate for governor or nominees for 44687
presidential electors received less than twenty per cent but not 44688
less than three per cent of the total vote cast for such office at 44689

the most recent regular state election. A political party that 44690
meets the requirements of this division remains a political party 44691
for a period of four years after meeting those requirements. 44692

(b) The political party has filed with the secretary of 44693
state, subsequent to its failure to meet the requirements of 44694
division (F) (2) (a) of this section, a petition that meets the 44695
requirements of section 3517.01 of the Revised Code. 44696

A newly formed political party shall be known as a minor 44697
political party until the time of the first election for governor 44698
or president which occurs not less than twelve months subsequent 44699
to the formation of such party, after which election the status of 44700
such party shall be determined by the vote for the office of 44701
governor or president. 44702

(G) "Dominant party in a precinct" or "dominant political 44703
party in a precinct" means that political party whose candidate 44704
for election to the office of governor at the most recent regular 44705
state election at which a governor was elected received more votes 44706
than any other person received for election to that office in such 44707
precinct at such election. 44708

(H) "Candidate" means any qualified person certified in 44709
accordance with the provisions of the Revised Code for placement 44710
on the official ballot of a primary, general, or special election 44711
to be held in this state, or any qualified person who claims to be 44712
a write-in candidate, or who knowingly assents to being 44713
represented as a write-in candidate by another at either a 44714
primary, general, or special election to be held in this state. 44715

(I) "Independent candidate" means any candidate who claims 44716
not to be affiliated with a political party, and whose name has 44717
been certified on the office-type ballot at a general or special 44718
election through the filing of a statement of candidacy and 44719
nominating petition, as prescribed in section 3513.257 of the 44720

Revised Code. 44721

(J) "Nonpartisan candidate" means any candidate whose name is 44722
required, pursuant to section 3505.04 of the Revised Code, to be 44723
listed on the nonpartisan ballot, including all candidates for 44724
~~judicial office~~ judge of a municipal court, county court, or court 44725
of common pleas, for member of any board of education, for 44726
municipal or township offices in which primary elections are not 44727
held for nominating candidates by political parties, and for 44728
offices of municipal corporations having charters that provide for 44729
separate ballots for elections for these offices. 44730

(K) "Party candidate" means any candidate who claims to be a 44731
member of a political party and who has been certified to appear 44732
on the office-type ballot at a general or special election as the 44733
nominee of a political party because the candidate has won the 44734
primary election of the candidate's party for the public office 44735
the candidate seeks, has been nominated under section 3517.012, or 44736
is selected by party committee in accordance with section 3513.31 44737
of the Revised Code. 44738

(L) "Officer of a political party" includes, but is not 44739
limited to, any member, elected or appointed, of a controlling 44740
committee, whether representing the territory of the state, a 44741
district therein, a county, township, a city, a ward, a precinct, 44742
or other territory, of a major or minor political party. 44743

(M) "Question or issue" means any question or issue certified 44744
in accordance with the Revised Code for placement on an official 44745
ballot at a general or special election to be held in this state. 44746

(N) "Elector" or "qualified elector" means a person having 44747
the qualifications provided by law to be entitled to vote. 44748

(O) "Voter" means an elector who votes at an election. 44749

(P) "Voting residence" means that place of residence of an 44750
elector which shall determine the precinct in which the elector 44751

may vote. 44752

(Q) "Precinct" means a district within a county established 44753
by the board of elections of such county within which all 44754
qualified electors having a voting residence therein may vote at 44755
the same polling place. 44756

(R) "Polling place" means that place provided for each 44757
precinct at which the electors having a voting residence in such 44758
precinct may vote. 44759

(S) "Board" or "board of elections" means the board of 44760
elections appointed in a county pursuant to section 3501.06 of the 44761
Revised Code. 44762

(T) "Political subdivision" means a county, township, city, 44763
village, or school district. 44764

(U) "Election officer" or "election official" means any of 44765
the following: 44766

(1) Secretary of state; 44767

(2) Employees of the secretary of state serving the division 44768
of elections in the capacity of attorney, administrative officer, 44769
administrative assistant, elections administrator, office manager, 44770
or clerical supervisor; 44771

(3) Director of a board of elections; 44772

(4) Deputy director of a board of elections; 44773

(5) Member of a board of elections; 44774

(6) Employees of a board of elections; 44775

(7) Precinct election officials; 44776

(8) Employees appointed by the boards of elections on a 44777
temporary or part-time basis. 44778

(V) "Acknowledgment notice" means a notice sent by a board of 44779
elections, on a form prescribed by the secretary of state, 44780

informing a voter registration applicant or an applicant who 44781
wishes to change the applicant's residence or name of the status 44782
of the application; the information necessary to complete or 44783
update the application, if any; and if the application is 44784
complete, the precinct in which the applicant is to vote. 44785

(W) "Confirmation notice" means a notice sent by a board of 44786
elections, on a form prescribed by the secretary of state, to a 44787
registered elector to confirm the registered elector's current 44788
address. 44789

(X) "Designated agency" means an office or agency in the 44790
state that provides public assistance or that provides 44791
state-funded programs primarily engaged in providing services to 44792
persons with disabilities and that is required by the National 44793
Voter Registration Act of 1993 to implement a program designed and 44794
administered by the secretary of state for registering voters, or 44795
any other public or government office or agency that implements a 44796
program designed and administered by the secretary of state for 44797
registering voters, including the department of job and family 44798
services, the program administered under section 3701.132 of the 44799
Revised Code by the department of health, the department of mental 44800
health and addiction services, the department of developmental 44801
disabilities, the opportunities for Ohioans with disabilities 44802
agency, and any other agency the secretary of state designates. 44803
"Designated agency" does not include public high schools and 44804
vocational schools, public libraries, or the office of a county 44805
treasurer. 44806

(Y) "National Voter Registration Act of 1993" means the 44807
"National Voter Registration Act of 1993," 107 Stat. 77, 42 44808
U.S.C.A. 1973gg. 44809

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 44810
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 44811

(AA) "Photo identification" means a document that meets each 44812
of the following requirements: 44813

(1) It shows the name of the individual to whom it was 44814
issued, which shall conform to the name in the poll list or 44815
signature pollbook. 44816

(2) It shows the current address of the individual to whom it 44817
was issued, which shall conform to the address in the poll list or 44818
signature pollbook, except for a driver's license or a state 44819
identification card issued under section 4507.50 of the Revised 44820
Code, which may show either the current or former address of the 44821
individual to whom it was issued, regardless of whether that 44822
address conforms to the address in the poll list or signature 44823
pollbook. 44824

(3) It shows a photograph of the individual to whom it was 44825
issued. 44826

(4) It includes an expiration date that has not passed. 44827

(5) It was issued by the government of the United States or 44828
this state. 44829

Sec. 3501.054. (A) As used in this section, "public official" 44830
means any elected or appointed officer, employee, or agent of the 44831
state or any political subdivision, board, commission, bureau, or 44832
other public body established by law. 44833

(B) No public official that is responsible for administering 44834
or conducting an election in this state shall collaborate with, or 44835
solicit, accept, expend, or use any monetary gift, grant, or 44836
donation from, a nongovernmental person or entity for any costs or 44837
activities related to voter registration, voter education, voter 44838
identification, get-out-the-vote, absent voting, election official 44839
recruitment or training, or any other election-related purpose. 44840

Sec. 3501.302. The secretary of state may enter into 44841
agreements for the bulk purchase of election supplies in order to 44842
reduce the costs for such purchases by individual boards of 44843
elections. A board of elections desiring to participate in such 44844
purchase agreements shall file with the secretary of state a 44845
written request for inclusion. A request for inclusion shall 44846
include an agreement to be bound by such terms and conditions as 44847
the secretary of state prescribes and to make direct payments to 44848
the vendor under each purchase agreement. 44849

Nothing in this section prohibits a board of elections from 44850
purchasing election supplies through the department of 44851
administrative services under section 125.04 of the Revised Code. 44852

Sec. 3505.03. (A) On the office type ballot shall be printed 44853
the names of all candidates for election to offices, except 44854
~~judicial offices~~ the office of judge of a municipal court, county 44855
court, or court of common pleas, who were nominated at the most 44856
recent primary election as candidates of a political party or who 44857
were nominated in accordance with section 3513.02 of the Revised 44858
Code, and the names of all candidates for election to offices who 44859
were nominated by nominating petitions, except candidates for 44860
~~judicial offices~~ the office of judge of a municipal court, county 44861
court, or court of common pleas, for member of the state board of 44862
education, for member of a board of education, for municipal 44863
offices, and for township offices. 44864

(B) The face of the ballot below the stub shall be 44865
substantially in the following form: 44866

"OFFICIAL OFFICE TYPE BALLOT 44867

~~(A)~~ (1) To vote for a candidate record your vote in the manner 44868
provided next to the name of such candidate. 44869

~~(B)~~ (2) If you tear, soil, deface, or erroneously mark this 44870

ballot, return it to the precinct election officers or, if you 44871
cannot return it, notify the precinct election officers, and 44872
obtain another ballot." 44873

(C) The order in which the offices shall be listed on the 44874
ballot shall be prescribed by, and certified to each board of 44875
elections by, the secretary of state; provided that for state, 44876
district, and county offices the order from top to bottom shall be 44877
as follows: governor and lieutenant governor, attorney general, 44878
auditor of state, secretary of state, treasurer of state, chief 44879
justice of the supreme court, justice of the supreme court, United 44880
States senator, representative to congress, state senator, state 44881
representative, judge of a court of appeals, county commissioner, 44882
county auditor, prosecuting attorney, clerk of the court of common 44883
pleas, sheriff, county recorder, county treasurer, county 44884
engineer, and coroner. The offices of governor and lieutenant 44885
governor shall be printed on the ballot in a manner that requires 44886
a voter to cast one vote jointly for the candidates who have been 44887
nominated by the same political party or petition. 44888

(D) Within the rectangular space within which the title of 44889
each judicial office listed in division (C) of this section is 44890
printed on the ballot and immediately below the title shall be 44891
printed the date of the commencement of the term of the office, if 44892
it is a full term, as follows: "Full term commencing 44893
_____ (Date) _____," or the date of the end of the term of the 44894
office, if it is an unexpired term, as follows: "Unexpired term 44895
ending (Date)" 44896

(E) (1) The names of all candidates for an office shall be 44897
arranged in a group under the title of that office, and, except 44898
for absentee ballots or when the number of candidates for a 44899
particular office is the same as the number of candidates to be 44900
elected for that office, shall be rotated from one precinct to 44901
another. On absentee ballots, the names of all candidates for an 44902

office shall be arranged in a group under the title of that office 44903
and shall be so alternated that each name shall appear, insofar as 44904
may be reasonably possible, substantially an equal number of times 44905
at the beginning, at the end, and in each intermediate place, if 44906
any, of the group in which such name belongs, unless the number of 44907
candidates for a particular office is the same as the number of 44908
candidates to be elected for that office. 44909

(2) The method of printing the ballots to meet the rotation 44910
requirement of this section shall be as follows: the least common 44911
multiple of the number of names in each of the several groups of 44912
candidates shall be used, and the number of changes made in the 44913
printer's forms in printing the ballots shall correspond with that 44914
multiple. The board of elections shall number all precincts in 44915
regular serial sequence. In the first precinct, the names of the 44916
candidates in each group shall be listed in alphabetical order. In 44917
each succeeding precinct, the name in each group that is listed 44918
first in the preceding precinct shall be listed last, and the name 44919
of each candidate shall be moved up one place. In each precinct 44920
using paper ballots, the printed ballots shall then be assembled 44921
in tablets. 44922

(F) Under the name of each candidate nominated at a primary 44923
election, nominated by petition under section 3517.012 of the 44924
Revised Code, or certified by a party committee to fill a vacancy 44925
under section 3513.31 of the Revised Code shall be printed, in 44926
less prominent type face than that in which the candidate's name 44927
is printed, the name of the political party by which the candidate 44928
was nominated or certified. Under the name of each candidate 44929
appearing on the ballot who filed a nominating petition and 44930
requested a ballot designation as a nonparty candidate under 44931
section 3513.257 of the Revised Code shall be printed, in less 44932
prominent type face than that in which the candidate's name is 44933
printed, the designation of "nonparty candidate." Under the name 44934

of each candidate appearing on the ballot who filed a nominating 44935
petition and requested a ballot designation as an other-party 44936
candidate under section 3513.257 of the Revised Code shall be 44937
printed, in less prominent type face than that in which the 44938
candidate's name is printed, the designation of "other-party 44939
candidate." No designation shall appear under the name of a 44940
candidate appearing on the ballot who filed a nominating petition 44941
and requested that no ballot designation appear under the 44942
candidate's name under section 3513.257 of the Revised Code, or 44943
who filed a nominating petition and failed to request a ballot 44944
designation either as a nonparty candidate or as an other-party 44945
candidate under that section. 44946

(G) Except as provided in this section, no words, 44947
designations, or emblems descriptive of a candidate or the 44948
candidate's political affiliation, or indicative of the method by 44949
which the candidate was nominated or certified, shall be printed 44950
under or after a candidate's name that is printed on the ballot. 44951

Sec. 3505.04. On the nonpartisan ballot shall be printed the 44952
names of all nonpartisan candidates for election to ~~judicial~~ the 44953
office of judge of a municipal court, county court, or court of 44954
common pleas, the office of member of the state board of 44955
education, the office of member of a board of education, municipal 44956
or township offices for municipal corporations and townships in 44957
which primary elections are not held for nomination of candidates 44958
by political parties, and municipal offices of municipal 44959
corporations having charters which provide for separate ballots 44960
for elections for such municipal offices. 44961

Such ballots shall have printed across the top, and below the 44962
stubs, "Official Nonpartisan Ballot." 44963

The order in which the offices are listed on the ballot shall 44964
be prescribed by, and certified to each board of elections by, the 44965

secretary of state; provided that the office of member of the 44966
state board of education shall be listed first on the ballot, then 44967
~~state, district, and county judicial offices shall be listed on~~ 44968
~~the ballot in such order,~~ followed by municipal and township 44969
offices, and by offices of member of a board of education, in the 44970
order stated. 44971

Within the rectangular space within which the title of each 44972
judicial office is printed on the ballot and immediately below 44973
such title shall be printed the date of the commencement of the 44974
term of the office, if a full term, as follows: "Full term 44975
commencing(Date).....," or the date of the end of the 44976
term of the office, if an unexpired term, as follows: "Unexpired 44977
term ending(Date)....." 44978

The secretary of state shall prescribe the information and 44979
directions to the voter to be printed on the ballot within the 44980
rectangular space in which the title of office of member of the 44981
state board of education appears. 44982

Within the rectangular space within which the title of each 44983
office for member of a board of education is printed on the ballot 44984
shall be printed "For Member of Board of Education," and the 44985
number to be elected, directions to the voter as to voting for 44986
one, two, or more, and, if the office to be voted for is member of 44987
a board of education of a city school district, words shall be 44988
printed in said space on the ballot to indicate whether candidates 44989
are to be elected from subdistricts or at large. 44990

The names of all nonpartisan candidates for an office shall 44991
be arranged in a group under the title of that office, and shall 44992
be rotated and printed on the ballot as provided in section 44993
3505.03 of the Revised Code. 44994

No name or designation of any political party nor any words, 44995
designations, or emblems descriptive of a candidate or ~~his~~ the 44996

candidate's political affiliation, or indicative of the method by 44997
which such candidate was nominated or certified, shall be printed 44998
under or after any nonpartisan candidate's name which is printed 44999
on the ballot. 45000

Sec. 3513.257. Each person desiring to become an independent 45001
candidate for an office for which candidates may be nominated at a 45002
primary election, except persons desiring to become independent 45003
joint candidates for the offices of governor and lieutenant 45004
governor and for the offices of president and vice-president of 45005
the United States, shall file no later than four p.m. of the day 45006
before the day of the primary election immediately preceding the 45007
general election at which such candidacy is to be voted for by the 45008
voters, a statement of candidacy and nominating petition as 45009
provided in section 3513.261 of the Revised Code. Persons desiring 45010
to become independent joint candidates for the offices of governor 45011
and lieutenant governor shall file, not later than four p.m. of 45012
the day before the day of the primary election, one statement of 45013
candidacy and one nominating petition for the two of them. Persons 45014
desiring to become independent joint candidates for the offices of 45015
president and vice-president of the United States shall file, not 45016
later than four p.m. of the ninetieth day before the day of the 45017
general election at which the president and vice-president are to 45018
be elected, one statement of candidacy and one nominating petition 45019
for the two of them. The prospective independent joint candidates' 45020
statement of candidacy shall be filed with the nominating petition 45021
as one instrument. 45022

The statement of candidacy and separate petition papers of 45023
each candidate or pair of joint candidates shall be filed at the 45024
same time as one instrument. 45025

The nominating petition shall contain signatures of qualified 45026
electors of the district, political subdivision, or portion of a 45027

political subdivision in which the candidacy is to be voted on in 45028
an amount to be determined as follows: 45029

(A) If the candidacy is to be voted on by electors throughout 45030
the entire state, the nominating petition, including the 45031
nominating petition of independent joint candidates for the 45032
offices of governor and lieutenant governor, shall be signed by no 45033
less than five thousand qualified electors, provided that no 45034
petition shall be accepted for filing if it purports to contain 45035
more than fifteen thousand signatures. 45036

(B) If the candidacy is to be voted on by electors in any 45037
district, political subdivision, or part thereof in which less 45038
than five thousand electors voted for the office of governor at 45039
the most recent election for that office, the nominating petition 45040
shall contain signatures of not less than twenty-five qualified 45041
electors of the district, political subdivision, or part thereof, 45042
or a number of qualified signatures equal to at least five per 45043
cent of that vote, if this number is less than twenty-five. 45044

(C) If the candidacy is to be voted on by electors in any 45045
district, political subdivision, or part thereof in which five 45046
thousand or more electors voted for the office of governor at the 45047
most recent election for that office, the nominating petition 45048
shall contain a number of signatures equal to at least one per 45049
cent of those electors. 45050

All nominating petitions of candidates for offices to be 45051
voted on by electors throughout the entire state shall be filed in 45052
the office of the secretary of state. No nominating petition for 45053
the offices of president and vice-president of the United States 45054
shall be accepted for filing unless there is submitted to the 45055
secretary of state, at the time of filing the petition, a slate of 45056
presidential electors sufficient in number to satisfy the 45057
requirement of the United States Constitution. The secretary of 45058
state shall not accept for filing the statement of candidacy of a 45059

person who desires to be an independent candidate for the office 45060
of governor unless it also shows the joint candidacy of a person 45061
who desires to be an independent candidate for the office of 45062
lieutenant governor, shall not accept for filing the statement of 45063
candidacy of a person who desires to be an independent candidate 45064
for the office of lieutenant governor unless it also shows the 45065
joint candidacy of a person who desires to be an independent 45066
candidate for the office of governor, and shall not accept for 45067
filing the statement of candidacy of a person who desires to be an 45068
independent candidate to the office of governor or lieutenant 45069
governor who, for the same election, has already filed a 45070
declaration of candidacy, a declaration of intent to be a write-in 45071
candidate, or a statement of candidacy, or has become a candidate 45072
by the filling of a vacancy under section 3513.30 of the Revised 45073
Code for any other state office or any federal or county office. 45074

Nominating petitions of candidates for offices to be voted on 45075
by electors within a district or political subdivision comprised 45076
of more than one county but less than all counties of the state 45077
shall be filed with the boards of elections of that county or part 45078
of a county within the district or political subdivision which had 45079
a population greater than that of any other county or part of a 45080
county within the district or political subdivision according to 45081
the last federal decennial census. 45082

Nominating petitions for offices to be voted on by electors 45083
within a county or district smaller than a county shall be filed 45084
with the board of elections for such county. 45085

No petition other than the petition of a candidate whose 45086
candidacy is to be considered by electors throughout the entire 45087
state shall be accepted for filing if it appears on its face to 45088
contain more than three times the minimum required number of 45089
signatures. A board of elections shall not accept for filing a 45090
nominating petition of a person seeking to become a candidate if 45091

that person, for the same election, has already filed a 45092
declaration of candidacy, a declaration of intent to be a write-in 45093
candidate, or a nominating petition, or has become a candidate by 45094
the filling of a vacancy under section 3513.30 of the Revised Code 45095
for any federal, state, or county office, if the nominating 45096
petition is for a state or county office, or for any municipal or 45097
township office, for member of a city, local, or exempted village 45098
board of education, or for member of a governing board of an 45099
educational service center, if the nominating petition is for a 45100
municipal or township office, or for member of a city, local, or 45101
exempted village board of education, or for member of a governing 45102
board of an educational service center. When a petition of a 45103
candidate has been accepted for filing by a board of elections, 45104
the petition shall not be deemed invalid if, upon verification of 45105
signatures contained in the petition, the board of elections finds 45106
the number of signatures accepted exceeds three times the minimum 45107
number of signatures required. A board of elections may 45108
discontinue verifying signatures when the number of verified 45109
signatures on a petition equals the minimum required number of 45110
qualified signatures. 45111

Any ~~nonjudicial~~ candidate, other than a candidate for judge 45112
of a municipal court, county court, or court of common pleas, who 45113
files a nominating petition may request, at the time of filing, 45114
that the candidate be designated on the ballot as a nonparty 45115
candidate or as an other-party candidate, or may request that the 45116
candidate's name be placed on the ballot without any designation. 45117
Any such candidate who fails to request a designation either as a 45118
nonparty candidate or as an other-party candidate shall have the 45119
candidate's name placed on the ballot without any designation. 45120

The purpose of establishing a filing deadline for independent 45121
candidates prior to the primary election immediately preceding the 45122
general election at which the candidacy is to be voted on by the 45123

voters is to recognize that the state has a substantial and 45124
compelling interest in protecting its electoral process by 45125
encouraging political stability, ensuring that the winner of the 45126
election will represent a majority of the community, providing the 45127
electorate with an understandable ballot, and enhancing voter 45128
education, thus fostering informed and educated expressions of the 45129
popular will in a general election. The filing deadline for 45130
independent candidates required in this section prevents 45131
splintered parties and unrestrained factionalism, avoids political 45132
fragmentation, and maintains the integrity of the ballot. The 45133
deadline, one day prior to the primary election, is the least 45134
drastic or restrictive means of protecting these state interests. 45135
The general assembly finds that the filing deadline for 45136
independent candidates in primary elections required in this 45137
section is reasonably related to the state's purpose of ensuring 45138
fair and honest elections while leaving unimpaired the political, 45139
voting, and associational rights secured by the first and 45140
fourteenth amendments to the United States Constitution. 45141

Sec. 3701.021. (A) The director of health shall adopt, in 45142
accordance with Chapter 119. of the Revised Code, such rules as 45143
are necessary to carry out sections 3701.021 to 3701.0210 of the 45144
Revised Code, including, but not limited to, rules to establish 45145
the following: 45146

(1) ~~Medical~~ Subject to division (D) of this section, medical 45147
and financial eligibility requirements for the program for 45148
medically handicapped children; 45149

(2) Subject to division (C) of this section, eligibility 45150
requirements for providers who provide goods and services for the 45151
program for medically handicapped children; 45152

(3) Procedures to be followed by the department of health in 45153
disqualifying providers for violating requirements adopted under 45154

division (A) (2) of this section;	45155
(4) Procedures to be used by the department regarding application for diagnostic services under division (B) of section 3701.023 of the Revised Code and payment for those services under division (E) of that section;	45156 45157 45158 45159
(5) Standards for the provision of service coordination by the department of health and city and general health districts;	45160 45161
(6) Procedures for the department to use to determine the amount to be paid annually by each county for services for medically handicapped children and to allow counties to retain funds under divisions (A) (2) and (3) of section 3701.024 of the Revised Code;	45162 45163 45164 45165 45166
(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;	45167 45168 45169
(8) Criteria for payment of approved providers who provide goods and services for medically handicapped children;	45170 45171
(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children is cost-effective;	45172 45173 45174
(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;	45175 45176 45177
(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code;	45178 45179 45180
(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;	45181 45182
(13) If a manufacturer discount program is established under division (J) (1) of section 3701.023 of the Revised Code,	45183 45184

procedures for administering the program, including criteria and 45185
other requirements for participation in the program by 45186
manufacturers of drugs and nutritional formulas. 45187

(B) The department of health shall develop a manual of 45188
operational procedures and guidelines for the program for 45189
medically handicapped children to implement sections 3701.021 to 45190
3701.0210 of the Revised Code. 45191

(C) A medicaid provider, as defined in section 5164.01 of the 45192
Revised Code, is eligible to be a provider of the same goods and 45193
services for the program for medically handicapped children that 45194
the provider is approved to provide for the medicaid program and 45195
the director shall approve such a provider for participation in 45196
the program for medically handicapped children. 45197

(D) In establishing medical and financial eligibility 45198
requirements for the program for medically handicapped children, 45199
the director of health shall not specify an age restriction that 45200
excludes from eligibility an individual who is either of the 45201
following: 45202

(1) Beginning on July 1, 2021, less than twenty-two years of 45203
age; 45204

(2) Beginning on July 1, 2022, less than twenty-three years 45205
of age. 45206

Sec. 3701.022. As used in sections 3701.021 to 3701.0210 of 45207
the Revised Code: 45208

(A) "Medically handicapped child" means an Ohio resident who 45209
meets the age requirements set forth in division (D) of section 45210
3701.021 of the Revised Code who suffers primarily from an organic 45211
disease, defect, or a congenital or acquired physically 45212
handicapping and associated condition that may hinder the 45213
achievement of normal growth and development. 45214

(B) "Provider" means a health professional, hospital, medical equipment supplier, and any individual, group, or agency that is approved by the department of health pursuant to division (C) of section 3701.023 of the Revised Code and that provides or intends to provide goods or services to a child who is eligible for the program for medically handicapped children.

(C) "Service coordination" means case management services provided to medically handicapped children that promote effective and efficient organization and utilization of public and private resources and ensure that care rendered is family-centered, community-based, and coordinated.

(D) (1) "Third party" means any person or government entity other than the following:

(a) A medically handicapped child participating in the program for medically handicapped children or the child's parent or guardian;

(b) The department or any program administered by the department, including the "Maternal and Child Health Block Grant," Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended;

(c) The "caring program for children" operated by the nonprofit community mutual insurance corporation.

(2) "Third party" includes all of the following:

(a) Any trust established to benefit a medically handicapped child participating in the program or the child's family or guardians, if the trust was established after the date the medically handicapped child applied to participate in the program;

(b) That portion of a trust designated to pay for the medical and ancillary care of a medically handicapped child, if the trust was established on or before the date the medically handicapped

child applied to participate in the program; 45245

(c) The program awarding reparations to victims of crime 45246
established under sections 2743.51 to 2743.72 of the Revised Code. 45247

(E) "Third-party benefits" means any and all benefits paid by 45248
a third party to or on behalf of a medically handicapped child 45249
participating in the program or the child's parent or guardian for 45250
goods or services that are authorized by the department pursuant 45251
to division (B) or (D) of section 3701.023 of the Revised Code. 45252

(F) "Hemophilia program" means the hemophilia program the 45253
department of health is required to establish and administer under 45254
section 3701.029 of the Revised Code. 45255

Sec. 3701.0410. The department of health shall adopt rules in 45256
accordance with Chapter 119. of the Revised Code that establish a 45257
procedure for county or regional drug overdose fatality review 45258
committees to follow in conducting a review of an overdose death. 45259
The rules shall do all of the following: 45260

(A) Establish the format for the annual reports required by 45261
section 307.636 of the Revised Code; 45262

(B) Establish guidelines for a county or regional review 45263
committee to follow in compiling statistics for annual reports so 45264
that the reports do not contain any information that would permit 45265
any person's identity to be ascertained from a report; 45266

(C) Establish guidelines for a county or regional review 45267
committee to follow in creating and maintaining the comprehensive 45268
database of overdose deaths required by section 307.634 of the 45269
Revised Code, including provisions establishing uniform 45270
record-keeping procedures; 45271

(D) Establish guidelines for reporting drug overdose fatality 45272
review data to the department of health, which must maintain the 45273
confidentiality of information that would permit a person's 45274

identity to be ascertained; 45275

(E) Establish guidelines, materials, and training to help 45276
educate members of county or regional review committees about the 45277
purpose of the review process and the confidentiality of the 45278
information described in section 307.639 of the Revised Code; 45279

(F) Establish guidelines, materials, and training, in 45280
consultation with the state board of pharmacy, about the 45281
appropriate use of the drug database maintained in accordance with 45282
section 4729.75 of the Revised Code. 45283

Sec. 3701.0411. The department of health shall adopt rules in 45284
accordance with Chapter 119. of the Revised Code that establish a 45285
procedure for county or regional suicide fatality review 45286
committees to follow in conducting a review of a suicide death. 45287
The rules shall do all of the following: 45288

(A) Establish the format for the annual reports required by 45289
section 307.646 of the Revised Code; 45290

(B) Establish guidelines for a county or regional review 45291
committee to follow in compiling statistics for annual reports so 45292
that the reports do not contain any information that would permit 45293
any person's identity to be ascertained from a report; 45294

(C) Establish guidelines for a county or regional review 45295
committee to follow in creating and maintaining the comprehensive 45296
database of deaths by suicide required by section 307.643 of the 45297
Revised Code, including provisions establishing uniform 45298
record-keeping procedures; 45299

(D) Establish guidelines for reporting suicide fatality 45300
review data to the department of health, which must maintain the 45301
confidentiality of information that would permit a person's 45302
identity to be ascertained; 45303

(E) Establish guidelines, materials, and training to help 45304

educate members of county or regional review committees about the 45305
purpose of the review process and the confidentiality of the 45306
information described in section 307.649 of the Revised Code; 45307

(F) Establish guidelines, materials, and training, in 45308
consultation with the state board of pharmacy, about the 45309
appropriate use of the drug database maintained in accordance with 45310
section 4729.75 of the Revised Code. 45311

Sec. 3701.132. (A) As used in this section, "WIC program" 45312
means the "special supplemental nutrition program for women, 45313
infants, and children" established under the "Child Nutrition Act 45314
of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. 45315

(B) The department of health is hereby designated as the 45316
state agency to administer the WIC program. 45317

The director of health shall adopt rules pursuant to Chapter 45318
119. of the Revised Code as necessary for administering the WIC 45319
program. The rules may include civil money penalties for 45320
violations of the rules. ~~The rules shall require a contract the~~ 45321
~~department enters into with a WIC clinic to include provisions~~ 45322
~~requiring the clinic to promote the use of technology based~~ 45323
~~resources, such as mobile telephone or text messaging~~ 45324
~~applications, that offer tips on having a healthy pregnancy and~~ 45325
~~healthy baby to clinic clients who are pregnant or have an infant~~ 45326
~~who is less than one year of age.~~ 45327

(C) In determining eligibility for services provided under 45328
the WIC program, the department may use the application form 45329
established under section 5163.40 of the Revised Code for the 45330
healthy start program. The department may require applicants to 45331
furnish their social security numbers. 45332

(D) If the department determines that a vendor has committed 45333
an act with respect to the WIC program that federal statutes or 45334

regulations or state statutes or rules prohibit, the department 45335
shall take action against the vendor in the manner required by 7 45336
C.F.R. part 246, including imposition of a civil money penalty in 45337
accordance with 7 C.F.R. 246.12, or rules adopted under this 45338
section. 45339

Sec. 3701.362. (A) Each of the health care facilities and 45340
providers identified in division (B) of this section shall do both 45341
of the following: 45342

(1) Establish a system for identifying patients or residents 45343
who could benefit from palliative care; 45344

(2) Provide information on palliative care to patients and 45345
residents who could benefit from palliative care. 45346

(B) Division (A) of this section applies to all of the 45347
following: 45348

(1) A hospital registered under section 3701.07 of the 45349
Revised Code; 45350

(2) An ambulatory surgical facility, as defined in section 45351
3702.30 of the Revised Code; 45352

(3) A nursing home, residential care facility, county home, 45353
or district home, as defined in section 3721.01 of the Revised 45354
Code; 45355

(4) A veterans' home operated under Chapter 5907. of the 45356
Revised Code; 45357

(5) A hospice care program or pediatric respite care program, 45358
as defined in section 3712.01 of the Revised Code; 45359

(6) A home health agency, as defined in section ~~3701.881~~ 45360
3740.01 of the Revised Code. 45361

Sec. 3701.501. (A) (1) Except as provided in division (A) (2) 45362

of this section, all newborn children shall be screened for the 45363
presence of the genetic, endocrine, and metabolic disorders 45364
specified in rules adopted pursuant to this section. 45365

(2) Division (A) (1) of this section does not apply in either 45366
of the following circumstances: 45367

(a) If the parents of the child object to the screening on 45368
the grounds that it conflicts with their religious tenets and 45369
practices; 45370

(b) With respect to the screening for Krabbe disease 45371
described in division (C) (1) (b) of this section, if the parents of 45372
the child communicate their decision to forgo the screening. 45373

(B) There is hereby created the newborn screening advisory 45374
council to advise the director of health regarding the screening 45375
of newborn children for genetic, endocrine, and metabolic 45376
disorders. The council shall engage in an ongoing review of the 45377
newborn screening requirements established under this section and 45378
shall provide recommendations and reports to the director as the 45379
director requests and as the council considers necessary. The 45380
director may assign other duties to the council, as the director 45381
considers appropriate. 45382

The council shall consist of fourteen members appointed by 45383
the director. In making appointments, the director shall select 45384
individuals and representatives of entities with interest and 45385
expertise in newborn screening, including such individuals and 45386
entities as health care professionals, hospitals, children's 45387
hospitals, regional genetic centers, regional sickle cell centers, 45388
newborn screening coordinators, and members of the public. 45389

The department of health shall provide meeting space, staff 45390
services, and other technical assistance required by the council 45391
in carrying out its duties. Members of the council shall serve 45392
without compensation, but shall be reimbursed for their actual and 45393

necessary expenses incurred in attending meetings of the council 45394
or performing assignments for the council. 45395

The council is not subject to sections 101.82 to 101.87 of 45396
the Revised Code. 45397

(C) (1) (a) Subject to division (C) (1) (b) of this section, the 45398
director of health shall adopt rules in accordance with Chapter 45399
119. of the Revised Code specifying the disorders for which each 45400
newborn child must be screened. 45401

(b) In adopting the rules, all of the following apply: 45402

(i) The director shall specify Krabbe disease as a disorder 45403
for which a newborn child who is born on or after July 1, 2016, 45404
must be screened. 45405

(ii) The director shall specify spinal muscular atrophy and 45406
X-linked adrenoleukodystrophy as disorders for which a newborn 45407
child who is born on or after the date that is two hundred forty 45408
days after the effective date of this amendment must be screened. 45409

(iii) Not later than six months after receiving a 45410
recommendation as described in division (C) (3) (b) of this section, 45411
the director shall specify for screening a disorder recommended as 45412
described in division (C) (3) (b) of this section, with such 45413
screening to begin not later than one year after the date that the 45414
rule specifying the disorder for screening becomes effective. 45415

(2) The newborn screening advisory council shall evaluate 45416
genetic, metabolic, and endocrine disorders to assist the director 45417
in determining which disorders should be included in the 45418
screenings required under this section. In determining whether a 45419
disorder should be included, the council shall consider all of the 45420
following: 45421

(a) The disorder's incidence, mortality, and morbidity; 45422

(b) Whether the disorder causes disability if diagnosis, 45423

treatment, and early intervention are delayed; 45424

(c) The potential for successful treatment of the disorder; 45425

(d) The expected benefits to children and society in relation 45426
to the risks and costs associated with screening for the disorder; 45427

(e) Whether a screening for the disorder can be conducted 45428
without taking an additional blood sample or specimen; 45429

(f) Whether the secretary of the United States department of 45430
health and human services has included the disorder in the federal 45431
recommended uniform screening panel. 45432

(3)(a) Based on the considerations specified in division 45433
(C)(2) of this section, the council shall make recommendations to 45434
the director of health for the adoption of rules under division 45435
(C)(1) of this section. ~~The~~ 45436

(b) In the case of a disorder included within the federal 45437
recommended uniform screening panel, the council shall determine 45438
not later than six months after the date of the disorder's 45439
inclusion on the federal panel whether or not to recommend to the 45440
director that each newborn child be screened for the disorder. If 45441
the council recommends screening for the disorder, the council 45442
shall submit to the director as soon as practicable a 45443
recommendation for such screening. 45444

(c) The director shall promptly and thoroughly review each 45445
recommendation the council submits. 45446

(D) The director shall adopt rules in accordance with Chapter 45447
119. of the Revised Code establishing standards and procedures for 45448
the screenings required by this section. The rules shall include 45449
standards and procedures for all of the following: 45450

(1) Causing rescreenings to be performed when initial 45451
screenings have abnormal results; 45452

(2) Designating the person or persons who will be responsible 45453

for causing screenings and rescreenings to be performed; 45454

(3) Giving to the parents of a child notice of the required 45455
initial screening and the possibility that rescreenings may be 45456
necessary; 45457

(4) Communicating to the parents of a child the results of 45458
the child's screening and any rescreenings that are performed; 45459

(5) Giving notice of the results of an initial screening and 45460
any rescreenings to the person who caused the child to be screened 45461
or rescreened, or to another person or government entity when the 45462
person who caused the child to be screened or rescreened cannot be 45463
contacted; 45464

(6) Referring children who receive abnormal screening or 45465
rescreening results to providers of follow-up services, including 45466
the services made available through funds disbursed under division 45467
(F) of this section. 45468

(E) (1) Except as provided in divisions (E) (2) and (3) of this 45469
section, all newborn screenings required by this section shall be 45470
performed by the public health laboratory authorized under section 45471
3701.22 of the Revised Code. 45472

(2) If the director determines that the public health 45473
laboratory is unable to perform screenings for all of the 45474
disorders specified in the rules adopted under division (C) of 45475
this section, the director shall select another laboratory to 45476
perform the screenings. The director shall select the laboratory 45477
by issuing a request for proposals. The director may accept 45478
proposals submitted by laboratories located outside this state. At 45479
the conclusion of the selection process, the director shall enter 45480
into a written contract with the selected laboratory. If the 45481
director determines that the laboratory is not complying with the 45482
terms of the contract, the director shall immediately terminate 45483
the contract and another laboratory shall be selected and 45484

contracted with in the same manner. 45485

(3) Any rescreening caused to be performed pursuant to this 45486
section may be performed by the public health laboratory or one or 45487
more other laboratories designated by the director. Any laboratory 45488
the director considers qualified to perform rescreenings may be 45489
designated, including a laboratory located outside this state. If 45490
more than one laboratory is designated, the person responsible for 45491
causing a rescreening to be performed is also responsible for 45492
selecting the laboratory to be used. 45493

(F) (1) The director shall adopt rules in accordance with 45494
Chapter 119. of the Revised Code establishing a fee that shall be 45495
charged and collected in addition to or in conjunction with any 45496
laboratory fee that is charged and collected for performing the 45497
screenings required by this section. The fee, which shall be not 45498
less than fourteen dollars, shall be disbursed as follows: 45499

(a) Not less than ten dollars and twenty-five cents shall be 45500
deposited in the state treasury to the credit of the genetics 45501
services fund, which is hereby created. Not less than seven 45502
dollars and twenty-five cents of each fee credited to the genetics 45503
services fund shall be used to defray the costs of the programs 45504
authorized by section 3701.502 of the Revised Code. Not less than 45505
three dollars from each fee credited to the genetics services fund 45506
shall be used to defray costs of phenylketonuria programs. 45507

(b) Not less than three dollars and seventy-five cents shall 45508
be deposited into the state treasury to the credit of the sickle 45509
cell fund, which is hereby created. Money credited to the sickle 45510
cell fund shall be used to defray costs of programs authorized by 45511
section 3701.131 of the Revised Code. 45512

(2) In adopting rules under division (F) (1) of this section, 45513
the director shall not establish a fee that differs according to 45514
whether a screening is performed by the public health laboratory 45515

or by another laboratory selected by the director pursuant to 45516
division (E) (2) of this section. 45517

Sec. 3701.602. (A) As used in this section, "eligible 45518
nonprofit corporation" means a nonprofit corporation that meets 45519
all of the following requirements: 45520

(1) The nonprofit corporation is exempt from federal income 45521
taxation under subsection 501(c) (3) of the Internal Revenue Code. 45522

(2) For at least ten years before ~~the effective date of this~~ 45523
~~section~~ September 29, 2015, the primary purpose of the nonprofit 45524
corporation, or the nonprofit corporation's predecessor in 45525
interest, has been granting the wishes of individuals under the 45526
age of eighteen who have been diagnosed with a life-threatening 45527
medical condition. 45528

(3) The nonprofit corporation has spent at least ~~one million~~ 45529
two hundred fifty thousand dollars per year for each of the last 45530
three years in furtherance of the purpose described in division 45531
(A) (2) of this section. 45532

(B) There is hereby created in the state treasury the wishes 45533
for sick children income tax contribution fund, which shall 45534
consist of money contributed to it under section 5747.113 of the 45535
Revised Code and of contributions made directly to it. Any person 45536
may contribute directly to the fund in addition to or 45537
independently of the income tax refund contribution system 45538
established in section 5747.113 of the Revised Code. 45539

The department of health shall distribute all funds 45540
contributed under this section to an eligible nonprofit 45541
corporation that will use the contributions to grant the wishes of 45542
individuals who are under the age of eighteen, are residents of 45543
this state, and have been diagnosed with a life-threatening 45544
medical condition. Not later than six months after ~~the effective~~ 45545

~~date of this section~~ September 29, 2015, the department shall 45546
develop guidelines under which an eligible nonprofit corporation 45547
may apply to receive funding under this section. 45548

Sec. 3701.61. (A) The department of health shall establish 45549
the help me grow program as the state's evidence-based parent 45550
support program that encourages early prenatal and well-baby care, 45551
as well as provides parenting education to promote the 45552
comprehensive health and development of children. The program 45553
shall also provide home visiting services to families with a 45554
pregnant woman or an infant or toddler under three years of age 45555
who meet the eligibility requirements established in rules adopted 45556
under this section. Home visiting services shall be provided 45557
through evidence-based home visiting models or innovative, 45558
promising home visiting models recommended by the Ohio home 45559
visiting consortium created under section 3701.612 of the Revised 45560
Code. 45561

(B) Families shall be referred to the appropriate home 45562
visiting services through the central intake and referral system 45563
created under section 3701.611 of the Revised Code. 45564

(C) To the extent possible, the goals of the help me grow 45565
program shall be consistent with the goals of the federal home 45566
visiting program, as specified by the maternal and child health 45567
bureau of the health resources and services administration in the 45568
United States department of health and human services or its 45569
successor. 45570

(D) The director of health may enter into an interagency 45571
agreement with one or more state agencies to implement the help me 45572
grow program and ensure coordination of early childhood programs. 45573

(E) The director may distribute help me grow program funds 45574
through contracts, grants, or subsidies to entities providing 45575
services under the program. 45576

(F) As a condition of receiving payments for home visiting services, providers shall ~~do both of the following:~~

~~(1) Promote the use of technology based resources, such as mobile telephone or text messaging applications, that offer tips on having a healthy pregnancy and healthy baby to families with a pregnant woman or infant who is less than one year of age;~~

~~(2) Report report to the director data on the program performance indicators, specified in rules adopted under division (G) of this section, that are used to assess progress toward achieving all of the following:~~

~~(a)(1) The benchmark domains established for the federal home visiting program, including improvement in maternal and newborn health; reduction in child injuries, abuse, and neglect; improved school readiness and achievement; reduction in crime and domestic violence; and improved family economic self-sufficiency;~~

~~(b)(2) Improvement in birth outcomes and reduction in stillbirths, as that term is defined in section 3701.97 of the Revised Code;~~

~~(c)(3) Reduction in tobacco use by pregnant women, new parents, and others living in households with children.~~

The providers shall report the data in the format and within the time frames specified in the rules.

The director shall prepare an annual report on the data received from the providers. The director shall make the report available on the internet web site maintained by the department of health.

(G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following:

(1) Subject to division (H) of this section, eligibility requirements for home visiting services;	45607 45608
(2) Eligibility requirements for providers of home visiting services;	45609 45610
(3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation;	45611 45612 45613
(4) Procedures for appealing the denial of an application for program services or the termination of services;	45614 45615
(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider;	45616 45617 45618
(6) Procedures for addressing complaints;	45619
(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services;	45620 45621 45622 45623 45624
(8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted;	45625 45626 45627
(9) Criteria for payment of approved providers of program services;	45628 45629
(10) Any other rules necessary to implement the program.	45630
(H) When adopting rules required by division (G)(1) of this section, the department shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code are to receive priority over other families for home visiting services.	45631 45632 45633 45634 45635

Sec. 3701.831. The director of health may assess the 45636
operating funds of the department to pay a share of the 45637
department's administrative costs. The assessments shall be based 45638
on a plan that the director develops ~~and submits to the office of~~ 45639
~~budget and management not later than the fifteenth day of July of~~ 45640
~~the fiscal year in which the assessments are to be made. If the~~ 45641
~~office of budget and management determines that the assessments~~ 45642
~~proposed in the plan can be implemented with uniformity and~~ 45643
~~administrative ease, it shall approve the plan within two weeks~~ 45644
~~after it is submitted.~~ Assessments shall be paid from the funds 45645
designated in the plan and credited by means of intrastate 45646
transfer voucher to the central support indirect fund which is 45647
hereby created in the state treasury. The fund shall be 45648
administered by the director of health and used to pay 45649
administrative costs of the department of health. 45650

Sec. 3701.916. (A) As used in this section, "direct care" and 45651
"home health agency" have the same meanings as in section ~~3701.881~~ 45652
3740.01 of the Revised Code. 45653

(B) For the purpose of identifying jobs that are in demand in 45654
this state under section 6301.11 of the Revised Code, direct care 45655
provided by a home health agency shall be considered a targeted 45656
industry sector as identified by the governor's office of 45657
workforce transformation. 45658

(C) The director of job and family services shall review the 45659
criteria for any program that provides occupational training, 45660
adult education, or career pathway assistance through a grant or 45661
other source of funding to determine whether an employee of a home 45662
health agency may participate in the program, and, to the extent 45663
possible, make any necessary changes to the criteria to allow a 45664
home health agency employee to participate in the program. 45665

Sec. 3702.304. (A) (1) The director of health may grant a 45666
variance from the written transfer agreement requirement of 45667
section 3702.303 of the Revised Code if the ambulatory surgical 45668
facility submits to the director a complete variance application, 45669
prescribed by the director, and the director determines after 45670
reviewing the application that the facility is capable of 45671
achieving the purpose of a written transfer agreement in the 45672
absence of one. The director's determination is final. 45673

(2) Not later than sixty days after receiving a variance 45674
application from an ambulatory surgical facility, the director 45675
shall grant or deny the variance. A variance application that has 45676
not been approved within sixty days is considered denied. 45677

(B) A variance application is complete for purposes of 45678
division (A) (1) of this section if it contains or includes as 45679
attachments all of the following: 45680

(1) A statement explaining why application of the requirement 45681
would cause the facility undue hardship and why the variance will 45682
not jeopardize the health and safety of any patient; 45683

(2) A letter, contract, or memorandum of understanding signed 45684
by the facility and one or more consulting physicians who have 45685
admitting privileges at a minimum of one local hospital that is 45686
located within a twenty-five mile radius of the facility, 45687
memorializing the physician or physicians' agreement to provide 45688
back-up coverage when medical care beyond the level the facility 45689
can provide is necessary; 45690

(3) For each consulting physician described in division 45691
(B) (2) of this section: 45692

(a) A signed statement in which the physician attests ~~that~~ 45693
the to all of the following: 45694

(i) The physician does not teach or provide instruction, 45695

directly or indirectly, at a medical school, osteopathic medical school, any state hospital, or other public institution. 45696
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(ii) The physician is not employed by or compensated pursuant to a contract with, and does not provide instruction or consultation to, a medical school, osteopathic medical school, any state hospital, or other public institution. 45698
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(iii) The physician actively practices clinical medicine within a twenty-five mile radius of the facility. 45702
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(iv) The physician is familiar with the facility and its operations,~~and.~~ 45704
45705

(v) The physician agrees to provide notice to the facility of any changes in the physician's ability to provide back-up coverage. 45706
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(b) The estimated travel time from the physician's main residence or office to each local hospital where the physician has admitting privileges; 45709
45710
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(c) Written verification that the facility has a record of the name, telephone numbers, and practice specialties of the physician; 45712
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(d) Written verification from the state medical board that the physician possesses a valid license to practice medicine and surgery or osteopathic medicine and surgery issued under Chapter 4731. of the Revised Code; 45715
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(e) Documented verification that each hospital at which the physician has admitting privileges has been informed in writing by the physician that the physician is a consulting physician for the ambulatory surgical facility and has agreed to provide back-up coverage for the facility when medical care beyond the care the facility can provide is necessary. 45719
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(4) A copy of the facility's operating procedures or 45725

protocols that, at a minimum, do all of the following: 45726

(a) Address how back-up coverage by consulting physicians is 45727
to occur, including how back-up coverage is to occur when 45728
consulting physicians are temporarily unavailable; 45729

(b) Specify that each consulting physician is required to 45730
notify the facility, without delay, when the physician is unable 45731
to expeditiously admit patients to a local hospital and provide 45732
for continuity of patient care; 45733

(c) Specify that a patient's medical record maintained by the 45734
facility must be transferred contemporaneously with the patient 45735
when the patient is transferred from the facility to a hospital. 45736

(5) Any other information the director considers necessary. 45737

(C) The director's decision to grant, refuse, or rescind a 45738
variance is final. 45739

(D) The director shall consider each application for a 45740
variance independently without regard to any decision the director 45741
may have made on a prior occasion to grant or deny a variance to 45742
that ambulatory surgical facility or any other facility. 45743

Sec. 3702.511. (A) Except as provided in division (B) of this 45744
section and section 3702.512 of the Revised Code, the following 45745
activities are reviewable under sections 3702.51 to 3702.62 of the 45746
Revised Code: 45747

(1) Establishment, development, or construction of a new 45748
long-term care facility; 45749

(2) Replacement of an existing long-term care facility; 45750

(3) Renovation of or addition to a long-term care facility 45751
that involves a capital expenditure of ~~two~~ six million dollars or 45752
more, not including expenditures for equipment, staffing, or 45753
operational costs; 45754

(4) An increase in long-term care bed capacity;	45755
(5) A relocation of long-term care beds from one physical facility or site to another, excluding relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site;	45756 45757 45758 45759
(6) Expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds;	45760 45761 45762
(7) Any failure to conduct a reviewable activity in substantial accordance with the approved application for which a certificate of need was granted, including a change in the site, if the failure occurs within five years after implementation of the reviewable activity for which the certificate was granted.	45763 45764 45765 45766 45767
(B) The following activities are not subject to review under sections 3702.51 to 3702.62 of the Revised Code:	45768 45769
(1) Acquisition of computer hardware or software;	45770
(2) Acquisition of a telephone system;	45771
(3) Construction or acquisition of parking facilities;	45772
(4) Correction of cited deficiencies that constitute an imminent threat to public health or safety and are in violation of federal, state, or local fire, building, or safety statutes, ordinances, rules, or regulations;	45773 45774 45775 45776
(5) Acquisition of an existing long-term care facility that does not involve a change in the number of the beds;	45777 45778
(6) Mergers, consolidations, or other corporate reorganizations of long-term care facilities that do not involve a change in the number of beds;	45779 45780 45781
(7) Construction, repair, or renovation of bathroom facilities;	45782 45783

(8) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services;

(9) Removal of asbestos from a health care facility.

Only that portion of a project that is described in this division is not reviewable.

Sec. 3703.01. (A) Except as otherwise provided in this section, the division of industrial compliance in the department of commerce shall do all of the following:

(1) Inspect all nonresidential buildings within the meaning of section 3781.06 of the Revised Code;

(2) Condemn all unsanitary or defective plumbing that is found in connection with those places;

(3) Order changes in plumbing necessary to insure the safety of the public health.

(B) (1) (a) The division of industrial compliance, boards of health of city and general health districts, and county building departments shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any municipal corporation that is certified by the board of building standards under section 3781.10 of the Revised Code to exercise enforcement authority for plumbing in those types of buildings.

(b) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district that employs has given the division written notice that it intends to inspect plumbing in the particular types of buildings and that either:

(i) Employs one or more plumbing inspectors, certified pursuant to ~~division (D) of this~~ section 3781.10 of the Revised

Code, to enforce Chapters 3781. and 3791. of the Revised Code and 45814
the rules adopted pursuant to those chapters relating to plumbing 45815
in those types of buildings; 45816

(ii) Has a contract with a board of county commissioners or 45817
another board of health, entered pursuant to division (C) of this 45818
section, that authorizes a county building department or the other 45819
board of health to inspect plumbing in the particular types of 45820
buildings in the health district. 45821

~~(c) The division shall not inspect plumbing or collect fees 45822
for inspecting plumbing in particular types of buildings in any 45823
health district where the county building department is authorized 45824
to inspect those types of buildings pursuant to a contract 45825
described in division (C)(1) of this section. 45826~~

~~(d) The division shall not inspect plumbing or collect fees 45827
for inspecting plumbing in particular types of buildings in any 45828
health district where the board of health has entered into a 45829
contract with the board of health of another district to conduct 45830
inspections pursuant to division (C)(2) of this section. 45831~~

(2) No county building department shall inspect plumbing or 45832
collect fees for inspecting plumbing in any type of building in a 45833
health district unless the department is authorized to inspect 45834
that type of building pursuant to a contract described in division 45835
(C)(1) of this section. 45836

(3) No municipal corporation shall inspect plumbing or 45837
collect fees for inspecting plumbing in types of buildings for 45838
which it is not certified by the board of building standards under 45839
section 3781.10 of the Revised Code to exercise enforcement 45840
authority. 45841

~~(4) No board of health of a health district shall inspect 45842
plumbing or collect fees for inspecting plumbing in types of 45843
buildings for which it does not have a plumbing inspector 45844~~

~~certified pursuant to division (D) of this section.~~ 45845

(C) (1) The board of health of a health district may enter 45846
into a contract with a board of county commissioners to authorize 45847
the county building department to inspect plumbing in buildings 45848
within the health district. The contract may designate that the 45849
department inspect either residential or nonresidential buildings, 45850
as those terms are defined in section 3781.06 of the Revised Code, 45851
or both types of buildings, ~~so long as the department employs or~~ 45852
~~contracts with a plumbing inspector certified pursuant to division~~ 45853
~~(D) of this section to inspect the types of buildings the contract~~ 45854
~~designates. The board of health may enter into a contract~~ 45855
~~regardless of whether the health district employs any certified~~ 45856
~~plumbing inspectors to enforce Chapters 3781. and 3791. of the~~ 45857
~~Revised Code.~~ 45858

(2) The board of health of a health district, ~~regardless of~~ 45859
~~whether it employs any certified plumbing inspectors to enforce~~ 45860
~~Chapters 3781. and 3791. of the Revised Code,~~ may enter into a 45861
contract with the board of health of another health district to 45862
authorize that board to inspect plumbing in buildings within the 45863
contracting board's district. The contract may designate the 45864
inspection of either residential or nonresidential buildings as 45865
defined in section 3781.06 of the Revised Code, or both types of 45866
buildings, ~~so long as the board that performs the inspections~~ 45867
~~employs a plumbing inspector certified pursuant to division (D) of~~ 45868
~~this section to inspect the types of buildings the contract~~ 45869
~~designates.~~ 45870

(D) ~~The superintendent of industrial compliance shall adopt~~ 45871
~~rules prescribing minimum qualifications based on education,~~ 45872
~~training, experience, or demonstrated ability, that the~~ 45873
~~superintendent shall use in certifying or recertifying plumbing~~ 45874
~~inspectors to do plumbing inspections for health districts and~~ 45875
~~county building departments that are authorized to perform~~ 45876

~~inspections pursuant to a contract under division (C) (1) of this section, and for continuing education of plumbing inspectors. Those minimum qualifications shall be related to the types of buildings for which a person seeks certification.~~

~~(E) The superintendent may enter into reciprocal registration, licensure, or certification agreements with other states and other agencies of this state relative to plumbing inspectors if both of the following apply:~~

~~(1) The requirements for registration, licensure, or certification of plumbing inspectors under the laws of the other state or laws administered by the other agency are substantially equal to the requirements the superintendent adopts under division (D) of this section for certifying plumbing inspectors.~~

~~(2) The other state or agency extends similar reciprocity to persons certified under this chapter.~~

~~(F) The superintendent may select and contract with one or more persons to do all of the following regarding examinations for certification of plumbing inspectors:~~

~~(1) Prepare, administer, score, and maintain the confidentiality of the examination;~~

~~(2) Maintain responsibility for all expenses required to comply with division (F) (1) of this section;~~

~~(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes;~~

~~(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing.~~

~~(G) Standards and methods prescribed in local plumbing regulations shall not be less than those prescribed in Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant~~

to those chapters. 45907

~~(H)(E)~~ Notwithstanding any other provision of this section, 45908
the division shall make a plumbing inspection of any building or 45909
other place that there is reason to believe is in a condition to 45910
be a menace to the public health. 45911

Sec. 3703.03. In the administration of sections 3703.01 to 45912
3703.08 of the Revised Code, the division of industrial compliance 45913
shall enforce rules governing plumbing adopted by the board of 45914
building standards under authority of sections 3781.10 and 3781.11 45915
of the Revised Code, ~~and register those persons engaged in or at~~ 45916
~~the plumbing business.~~ 45917

Plans and specifications for all plumbing to be installed in 45918
or for buildings coming within such sections shall be submitted to 45919
and approved by the division before the contract for plumbing is 45920
let. 45921

Sec. 3709.012. (A) Except as provided in division (F) of this 45922
section, not later than the date that is eighteen months after the 45923
official announcement of the result of a federal decennial census 45924
taken in a particular census year, including the 2020 census, a 45925
city with a population less than fifty thousand that is 45926
represented by a board of health of a city health district shall 45927
complete a study examining the efficiency and effectiveness of the 45928
city health district merging with the general health district of 45929
the county in which the city is located. As part of the study, the 45930
city shall compare the merger's efficiency and effectiveness with 45931
that of remaining as a separate health district. 45932

(B) The director of health, in consultation with the auditor 45933
of state, shall develop criteria to be used by the city described 45934
in division (A) of this section in determining whether such a 45935
merger is advisable. The criteria may include accreditation 45936

standards promulgated by the public health accreditation board. 45937

(C) The director of health shall provide technical and 45938
financial assistance to each city described in division (A) of 45939
this section and shall oversee any efficiency and effectiveness 45940
study conducted. 45941

(D) If, based on the criteria described in division (B) of 45942
this section, the study indicates that a merger would be efficient 45943
and effective, then the chief executive of the city shall enter 45944
into a contract with the district advisory council of the general 45945
health district that includes the city for the administration of 45946
health affairs in the former city health district and the merged 45947
general health district. 45948

(E) If a merger is required by this section, the merger shall 45949
be completed not later than thirty months after the official 45950
announcement of the result of a federal decennial census, unless 45951
either of the following, as applicable, acts for good cause to 45952
delay implementation of the merger: 45953

(1) In the case of a general health district consisting of a 45954
single county, the district advisory council of the general health 45955
district; 45956

(2) In the case of a general health district consisting of 45957
more than one county as a result of a union of general health 45958
districts under section 3709.10 of the Revised Code, the district 45959
advisory council representing the county within the district where 45960
a majority of the population to be served by the merged general 45961
health district resides. 45962

(F) This section does not apply to a city with a population 45963
less than fifty thousand whose city health district meets either 45964
of the following conditions regarding accreditation by an 45965
accreditation body approved by the director of health: 45966

(1) The district has received accreditation and maintains its 45967

accreditation. 45968

(2) The district is in the process of applying for 45969
accreditation on the effective date of this section, receives 45970
accreditation not later than December 31, 2025, and maintains its 45971
accreditation. 45972

Sec. 3709.052. When a majority of the members of the 45973
legislative authority or a majority of the electors of each city 45974
constituting a city health district have voted affirmatively, the 45975
chief executives of the cities affected shall enter into a 45976
contract for the administration of public health affairs in the 45977
combined district. Such contract shall state the proportion of 45978
expenses of the board of health or health department of the 45979
combined district to be paid by each city. Unless the proposal 45980
establishing the district as contained in the petition and 45981
submitted to the electors provides for the board of health of the 45982
new district, the contract may provide that the administration of 45983
the combined district be taken over by either the board of health 45984
or the health department of one of the cities or by a combined 45985
board of health. If the contract provides for a combined board of 45986
health, the number of members of the board, their terms of office, 45987
and the method of appointment, shall be set forth in the contract. 45988
The contract shall designate the city in which the central office 45989
of the board of health shall be located. The city treasurer of 45990
such city shall be the custodian of the health funds of the 45991
combined district. The auditor of such city shall act as the 45992
auditor of the combined district and shall pay the expenses of the 45993
health program as approved by the board of health and signed by 45994
the health commissioner. A copy of such contract shall be filed 45995
with the director of health. 45996

The service status of any person employed by a city health 45997
district shall not be affected by the creation of a combined 45998

district. 45999

Sec. 3709.06. If any city constituting a city health district 46000
fails to establish a board of health under section 3709.05 of the 46001
Revised Code, the director of health may appoint a health 46002
commissioner for such city, and fix the commissioner's salary and 46003
term of office. Such commissioner shall have the same powers and 46004
perform the duties granted to or imposed upon a board of health of 46005
a city health district, except that rules, regulations, or orders 46006
of a general nature, made by the commissioner and required to be 46007
published, shall be approved by the director. The salary of such 46008
commissioner and all necessary expenses incurred by the 46009
commissioner in performing the duties of the board shall be paid 46010
by and be a valid claim against such city. 46011

Sec. 3709.07. Except as provided in section 3709.071 of the 46012
Revised Code, when it is proposed that one or more city health 46013
districts unite with a general health district in the formation of 46014
a single district, the district advisory council of the general 46015
health district shall meet and vote on the question of union. It 46016
shall require a majority affirmative vote of the members of the 46017
district advisory council to carry the question. The legislative 46018
authority of each city constituting a city health district shall 46019
likewise vote on the question. A majority voting affirmatively 46020
shall be required for approval. When the majority of the district 46021
advisory council and the legislative authority have voted 46022
affirmatively, the chair of the council and the chief executive of 46023
each city shall enter into a contract for the administration of 46024
health affairs in the combined district. Such contract shall state 46025
the proportion of the expenses of the board of health or health 46026
department of the combined district to be paid by the city or 46027
cities and by the original general health district. The contract 46028
may provide that the administration of the combined district shall 46029

be taken over by either the board of health or health department 46030
of one of the cities, by the board of health of the general health 46031
district, or by a combined board of health. Such contract shall 46032
prescribe the date on which such change of administration shall be 46033
made. A copy of such contract shall be filed with the director of 46034
health. 46035

The combined district shall constitute a general health 46036
district, and the board of health or health department of the 46037
city, the board of health of the original general health district, 46038
or the combined board of health, as may be agreed in the contract, 46039
shall have, within the combined district, all the powers granted 46040
to, and perform all the duties required of, the board of health of 46041
a general health district. 46042

The district advisory council of the combined general health 46043
district shall consist of the members of the district advisory 46044
council of the original general health district and the chief 46045
executive of each city constituting a city health district, each 46046
member having one vote. 46047

If the contract provides that the administration of the 46048
combined district shall be taken over by a combined board of 46049
health, rather than the board of health of the original health 46050
district, the contract shall set forth the number of members of 46051
such board, their terms of office, and the manner of appointment 46052
or election of officers. One of the members of such combined board 46053
of health shall be a physician, and one member shall be an 46054
individual appointed by the health district licensing council, if 46055
such council is established under section 3709.41 of the Revised 46056
Code. The contract may also provide for the representation of 46057
areas by one or more members and shall, in such event, specify the 46058
territory to be included in each such area. 46059

The appointment of any member of the combined board who is 46060
designated by the provisions of the contract to represent a city 46061

shall be made by the chief executive and approved by the 46062
legislative authority of such city. If a member is designated by 46063
the contract to represent more than one city, the member shall be 46064
appointed by majority vote of the chief executives of all cities 46065
included in any such area. Except for the member appointed by the 46066
health district licensing council, if such council is established, 46067
the appointment of all members of the combined board who are 46068
designated to represent the balance of the district shall be made 46069
by the district advisory council. 46070

The service status of any person employed by a city or 46071
general health district shall not be affected by the creation of a 46072
combined district. 46073

Sec. 3709.291. (A) As used in this section: 46074

(1) "Combined health district" means a single city health 46075
district created under section 3709.051 of the Revised Code or a 46076
general health district created under section 3709.07 or 3709.10 46077
of the Revised Code. 46078

(2) "Current operating expenses," "subdivision," "taxing 46079
authority," and "fiscal officer," have the same meanings as in 46080
section 5705.01 of the Revised Code. 46081

(B) The board of health of a combined health district may, by 46082
vote of two-thirds of the members of the board, declare by 46083
resolution that the district's revenues will be insufficient to 46084
provide an adequate amount for the necessary requirements of such 46085
district, and that it is necessary to levy a tax in excess of the 46086
ten-mill limitation to pay the current operating expenses of the 46087
district. Such resolution shall conform to section 5705.19 of the 46088
Revised Code, except that the increased rate may be in effect for 46089
any number of years not exceeding ten. 46090

The resolution shall be certified and submitted in the manner 46091

provided in section 5705.25 of the Revised Code, except that it 46092
may be placed on the ballot in any election, and shall be 46093
certified to the board of elections not less than ninety days 46094
before the election at which it will be voted upon. If the 46095
district includes territory in more than one county, the 46096
resolution shall be certified to the board of elections of each 46097
county and submitted to all electors of the district. 46098

If the majority of the electors voting on a levy under this 46099
section vote in favor of the levy, the board of health may levy a 46100
tax within the district at the additional rate during the 46101
specified period for current operating expenses. 46102

(C) When electors have approved a tax levy under this 46103
section, the board of health of a combined health district may 46104
anticipate a fraction of the proceeds of the levy and, from time 46105
to time, issue anticipation notes in accordance with section 46106
5705.191 or 5705.193 of the Revised Code. 46107

(D) If the board of health of a combined health district 46108
levies a tax under this section all of the following shall apply: 46109

(1) The combined health district is a subdivision. 46110

(2) The board is a taxing authority. 46111

(3) The city or county treasurer of the district appointed 46112
under section 3709.052 or 3709.10 of the Revised Code or the 46113
custodian of funds of a district created under section 3709.07 of 46114
the Revised Code, as applicable, is the district's fiscal officer. 46115

(4) The board shall comply with all requirements of Chapter 46116
5705. of the Revised Code, notwithstanding section 3709.28 of the 46117
Revised Code. 46118

(5) The health fund or district health fund of the combined 46119
health district, as applicable, constitutes the general fund of 46120
the combined district for the purpose of section 5705.09 of the 46121

Revised Code. 46122

Sec. 3717.22. (A) The following are not retail food 46123
establishments: 46124

(1) A food service operation licensed under this chapter, 46125
including a food service operation that provides the services of a 46126
retail food establishment pursuant to an endorsement issued under 46127
section 3717.44 of the Revised Code; 46128

(2) An entity exempt under divisions (B)(1) to (9), (11) to 46129
(13), or (15) of section 3717.42 of the Revised Code from the 46130
requirement to be licensed as a food service operation and an 46131
entity exempt under division (B)(10) of that section if the entity 46132
is regulated by the department of agriculture as a food processing 46133
establishment under section 3715.021 of the Revised Code; 46134

(3) A business or that portion of a business that is 46135
regulated by the federal government or the department of 46136
agriculture as a food manufacturing or food processing business, 46137
including a business or that portion of a business regulated by 46138
the department of agriculture under Chapter 911., 913., 915., 46139
917., 918., or 925. of the Revised Code. 46140

(B) All of the following are exempt from the requirement to 46141
be licensed as a retail food establishment: 46142

(1) An establishment with commercially prepackaged foods that 46143
are not potentially hazardous and contained in displays, the total 46144
space of which equals less than two hundred cubic feet; 46145

(2) A person at a farmers market ~~that is registered with the~~ 46146
~~director of agriculture pursuant to section 3717.221 of the~~ 46147
~~Revised Code~~ that offers for sale only one or more of the 46148
following: 46149

(a) Fresh unprocessed fruits or vegetables; 46150

(b) Products of a cottage food production operation; 46151

(c) Tree syrup, sorghum, honey, apple syrup, or apple butter 46152
that is produced by a tree syrup or sorghum producer, beekeeper, 46153
or apple syrup or apple butter processor described in division (A) 46154
of section 3715.021 of the Revised Code; 46155

(d) Wine as authorized under section 4303.2010 of the Revised 46156
Code; 46157

(e) Commercially prepackaged food that is not potentially 46158
hazardous, on the condition that the food is contained in 46159
displays, the total space of which equals less than one hundred 46160
cubic feet on the premises where the person conducts business at 46161
the farmers market. 46162

(3) A person who offers for sale at a roadside stand only 46163
fresh fruits and fresh vegetables that are unprocessed; 46164

(4) A nonprofit organization exempt from federal income 46165
taxation under section 501(c)(3) of the "Internal Revenue Code of 46166
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 46167
funds by selling foods and that, if required to be licensed, would 46168
be classified as risk level one in accordance with rules 46169
establishing licensing categories for retail food establishments 46170
adopted under section 3717.33 of the Revised Code, if the sales 46171
occur inside a building and are for not more than seven 46172
consecutive days or more than fifty-two separate days during a 46173
licensing period. This exemption extends to any individual or 46174
group raising all of its funds during the time periods specified 46175
in division (B)(4) of this section for the benefit of the 46176
nonprofit organization by selling foods under the same conditions. 46177

(5) An establishment that offers food contained in displays 46178
of less than five hundred square feet, and if required to be 46179
licensed would be classified as risk level one pursuant to rules 46180
establishing licensing categories for retail food establishments 46181
adopted under section 3717.33 of the Revised Code, on the 46182

condition that the establishment offers the food for sale at 46183
retail not more than six months in each calendar year; 46184

(6) A cottage food production operation, on the condition 46185
that the operation offers its products directly to the consumer 46186
from the site where the products are produced; 46187

(7) A tree syrup and sorghum processor, beekeeper, or apple 46188
syrup and apple butter processor described in division (A) of 46189
section 3715.021 of the Revised Code, on the condition that the 46190
processor or beekeeper offers only tree syrup, sorghum, honey, 46191
apple syrup, or apple butter directly to the consumer from the 46192
site where those products are processed; 46193

(8) A person who annually maintains five hundred or fewer 46194
birds, on the condition that the person offers the eggs from those 46195
birds directly to the consumer from the location where the eggs 46196
are produced or at a farm product auction to which division 46197
(B) (11) of this section applies; 46198

(9) A person who annually raises and slaughters one thousand 46199
or fewer chickens, on the condition that the person offers dressed 46200
chickens directly to the consumer from the location where the 46201
chickens are raised and slaughtered or at a farm product auction 46202
to which division (B) (11) of this section applies; 46203

(10) A person who raises, slaughters, and processes the meat 46204
of nonamenable species described in divisions (A) and (B) of 46205
section 918.12 of the Revised Code, on the condition that the 46206
person offers the meat directly to the consumer from the location 46207
where the meat is processed or at a farm product auction to which 46208
division (B) (11) of this section applies; 46209

(11) A farm product auction, on the condition that it is 46210
registered with the director pursuant to section 3717.221 of the 46211
Revised Code that offers for sale at the farm product auction only 46212
one or more of the following: 46213

- (a) The products described in divisions (B) (8) to (10) of this section that are produced, raised, slaughtered, or processed, as appropriate, by persons described in divisions (B) (8) to (10) of this section;
- (b) Fresh unprocessed fruits or vegetables;
- (c) Products of a cottage food production operation;
- (d) Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code.
- (12) An establishment that, with respect to offering food for sale, offers only alcoholic beverages or prepackaged beverages that are not potentially hazardous;
- (13) An establishment that, with respect to offering food for sale, offers only alcoholic beverages, prepackaged beverages that are not potentially hazardous, or commercially prepackaged food that is not potentially hazardous, on the condition that the commercially prepackaged food is contained in displays, the total space of which equals less than two hundred cubic feet on the premises of the establishment;
- (14) An establishment that, with respect to offering food for sale, offers only fountain beverages that are not potentially hazardous;
- (15) A person who offers for sale only one or more of the following foods at a festival or celebration, on the condition that the festival or celebration is organized by a political subdivision of the state and lasts for a period not longer than seven consecutive days:
- (a) Fresh unprocessed fruits or vegetables;
- (b) Products of a cottage food production operation;

(c) Tree syrup, sorghum, honey, apple syrup, or apple butter 46244
if produced by a tree syrup or sorghum processor, beekeeper, or 46245
apple syrup or apple butter processor as described in division (A) 46246
of section 3715.021 of the Revised Code; 46247

(d) Commercially prepackaged food that is not potentially 46248
hazardous, on the condition that the food is contained in 46249
displays, the total space of which equals less than one hundred 46250
cubic feet; 46251

(e) Fruit butter produced at the festival or celebration and 46252
sold from the production site. 46253

(16) A farm market on the condition that it is registered 46254
with the director pursuant to section 3717.221 of the Revised Code 46255
that offers for sale at the farm market only one or more of the 46256
following: 46257

(a) Fresh unprocessed fruits or vegetables; 46258

(b) Products of a cottage food production operation; 46259

(c) Tree syrup, sorghum, honey, apple syrup, or apple butter 46260
that is produced by a tree syrup or sorghum producer, beekeeper, 46261
or apple syrup or apple butter processor described in division (A) 46262
of section 3715.021 of the Revised Code; 46263

(d) Commercially prepackaged food that is not potentially 46264
hazardous, on the condition that the food is contained in 46265
displays, the total space of which equals less than one hundred 46266
cubic feet on the premises where the person conducts business at 46267
the farm market; 46268

(e) Cider and other juices manufactured on site at the farm 46269
market; 46270

(f) The products or items described in divisions (B) (8) to 46271
(10) of this section, on the condition that those products or 46272
items were produced by the person offering to sell them, and 46273

further conditioned that, with respect to eggs offered, the person 46274
offering to sell them annually maintains five hundred or fewer 46275
birds, and with respect to dressed chickens offered, the person 46276
annually raises and slaughters one thousand or fewer chickens. 46277

(17) (a) An establishment to which all of the following apply: 46278

(i) The establishment has been issued an A-2 permit under 46279
section 4303.03 of the Revised Code or an A-2f permit under 46280
section 4303.031 of the Revised Code, annually produces ten 46281
thousand gallons or less of wine, and sells that wine in 46282
accordance with Chapter 4303. of the Revised Code on the premises 46283
of the establishment. 46284

(ii) The establishment serves unopened commercially 46285
prepackaged food, other than wine. 46286

(iii) The amount of the establishment's commercially 46287
prepackaged food sales, other than wine sales, for the previous 46288
calendar year did not exceed five per cent of the establishment's 46289
total gross receipts. 46290

(b) The owner or operator of the establishment shall notify 46291
the director that it is exempt from licensure because it qualifies 46292
under division (B) (17) (a) of this section. The owner or operator 46293
also shall display a notice in a place conspicuous to all of its 46294
guests informing them that the establishment is not required to be 46295
licensed as a retail food establishment. 46296

Sec. 3717.221. (A) ~~Any~~ Either of the following may register 46297
with the director of agriculture: 46298

(1) A farm market, which is a location where a producer 46299
offers fruits, vegetables, and other items for sale; 46300

(2) ~~A farmers market, which is a location where producers~~ 46301
~~congregate to offer fruits, vegetables, and other items for sale,~~ 46302

~~(3)~~ A farm product auction, which is a location where 46303

agricultural products, including food products, are offered for 46304
sale at auction. 46305

(B) The director shall inspect each farm market, ~~farmers~~ 46306
~~market,~~ and farm product auction that registers under this 46307
section. Inspections shall occur at a frequency considered 46308
appropriate by the director and shall be conducted in accordance 46309
with sanitation standards established in rules adopted under this 46310
section. 46311

(C) The director shall adopt rules in accordance with Chapter 46312
119. of the Revised Code as necessary to administer this section. 46313

Sec. 3721.02. (A) As used in this section, "residential 46314
facility" means a residential facility licensed under section 46315
5119.34 of the Revised Code that provides accommodations, 46316
supervision, and personal care services for three to sixteen 46317
unrelated adults. 46318

(B) (1) The director of health shall license homes and 46319
establish procedures to be followed in inspecting and licensing 46320
homes. The director may inspect a home at any time. ~~Each~~ The 46321
director may enter at any time, for the purposes of investigation, 46322
any institution, residence, facility, or other structure that has 46323
been reported to the director or that the director has reasonable 46324
cause to believe is operating as a nursing home, residential care 46325
facility, or home for the aging without a valid license required 46326
by section 3721.05 of the Revised Code or, in the case of a county 46327
home or district home, is operating despite the revocation of its 46328
residential care facility license. The director may delegate the 46329
director's authority and duties under this chapter to any 46330
division, bureau, agency, or official of the department of health. 46331

(2) (a) Except as provided in division (B) (2) (b) of this 46332
section, prior to the issuance of a license, each home shall be 46333
inspected by the director ~~at least once prior to the issuance of a~~ 46334

~~license and at least once every fifteen months thereafter. The and 46335
the state fire marshal or a township, municipal, or other legally 46336
constituted fire department approved by the marshal ~~shall also~~ 46337
~~inspect a home prior to issuance of a license.~~ 46338~~

(b) The inspections set forth in division (B)(2)(a) of this 46339
section are not required prior to the issuance of a license if 46340
ownership of the home is assigned or transferred to a different 46341
person and the home was licensed under this chapter immediately 46342
prior to the assignment or transfer. 46343

(3) After issuance of a license by the director, each home 46344
shall be inspected as follows: 46345

(a) By the director at least once every fifteen months 46346
thereafter, and at any other time requested by the director. A 46347
home does not have to be inspected prior to issuance of a license 46348
by the director, state fire marshal, or a fire department if 46349
ownership of the home is assigned or transferred to a different 46350
person and the home was licensed under this chapter immediately 46351
prior to the assignment or transfer except that a home that is a 46352
residential care facility, or part of a home for the aging that is 46353
licensed as a residential care facility, may, at the discretion of 46354
the director, be inspected at least once every thirty months if 46355
all of the following apply: 46356

(i) During the two most recent consecutive inspections that 46357
occurred at least once every fifteen months, there were no 46358
substantiated violations against the residential care facility; 46359

(ii) During the time period of the inspections referred to in 46360
division (B)(4)(a) of this section, there were no substantiated 46361
violations against the residential care facility from any other 46362
inspections or from any investigations of complaints; 46363

(iii) The residential care facility does not have any 46364
outstanding violations from any previous inspections or 46365

investigations. 46366

(b) By the state fire marshal or a township, municipal, or 46367
other legally constituted fire department approved by the marshal 46368
at least once every fifteen months. 46369

(4) A nursing home does not need to be inspected before the 46370
director increases the nursing home's licensed capacity if the 46371
beds being added to the nursing home are placed in resident rooms 46372
that were inspected, as part of the most recent previous 46373
inspection of the nursing home, for the same number of residents 46374
proposed to be placed in a room after the capacity increase. The 46375
director may enter at any time, for the purposes of investigation, 46376
any institution, residence, facility, or other structure that has 46377
been reported to the director or that the director has reasonable 46378
cause to believe is operating as a nursing home, residential care 46379
facility, or home for the aging without a valid license required 46380
by section 3721.05 of the Revised Code or, in the case of a county 46381
home or district home, is operating despite the revocation of its 46382
residential care facility license. The director may delegate the 46383
director's authority and duties under this chapter to any 46384
division, bureau, agency, or official of the department of health. 46385

~~(2)~~(5)(a) If, prior to issuance of a license, a home The 46386
inspection procedures established under division (B) of this 46387
section shall include a process for conducting expedited licensing 46388
inspections. An expedited licensing inspection may be requested by 46389
an applicant seeking a license for a new home or, in the case of 46390
an existing home, an applicant seeking approval to increase or 46391
decrease the home's licensed capacity or to make any other change 46392
for which the director requires a licensing inspection to be 46393
conducted. 46394

If an applicant submits a request for an expedited licensing 46395
inspection and the request is submitted in a manner and form 46396
approved by the director, the director shall commence ~~an~~the 46397

inspection of the home not later than ten business days after 46398
receiving the request. 46399

Any rules adopted by the director pursuant to section 3721.04 46400
of the Revised Code to implement the requirements described in 46401
division (B)(5)(a) of this section are not subject to the 46402
requirements of division (F) of section 121.95 of the Revised 46403
Code. 46404

~~(b) On request, submitted in a manner and form approved by 46405~~
~~the director, the director may review plans for a building that is 46406~~
~~to be used as a home for compliance with applicable state and 46407~~
~~local building and safety codes. 46408~~

~~(c) The director may charge a fee for an expedited licensing 46409~~
~~inspection or a plan review that is adequate to cover the expense 46410~~
~~of expediting the inspection or reviewing the plans. The fee shall 46411~~
~~be deposited in the state treasury to the credit of the general 46412~~
~~operations fund created in section 3701.83 of the Revised Code and 46413~~
~~used solely for expediting inspections and reviewing plans. 46414~~

(C) A single facility may be licensed both as a nursing home 46415
pursuant to this chapter and as a residential facility pursuant to 46416
section 5119.34 of the Revised Code if the director determines 46417
that the part or unit to be licensed as a nursing home can be 46418
maintained separate and discrete from the part or unit to be 46419
licensed as a residential facility. 46420

(D) In determining the number of residents in a home for the 46421
purpose of licensing, the director shall consider all the 46422
individuals for whom the home provides accommodations as one group 46423
unless one of the following is the case: 46424

(1) The home is a home for the aging, in which case all the 46425
individuals in the part or unit licensed as a nursing home shall 46426
be considered as one group, and all the individuals in the part or 46427
unit licensed as a ~~rest home~~ residential care facility shall be 46428

considered as another group. 46429

(2) The home is both a nursing home and a residential 46430
facility. In that case, all the individuals in the part or unit 46431
licensed as a nursing home shall be considered as one group, and 46432
all the individuals in the part or unit licensed as an ~~adult care~~ 46433
residential facility shall be considered as another group. 46434

(3) The home maintains, in addition to a nursing home or 46435
residential care facility, a separate and discrete part or unit 46436
that provides accommodations to individuals who do not require or 46437
receive skilled nursing care and do not receive personal care 46438
services from the home, in which case the individuals in the 46439
separate and discrete part or unit shall not be considered in 46440
determining the number of residents in the home if the separate 46441
and discrete part or unit is in compliance with the Ohio basic 46442
building code established by the board of building standards under 46443
Chapters 3781. and 3791. of the Revised Code and the home permits 46444
the director, on request, to inspect the separate and discrete 46445
part or unit and speak with the individuals residing there, if 46446
they consent, to determine whether the separate and discrete part 46447
or unit meets the requirements of this division. 46448

(E) (1) The director of health shall charge the following 46449
application fee and annual renewal licensing and inspection fee 46450
for each fifty persons or part thereof of a home's licensed 46451
capacity: 46452

(a) For state fiscal year 2010, two hundred twenty dollars; 46453

(b) For state fiscal year 2011, two hundred seventy dollars; 46454

(c) For each state fiscal year thereafter, three hundred 46455
twenty dollars. 46456

(2) All fees collected by the director for the issuance or 46457
renewal of licenses shall be deposited into the state treasury to 46458
the credit of the general operations fund created in section 46459

3701.83 of the Revised Code for use only in administering and 46460
enforcing this chapter and rules adopted under it. 46461

(F) (1) Except as otherwise provided in this section, the 46462
results of an inspection or investigation of a home that is 46463
conducted under this section, including any statement of 46464
deficiencies and all findings and deficiencies cited in the 46465
statement on the basis of the inspection or investigation, shall 46466
be used solely to determine the home's compliance with this 46467
chapter or another chapter of the Revised Code in any action or 46468
proceeding other than an action commenced under division (I) of 46469
section 3721.17 of the Revised Code. Those results of an 46470
inspection or investigation, that statement of deficiencies, and 46471
the findings and deficiencies cited in that statement shall not be 46472
used in either of the following: 46473

(a) Any court or in any action or proceeding that is pending 46474
in any court and are not admissible in evidence in any action or 46475
proceeding unless that action or proceeding is an appeal of an 46476
action by the department of health under this chapter or is an 46477
action by any department or agency of the state to enforce this 46478
chapter or another chapter of the Revised Code; 46479

(b) An advertisement, unless the advertisement includes all 46480
of the following: 46481

(i) The date the inspection or investigation was conducted; 46482

(ii) A statement that the director of health inspects all 46483
homes at least once every fifteen months or, if applicable under 46484
this section, at least once every thirty months; 46485

(iii) If a finding or deficiency cited in the statement of 46486
deficiencies has been substantially corrected, a statement that 46487
the finding or deficiency has been substantially corrected and the 46488
date that the finding or deficiency was substantially corrected; 46489

(iv) The number of findings and deficiencies cited in the 46490

statement of deficiencies on the basis of the inspection or 46491
investigation; 46492

(v) The average number of findings and deficiencies cited in 46493
a statement of deficiencies on the basis of an inspection or 46494
investigation conducted under this section during the same 46495
calendar year as the inspection or investigation used in the 46496
advertisement; 46497

(vi) A statement that the advertisement is neither authorized 46498
nor endorsed by the department of health or any other government 46499
agency. 46500

(2) Nothing in division (F) (1) of this section prohibits the 46501
results of an inspection or investigation conducted under this 46502
section from being used in a criminal investigation or 46503
prosecution. 46504

Sec. 3721.28. (A) (1) Each nurse aide used by a long-term care 46505
facility on a full-time, temporary, per diem, or other basis on 46506
July 1, 1989, shall be provided by the facility a competency 46507
evaluation program approved by the director of health under 46508
division (A) of section 3721.31 of the Revised Code or conducted 46509
by the director under division (C) of that section. Each long-term 46510
care facility using a nurse aide on July 1, 1989, shall provide 46511
the nurse aide the preparation necessary to complete the 46512
competency evaluation program by January 1, 1990. 46513

(2) Each nurse aide used by a long-term care facility on a 46514
full-time, temporary, per diem, or other basis on January 1, 1990, 46515
who either was not used by the facility on July 1, 1989, or was 46516
used by the facility on July 1, 1989, but had not successfully 46517
completed a competency evaluation program by January 1, 1990, 46518
shall be provided by the facility a competency evaluation program 46519
approved by the director under division (A) of section 3721.31 of 46520
the Revised Code or conducted by the director under division (C) 46521

of that section. Each long-term care facility using a nurse aide 46522
described in division (A)(2) of this section shall provide the 46523
nurse aide the preparation necessary to complete the competency 46524
evaluation program by October 1, 1990, and shall assist the nurse 46525
aide in registering for the program. 46526

(B) Effective June 1, 1990, no long-term care facility shall 46527
use an individual as a nurse aide for more than four months unless 46528
the individual is competent to provide the services the individual 46529
is to provide, the facility has received from the nurse aide 46530
registry established under section 3721.32 of the Revised Code the 46531
information concerning the individual provided through the 46532
registry, and one of the following is the case: 46533

(1) The individual was used by a facility as a nurse aide on 46534
a full-time, temporary, per diem, or other basis at any time 46535
during the period commencing July 1, 1989, and ending January 1, 46536
1990, and successfully completed, not later than October 1, 1990, 46537
a competency evaluation program approved by the director under 46538
division (A) of section 3721.31 of the Revised Code or conducted 46539
by the director under division (C) of that section. 46540

(2) The individual has successfully completed a training and 46541
competency evaluation program approved by the director under 46542
division (A) of section 3721.31 of the Revised Code or conducted 46543
by the director under division (C) of that section or has met the 46544
conditions specified in division (F) (1) or (2) of this section 46545
and, in addition, if the training and competency evaluation 46546
program or the training, instruction, or education the individual 46547
completed in meeting the conditions specified in division (F) (1) 46548
or (2) of this section was conducted by or in a long-term care 46549
facility, or if the director pursuant to division (E) of section 46550
3721.31 of the Revised Code so requires, the individual has 46551
successfully completed a competency evaluation program conducted 46552
by the director. 46553

(3) Prior to July 1, 1989, if the long-term care facility is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, or prior to January 1, 1990, if the facility is not so certified, the individual completed a program that the director determines included a competency evaluation component no less stringent than the competency evaluation programs approved by the director under division (A) of section 3721.31 of the Revised Code or conducted by the director under division (C) of that section, and was otherwise comparable to the training and competency evaluation programs being approved by the director under division (A) of that section.

(4) The individual is listed in a nurse aide registry maintained by another state and that state certifies that its program for training and evaluation of competency of nurse aides complies with Titles XVIII and XIX of the "Social Security Act" and regulations adopted thereunder.

(5) Prior to July 1, 1989, the individual was found competent to serve as a nurse aide after the completion of a course of nurse aide training of at least one hundred hours' duration.

(6) The individual is enrolled in a prelicensure program of nursing education approved by the board of nursing or by an agency of another state that regulates nursing education, has provided the long-term care facility with a certificate from the program indicating that the individual has successfully completed the courses that teach basic nursing skills including infection control, safety and emergency procedures, and personal care, and has successfully completed a competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code.

(7) The individual has the equivalent of twelve months or

more of full-time employment in the preceding five years as a 46586
hospital aide or orderly and has successfully completed a 46587
competency evaluation program conducted by the director under 46588
division (C) of section 3721.31 of the Revised Code. 46589

(C) Effective June 1, 1990, no long-term care facility shall 46590
continue for longer than four months to use as a nurse aide an 46591
individual who previously met the requirements of division (B) of 46592
this section but since most recently doing so has not performed 46593
nursing and nursing-related services for monetary compensation for 46594
twenty-four consecutive months, unless the individual successfully 46595
completes additional training and competency evaluation by 46596
complying with divisions (C) (1) and (2) of this section: 46597

(1) Doing one of the following: 46598

(a) Successfully completing a training and competency 46599
evaluation program approved by the director under division (A) of 46600
section 3721.31 of the Revised Code or conducted by the director 46601
under division (C) of that section; 46602

(b) Successfully completing a training and competency 46603
evaluation program described in division (B) (4) of this section; 46604

(c) Meeting the requirements specified in division (B) (6) or 46605
(7) of this section. 46606

(2) If the training and competency evaluation program 46607
completed under division (C) (1) (a) of this section was conducted 46608
by or in a long-term care facility, or if the director pursuant to 46609
division (E) of section 3721.31 of the Revised Code so requires, 46610
successfully completing a competency evaluation program conducted 46611
by the director. 46612

(D) (1) The four-month periods provided for in divisions (B) 46613
and (C) of this section include any time, on or after June 1, 46614
1990, that an individual is used as a nurse aide on a full-time, 46615
temporary, per diem, or any other basis by the facility or any 46616

other long-term care facility. 46617

(2) During the four-month period provided for in division (B) 46618
of this section, during which a long-term care facility may, 46619
subject to division (E) of this section, use as a nurse aide an 46620
individual who does not have the qualifications specified in 46621
divisions (B)(1) to (7) of this section, a facility shall require 46622
the individual to comply with divisions (D)(2)(a) and (b) of this 46623
section: 46624

(a) Participate in one of the following: 46625

(i) If the individual has successfully completed a training 46626
and competency evaluation program approved by the director under 46627
division (A) of section 3721.31 of the Revised Code, and the 46628
program was conducted by or in a long-term care facility, or the 46629
director pursuant to division (E) of section 3721.31 of the 46630
Revised Code so requires, a competency evaluation program 46631
conducted by the director; 46632

(ii) If the individual is enrolled in a prelicensure program 46633
of nursing education described in division (B)(6) of this section 46634
and has completed or is working toward completion of the courses 46635
described in that division, or the individual has the experience 46636
described in division (B)(7) of this section, a competency 46637
evaluation program conducted by the director; 46638

(iii) A training and competency evaluation program approved 46639
by the director under division (A) of section 3721.31 of the 46640
Revised Code or conducted by the director under division (C) of 46641
that section. 46642

(b) If the individual participates in or has successfully 46643
completed a training and competency evaluation program under 46644
division (D)(2)(a)(iii) of this section that is conducted by or in 46645
a long-term care facility, or the director pursuant to division 46646
(E) of section 3721.31 of the Revised Code so requires, 46647

participate in a competency evaluation program conducted by the 46648
director. 46649

(3) During the four-month period provided for in division (C) 46650
of this section, during which a long-term care facility may, 46651
subject to division (E) of this section, use as a nurse aide an 46652
individual who does not have the qualifications specified in 46653
divisions (C) (1) and (2) of this section, a facility shall require 46654
the individual to comply with divisions (D) (3) (a) and (b) of this 46655
section: 46656

(a) Participate in one of the following: 46657

(i) If the individual has successfully completed a training 46658
and competency evaluation program approved by the director, and 46659
the program was conducted by or in a long-term care facility, or 46660
the director pursuant to division (E) of section 3721.31 of the 46661
Revised Code so requires, a competency evaluation program 46662
conducted by the director; 46663

(ii) If the individual is enrolled in a prelicensure program 46664
of nursing education described in division (B) (6) of this section 46665
and has completed or is working toward completion of the courses 46666
described in that division, or the individual has the experience 46667
described in division (B) (7) of this section, a competency 46668
evaluation program conducted by the director; 46669

(iii) A training and competency evaluation program approved 46670
or conducted by the director. 46671

(b) If the individual participates in or has successfully 46672
completed a training and competency evaluation program under 46673
division (D) (3) (a) (iii) of this section that is conducted by or in 46674
a long-term care facility, or the director pursuant to division 46675
(E) of section 3721.31 of the Revised Code so requires, 46676
participate in a competency evaluation program conducted by the 46677
director. 46678

(E) A long-term care facility shall not permit an individual used by the facility as a nurse aide while participating in a training and competency evaluation program to provide nursing and nursing-related services unless both of the following are the case:

(1) The individual has completed the number of hours of training that must be completed prior to providing services to residents as prescribed by rules that shall be adopted by the director in accordance with Chapter 119. of the Revised Code;

(2) The individual is under the personal supervision of a registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code.

(F) An individual shall be considered to have satisfied the requirement, under division (B)(2) of this section, of having successfully completed a training and competency evaluation program conducted or approved by the director, if ~~the individual meets both~~ either of the following ~~conditions~~ apply:

(1) The individual, as of July 1, 1989, ~~completed~~ met both of the following conditions:

(a) Completed at least sixty hours divided between skills training and classroom instruction in the topic areas described in divisions (B)(1) to (8) of section 3721.30 of the Revised Code;

~~(2) The individual received, as of that date,~~ (b) Received at least the difference between seventy-five hours and the number of hours actually spent in training and competency evaluation in supervised practical nurse aide training or regular in-service nurse aide education.

(2) The individual meets both of the following conditions:

(a) Has completed during the COVID-19 public health emergency declared by the United States secretary of health and human

services a minimum of seventy-five hours of training that occurs 46709
in a long-term care facility setting, includes on-site observation 46710
and work as a nurse aide under a COVID-19 pandemic waiver issued 46711
by the federal centers for medicare and medicaid services, and 46712
addresses all of the required areas specified in 42 C.F.R. 46713
483.152(b), except that if gaps in on-site training are 46714
identified, the individual also must complete supplemental 46715
training; 46716

(b) Has successfully completed the competency evaluation 46717
conducted by the director of health under section 3721.31 of the 46718
Revised Code. 46719

(G) The director shall adopt rules in accordance with Chapter 46720
119. of the Revised Code specifying persons, in addition to the 46721
director, who may establish competence of nurse aides under 46722
division (B) (5) of this section, and establishing criteria for 46723
determining whether an individual meets the conditions specified 46724
in division (F) (1) of this section. 46725

(H) The rules adopted pursuant to divisions (E) (1) and (G) of 46726
this section shall be no less stringent than the requirements, 46727
guidelines, and procedures established by the United States 46728
secretary of health and human services under sections 1819 and 46729
1919 of the "Social Security Act." 46730

Sec. 3721.31. (A) (1) Except as provided in division (E) of 46731
this section, the director of health shall approve competency 46732
evaluation programs and training and competency evaluation 46733
programs in accordance with rules adopted under section 3721.30 of 46734
the Revised Code and shall periodically review and reapprove 46735
programs approved under this section. 46736

(2) Except as otherwise provided in division (A) (3) of this 46737
section, the director may approve and reapprove programs conducted 46738
by or in long-term care facilities, or by any government agency or 46739

person, including an employee organization. 46740

(3) The director shall not approve or reapprove a competency 46741
evaluation program or training and competency evaluation program 46742
conducted by or in a long-term care facility that was determined 46743
by the director or the United States secretary of health and human 46744
services to have been out of compliance with the requirements of 46745
subsection (b), (c), or (d) of section 1819 or 1919 of the "Social 46746
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 46747
within a two-year period prior to making application for approval 46748
or reapproval and shall revoke the approval or reapproval of a 46749
program conducted by or in a facility for which such a 46750
determination is made. 46751

(4) A long-term care facility, employee organization, person, 46752
or government entity seeking approval or reapproval of a 46753
competency evaluation program or training and competency 46754
evaluation program shall make an application to the director for 46755
approval or reapproval of the program and shall provide any 46756
documentation requested by the director. 46757

(5) The director may conduct inspections and examinations of 46758
approved competency evaluation programs and training and 46759
competency evaluation programs, competency evaluation programs and 46760
training and competency evaluation programs for which an 46761
application for approval has been submitted under division (A) (4) 46762
of this section, and the sites at which they are or will be 46763
conducted. The director may conduct inspections of long-term care 46764
facilities in which individuals who have participated in approved 46765
competency evaluation programs and training and competency 46766
evaluation programs are being used as nurse aides. 46767

(B) In accordance with Chapter 119. of the Revised Code, the 46768
director may do the following: 46769

(1) Deny, suspend, or revoke approval or reapproval of any of 46770

the following that is not in compliance with this section and 46771
section 3721.30 of the Revised Code and rules adopted thereunder: 46772

(a) A competency evaluation program; 46773

(b) A training and competency evaluation program; 46774

(c) A training program for instructors or coordinators for 46775
training and competency evaluation programs; 46776

(d) A training program for evaluators for competency 46777
evaluation programs. 46778

(2) Deny a request that the director determine any of the 46779
following for the purposes of division (B) of section 3721.28 of 46780
the Revised Code: 46781

(a) That a program completed prior to the dates specified in 46782
division (B) (3) of section 3721.28 of the Revised Code included a 46783
competency evaluation component no less stringent than the 46784
competency evaluation programs approved or conducted by the 46785
director under this section, and was otherwise comparable to the 46786
training and competency evaluation programs being approved under 46787
this section; 46788

(b) That an individual satisfies division (B) (5) of section 46789
3721.28 of the Revised Code; 46790

(c) That an individual meets the conditions specified in 46791
division (F) (1) or (2) of section 3721.28 of the Revised Code. 46792

(C) The director may develop and conduct a competency 46793
evaluation program for individuals used by long-term care 46794
facilities as nurse aides at any time during the period commencing 46795
July 1, 1989, and ending January 1, 1990, and individuals who 46796
participate in training and competency evaluation programs 46797
conducted in or by long-term care facilities. The director also 46798
may conduct other competency evaluation programs and training and 46799
competency evaluation programs. When conducting competency 46800

evaluation programs and training and competency evaluation 46801
programs, the director may use a nurse aide competency evaluation 46802
prepared by a testing service, and may contract with the service 46803
to administer the evaluation pursuant to section 3701.044 of the 46804
Revised Code. 46805

(D) The director may approve or conduct programs to train 46806
instructors and coordinators for training and competency 46807
evaluation programs and evaluators for competency evaluation 46808
programs. The director may conduct inspections and examinations of 46809
those programs that have been approved by the director or for 46810
which an application for approval has been submitted, and the 46811
sites at which the programs are or will be conducted. 46812

(E) Notwithstanding division (A) of this section and division 46813
(C) of section 3721.30 of the Revised Code, the director, in the 46814
director's discretion, may decline to approve any competency 46815
evaluation programs. The director may require all individuals used 46816
by long-term care facilities as nurse aides after June 1, 1990, 46817
who have completed a training and competency evaluation program 46818
approved by the director under division (A) of this section or who 46819
have met the conditions specified in division (F) (1) or (2) of 46820
section 3721.28 of the Revised Code to complete a competency 46821
evaluation program conducted by the director under division (C) of 46822
this section. The director also may require all individuals used 46823
as nurse aides by long-term care facilities after June 1, 1990, 46824
who were used by a facility at any time during the period 46825
commencing July 1, 1989, and ending January 1, 1990, to complete a 46826
competency evaluation program conducted by the director under 46827
division (C) of this section rather than a competency evaluation 46828
program approved by the director under division (A) of this 46829
section. 46830

(F) The test materials, examinations, or evaluation tools 46831
used in any competency evaluation program or training and 46832

competency evaluation program that the director conducts or 46833
approves under this section are subject to the confidentiality 46834
provisions of section 3701.044 of the Revised Code. 46835

(G) The director shall impose fees prescribed by rules 46836
adopted under section 3721.30 of the Revised Code for both of the 46837
following: 46838

(1) Making application for approval or reapproval of either 46839
of the following: 46840

(a) A competency evaluation program or a training and 46841
competency evaluation program; 46842

(b) A training program for instructors or coordinators for 46843
training and competency evaluation programs, or evaluators for 46844
competency evaluation programs; 46845

(2) Participation in any competency evaluation program, 46846
training and competency evaluation program, or other program 46847
conducted by the director under this section. 46848

Sec. 3721.32. (A) The director of health shall establish a 46849
state nurse aide registry listing all individuals who have done 46850
any of the following: 46851

(1) Were used by a long-term care facility as nurse aides on 46852
a full-time, temporary, per diem, or other basis at any time 46853
during the period commencing July 1, 1989, and ending January 1, 46854
1990, and successfully completed, not later than October 1, 1990, 46855
a competency evaluation program approved by the director under 46856
division (A) of section 3721.31 of the Revised Code or conducted 46857
by the director under division (C) of that section; 46858

(2) Successfully completed a training and competency 46859
evaluation program approved by the director under division (A) of 46860
section 3721.31 of the Revised Code or met the conditions 46861
specified in division (F) (1) or (2) of section 3721.28 of the 46862

Revised Code, and, if the training and competency evaluation 46863
program or the training, instruction, or education the individual 46864
completed in meeting the conditions specified in division (F) (1) 46865
of section 3721.28 of the Revised Code was conducted in or by a 46866
long-term care facility, or if the director so required pursuant 46867
to division (E) of section 3721.31 of the Revised Code, has 46868
successfully completed a competency evaluation program conducted 46869
by the director; 46870

(3) Successfully completed a training and competency 46871
evaluation program conducted by the director under division (C) of 46872
section 3721.31 of the Revised Code; 46873

(4) Successfully completed, prior to July 1, 1989, a program 46874
that the director has determined under division (B) (3) of section 46875
3721.28 of the Revised Code included a competency evaluation 46876
component no less stringent than the competency evaluation 46877
programs approved or conducted by the director under section 46878
3721.31 of the Revised Code, and was otherwise comparable to the 46879
training and competency evaluation program being approved by the 46880
director under section 3721.31 of the Revised Code; 46881

(5) Are listed in a nurse aide registry maintained by another 46882
state that certifies that its program for training and evaluation 46883
of competency of nurse aides complies with Titles XVIII and XIX of 46884
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 46885
as amended, or regulations adopted thereunder; 46886

(6) Were found competent, as provided in division (B) (5) of 46887
section 3721.28 of the Revised Code, prior to July 1, 1989, after 46888
the completion of a course of nurse aide training of at least one 46889
hundred hours' duration; 46890

(7) Are enrolled in a prelicensure program of nursing 46891
education approved by the board of nursing or by an agency of 46892
another state that regulates nursing education, have provided the 46893

long-term care facility with a certificate from the program 46894
indicating that the individual has successfully completed the 46895
courses that teach basic nursing skills including infection 46896
control, safety and emergency procedures, and personal care, and 46897
have successfully completed a competency evaluation program 46898
conducted by the director under division (A) of section 3721.31 of 46899
the Revised Code; 46900

(8) Have the equivalent of twelve months or more of full-time 46901
employment in the five years preceding listing in the registry as 46902
a hospital aide or orderly and have successfully completed a 46903
competency evaluation program conducted by the director under 46904
division (C) of section 3721.31 of the Revised Code. 46905

(B) In addition to the list of individuals required by 46906
division (A) of this section, the registry shall include both of 46907
the following: 46908

(1) The statement required by section 3721.23 of the Revised 46909
Code detailing findings by the director under that section 46910
regarding alleged abuse, neglect, or exploitation of a resident or 46911
misappropriation of resident property; 46912

(2) Any statement provided by an individual under section 46913
3721.23 of the Revised Code disputing the director's findings. 46914

Whenever an inquiry is received as to the information 46915
contained in the registry concerning an individual about whom a 46916
statement required by section 3721.23 of the Revised Code is 46917
included in the registry, the director shall disclose the 46918
statement or a summary of the statement together with any 46919
statement provided by the individual under section 3721.23 or a 46920
clear and accurate summary of that statement. 46921

(C) The director may by rule specify additional information 46922
that must be provided to the registry by long-term care facilities 46923
and persons or government agencies conducting approved competency 46924

evaluation programs and training and competency evaluation 46925
programs. 46926

(D) Information contained in the registry is a public record 46927
for the purposes of section 149.43 of the Revised Code, and is 46928
subject to inspection and copying under section 1347.08 of the 46929
Revised Code. 46930

Sec. 3727.80. (A) As used in this section, "health benefit 46931
plan," "health plan issuer," and "health care services" have the 46932
same meanings as in section 3922.01 of the Revised Code. 46933

(B) If a patient is admitted to a hospital for inpatient 46934
health care services and the hospital is informed at the time of 46935
admission that the person is covered by a health benefit plan, the 46936
hospital shall notify the health plan issuer of the admission 46937
within twenty-four hours of the patient being admitted. 46938

(C) If a patient is admitted to a hospital for inpatient 46939
health care services prior to the hospital being informed that the 46940
patient is covered by a health benefit plan, the hospital shall 46941
notify the health plan issuer within twenty-four hours of being 46942
informed the patient is covered by the health plan issuer. 46943

(D) A hospital shall be considered to have been informed that 46944
a patient is covered by a health benefit plan upon being provided 46945
with an identification card that provides the health plan issuer's 46946
contact information or other information sufficient for the 46947
hospital to contact the health plan issuer and confirm coverage. 46948

(E) The notice required under divisions (B) and (C) of this 46949
section shall be made in writing and may be provided through a 46950
secure electronic transmission by the hospital to the health plan 46951
issuer or, if written notice is not possible, then the notice 46952
shall be made by telephonic communication. 46953

Sec. 3734.57. (A) The following fees are hereby levied on the 46954

transfer or disposal of solid wastes in this state: 46955

(1) Ninety cents per ton through June 30, ~~2022~~2024, twenty 46956
cents of the proceeds of which shall be deposited in the state 46957
treasury to the credit of the hazardous waste facility management 46958
fund created in section 3734.18 of the Revised Code and seventy 46959
cents of the proceeds of which shall be deposited in the state 46960
treasury to the credit of the hazardous waste clean-up fund 46961
created in section 3734.28 of the Revised Code; 46962

(2) An additional seventy-five cents per ton through June 30, 46963
~~2022~~2024, the proceeds of which shall be deposited in the state 46964
treasury to the credit of the waste management fund created in 46965
section 3734.061 of the Revised Code. 46966

(3) An additional two dollars and eighty-five cents per ton 46967
through June 30, ~~2022~~2024, the proceeds of which shall be 46968
deposited in the state treasury to the credit of the environmental 46969
protection fund created in section 3745.015 of the Revised Code; 46970

(4) An additional twenty-five cents per ton through June 30, 46971
~~2022~~2024, the proceeds of which shall be deposited in the state 46972
treasury to the credit of the soil and water conservation district 46973
assistance fund created in section 940.15 of the Revised Code. 46974

In the case of solid wastes that are taken to a solid waste 46975
transfer facility located in this state prior to being transported 46976
for disposal at a solid waste disposal facility located in this 46977
state or outside of this state, the fees levied under this 46978
division shall be collected by the owner or operator of the 46979
transfer facility as a trustee for the state. The amount of fees 46980
required to be collected under this division at such a transfer 46981
facility shall equal the total tonnage of solid wastes received at 46982
the facility multiplied by the fees levied under this division. In 46983
the case of solid wastes that are not taken to a solid waste 46984
transfer facility located in this state prior to being transported 46985

to a solid waste disposal facility, the fees shall be collected by 46986
the owner or operator of the solid waste disposal facility as a 46987
trustee for the state. The amount of fees required to be collected 46988
under this division at such a disposal facility shall equal the 46989
total tonnage of solid wastes received at the facility that was 46990
not previously taken to a solid waste transfer facility located in 46991
this state multiplied by the fees levied under this division. Fees 46992
levied under this division do not apply to materials separated 46993
from a mixed waste stream for recycling by a generator or 46994
materials removed from the solid waste stream through recycling, 46995
as "recycling" is defined in rules adopted under section 3734.02 46996
of the Revised Code. 46997

The owner or operator of a solid waste transfer facility or 46998
disposal facility, as applicable, shall prepare and file with the 46999
director of environmental protection each month a return 47000
indicating the total tonnage of solid wastes received at the 47001
facility during that month and the total amount of the fees 47002
required to be collected under this division during that month. In 47003
addition, the owner or operator of a solid waste disposal facility 47004
shall indicate on the return the total tonnage of solid wastes 47005
received from transfer facilities located in this state during 47006
that month for which the fees were required to be collected by the 47007
transfer facilities. The monthly returns shall be filed on a form 47008
prescribed by the director. Not later than thirty days after the 47009
last day of the month to which a return applies, the owner or 47010
operator shall mail to the director the return for that month 47011
together with the fees required to be collected under this 47012
division during that month as indicated on the return or may 47013
submit the return and fees electronically in a manner approved by 47014
the director. If the return is filed and the amount of the fees 47015
due is paid in a timely manner as required in this division, the 47016
owner or operator may retain a discount of three-fourths of one 47017
per cent of the total amount of the fees that are required to be 47018

paid as indicated on the return. 47019

The owner or operator may request an extension of not more 47020
than thirty days for filing the return and remitting the fees, 47021
provided that the owner or operator has submitted such a request 47022
in writing to the director together with a detailed description of 47023
why the extension is requested, the director has received the 47024
request not later than the day on which the return is required to 47025
be filed, and the director has approved the request. If the fees 47026
are not remitted within thirty days after the last day of the 47027
month to which the return applies or are not remitted by the last 47028
day of an extension approved by the director, the owner or 47029
operator shall not retain the three-fourths of one per cent 47030
discount and shall pay an additional ten per cent of the amount of 47031
the fees for each month that they are late. For purposes of 47032
calculating the late fee, the first month in which fees are late 47033
begins on the first day after the deadline has passed for timely 47034
submitting the return and fees, and one additional month shall be 47035
counted every thirty days thereafter. 47036

The owner or operator of a solid waste facility may request a 47037
refund or credit of fees levied under this division and remitted 47038
to the director that have not been paid to the owner or operator. 47039
Such a request shall be made only if the fees have not been 47040
collected by the owner or operator, have become a debt that has 47041
become worthless or uncollectable for a period of six months or 47042
more, and may be claimed as a deduction, including a deduction 47043
claimed if the owner or operator keeps accounts on an accrual 47044
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 47045
U.S.C. 166, as amended, and regulations adopted under it. Prior to 47046
making a request for a refund or credit, an owner or operator 47047
shall make reasonable efforts to collect the applicable fees. A 47048
request for a refund or credit shall not include any costs 47049
resulting from those efforts to collect unpaid fees. 47050

A request for a refund or credit of fees shall be made in writing, on a form prescribed by the director, and shall be supported by evidence that may be required in rules adopted by the director under this chapter. After reviewing the request, and if the request and evidence submitted with the request indicate that a refund or credit is warranted, the director shall grant a refund to the owner or operator or shall permit a credit to be taken by the owner or operator on a subsequent monthly return submitted by the owner or operator. The amount of a refund or credit shall not exceed an amount that is equal to ninety days' worth of fees owed to an owner or operator by a particular debtor of the owner or operator. A refund or credit shall not be granted by the director to an owner or operator more than once in any twelve-month period for fees owed to the owner or operator by a particular debtor.

If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return submitted to the director together with a written explanation of the reason for the submittal.

For purposes of computing the fees levied under this division or division (B) of this section, any solid waste transfer or disposal facility that does not use scales as a means of determining gate receipts shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable.

The fees levied under this division and divisions (B) and (C) of this section are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste transfer or disposal facility. In the alternative, the fees shall be paid by a customer or political subdivision to a transporter of waste who subsequently transfers the fees to the owner or operator of such a

facility. The fees shall be paid notwithstanding the existence of 47083
any provision in a contract that the customer or a political 47084
subdivision may have with the owner or operator or with a 47085
transporter of waste to the facility that would not require or 47086
allow such payment regardless of whether the contract was entered 47087
prior to or after October 16, 2009. For those purposes, "customer" 47088
means a person who contracts with, or utilizes the solid waste 47089
services of, the owner or operator of a solid waste transfer or 47090
disposal facility or a transporter of solid waste to such a 47091
facility. 47092

(B) For the purposes specified in division (G) of this 47093
section, the solid waste management policy committee of a county 47094
or joint solid waste management district may levy fees upon the 47095
following activities: 47096

(1) The disposal at a solid waste disposal facility located 47097
in the district of solid wastes generated within the district; 47098

(2) The disposal at a solid waste disposal facility within 47099
the district of solid wastes generated outside the boundaries of 47100
the district, but inside this state; 47101

(3) The disposal at a solid waste disposal facility within 47102
the district of solid wastes generated outside the boundaries of 47103
this state. 47104

The solid waste management plan of the county or joint 47105
district approved under section 3734.521 or 3734.55 of the Revised 47106
Code and any amendments to it, or the resolution adopted under 47107
this division, as appropriate, shall establish the rates of the 47108
fees levied under divisions (B) (1), (2), and (3) of this section, 47109
if any, and shall specify whether the fees are levied on the basis 47110
of tons or cubic yards as the unit of measurement. A solid waste 47111
management district that levies fees under this division on the 47112
basis of cubic yards shall do so in accordance with division (A) 47113

of this section. 47114

The fee levied under division (B) (1) of this section shall be 47115
not less than one dollar per ton nor more than two dollars per 47116
ton, the fee levied under division (B) (2) of this section shall be 47117
not less than two dollars per ton nor more than four dollars per 47118
ton, and the fee levied under division (B) (3) of this section 47119
shall be not more than the fee levied under division (B) (1) of 47120
this section. 47121

Prior to the approval of the solid waste management plan of a 47122
district under section 3734.55 of the Revised Code, the solid 47123
waste management policy committee of a district may levy fees 47124
under this division by adopting a resolution establishing the 47125
proposed amount of the fees. Upon adopting the resolution, the 47126
committee shall deliver a copy of the resolution to the board of 47127
county commissioners of each county forming the district and to 47128
the legislative authority of each municipal corporation and 47129
township under the jurisdiction of the district and shall prepare 47130
and publish the resolution and a notice of the time and location 47131
where a public hearing on the fees will be held. Upon adopting the 47132
resolution, the committee shall deliver written notice of the 47133
adoption of the resolution; of the amount of the proposed fees; 47134
and of the date, time, and location of the public hearing to the 47135
director and to the fifty industrial, commercial, or institutional 47136
generators of solid wastes within the district that generate the 47137
largest quantities of solid wastes, as determined by the 47138
committee, and to their local trade associations. The committee 47139
shall make good faith efforts to identify those generators within 47140
the district and their local trade associations, but the 47141
nonprovision of notice under this division to a particular 47142
generator or local trade association does not invalidate the 47143
proceedings under this division. The publication shall occur at 47144
least thirty days before the hearing. After the hearing, the 47145

committee may make such revisions to the proposed fees as it 47146
considers appropriate and thereafter, by resolution, shall adopt 47147
the revised fee schedule. Upon adopting the revised fee schedule, 47148
the committee shall deliver a copy of the resolution doing so to 47149
the board of county commissioners of each county forming the 47150
district and to the legislative authority of each municipal 47151
corporation and township under the jurisdiction of the district. 47152
Within sixty days after the delivery of a copy of the resolution 47153
adopting the proposed revised fees by the policy committee, each 47154
such board and legislative authority, by ordinance or resolution, 47155
shall approve or disapprove the revised fees and deliver a copy of 47156
the ordinance or resolution to the committee. If any such board or 47157
legislative authority fails to adopt and deliver to the policy 47158
committee an ordinance or resolution approving or disapproving the 47159
revised fees within sixty days after the policy committee 47160
delivered its resolution adopting the proposed revised fees, it 47161
shall be conclusively presumed that the board or legislative 47162
authority has approved the proposed revised fees. The committee 47163
shall determine if the resolution has been ratified in the same 47164
manner in which it determines if a draft solid waste management 47165
plan has been ratified under division (B) of section 3734.55 of 47166
the Revised Code. 47167

The committee may amend the schedule of fees levied pursuant 47168
to a resolution adopted and ratified under this division by 47169
adopting a resolution establishing the proposed amount of the 47170
amended fees. The committee may repeal the fees levied pursuant to 47171
such a resolution by adopting a resolution proposing to repeal 47172
them. Upon adopting such a resolution, the committee shall proceed 47173
to obtain ratification of the resolution in accordance with this 47174
division. 47175

Not later than fourteen days after declaring the new fees to 47176
be ratified or the fees to be repealed under this division, the 47177

committee shall notify by certified mail the owner or operator of 47178
each solid waste disposal facility that is required to collect the 47179
fees of the ratification and the amount of the fees or of the 47180
repeal of the fees. Collection of any fees shall commence or 47181
collection of repealed fees shall cease on the first day of the 47182
second month following the month in which notification is sent to 47183
the owner or operator. 47184

Fees levied under this division also may be established, 47185
amended, or repealed by a solid waste management policy committee 47186
through the adoption of a new district solid waste management 47187
plan, the adoption of an amended plan, or the amendment of the 47188
plan or amended plan in accordance with sections 3734.55 and 47189
3734.56 of the Revised Code or the adoption or amendment of a 47190
district plan in connection with a change in district composition 47191
under section 3734.521 of the Revised Code. 47192

Not later than fourteen days after the director issues an 47193
order approving a district's solid waste management plan, amended 47194
plan, or amendment to a plan or amended plan that establishes, 47195
amends, or repeals a schedule of fees levied by the district, the 47196
committee shall notify by certified mail the owner or operator of 47197
each solid waste disposal facility that is required to collect the 47198
fees of the approval of the plan or amended plan, or the amendment 47199
to the plan, as appropriate, and the amount of the fees, if any. 47200
In the case of an initial or amended plan approved under section 47201
3734.521 of the Revised Code in connection with a change in 47202
district composition, other than one involving the withdrawal of a 47203
county from a joint district, the committee, within fourteen days 47204
after the change takes effect pursuant to division (G) of that 47205
section, shall notify by certified mail the owner or operator of 47206
each solid waste disposal facility that is required to collect the 47207
fees that the change has taken effect and of the amount of the 47208
fees, if any. Collection of any fees shall commence or collection 47209

of repealed fees shall cease on the first day of the second month 47210
following the month in which notification is sent to the owner or 47211
operator. 47212

If, in the case of a change in district composition involving 47213
the withdrawal of a county from a joint district, the director 47214
completes the actions required under division (G)(1) or (3) of 47215
section 3734.521 of the Revised Code, as appropriate, forty-five 47216
days or more before the beginning of a calendar year, the policy 47217
committee of each of the districts resulting from the change that 47218
obtained the director's approval of an initial or amended plan in 47219
connection with the change, within fourteen days after the 47220
director's completion of the required actions, shall notify by 47221
certified mail the owner or operator of each solid waste disposal 47222
facility that is required to collect the district's fees that the 47223
change is to take effect on the first day of January immediately 47224
following the issuance of the notice and of the amount of the fees 47225
or amended fees levied under divisions (B)(1) to (3) of this 47226
section pursuant to the district's initial or amended plan as so 47227
approved or, if appropriate, the repeal of the district's fees by 47228
that initial or amended plan. Collection of any fees set forth in 47229
such a plan or amended plan shall commence on the first day of 47230
January immediately following the issuance of the notice. If such 47231
an initial or amended plan repeals a schedule of fees, collection 47232
of the fees shall cease on that first day of January. 47233

If, in the case of a change in district composition involving 47234
the withdrawal of a county from a joint district, the director 47235
completes the actions required under division (G)(1) or (3) of 47236
section 3734.521 of the Revised Code, as appropriate, less than 47237
forty-five days before the beginning of a calendar year, the 47238
director, on behalf of each of the districts resulting from the 47239
change that obtained the director's approval of an initial or 47240
amended plan in connection with the change proceedings, shall 47241

notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the mailing of the notice and of the amount of the fees or amended fees levied under divisions (B)(1) to (3) of this section pursuant to the district's initial or amended plan as so approved or, if appropriate, the repeal of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of the second month following the month in which notification is sent to the owner or operator. If such an initial or amended plan repeals a schedule of fees, collection of the fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If the schedule of fees that a solid waste management district is levying under divisions (B)(1) to (3) of this section is amended or repealed, the fees in effect immediately prior to the amendment or repeal shall continue to be collected until collection of the amended fees commences or collection of the repealed fees ceases, as applicable, as specified in this division. In the case of a change in district composition, money so received from the collection of the fees of the former districts shall be divided among the resulting districts in accordance with division (B) of section 343.012 of the Revised Code and the agreements entered into under division (B) of section 343.01 of the Revised Code to establish the former and resulting districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or repealed is required to cease, "fees" or "schedule of fees" includes, in addition to

fees levied under divisions (B) (1) to (3) of this section, those 47274
levied under section 3734.573 or 3734.574 of the Revised Code. 47275

(C) For the purposes of defraying the added costs to a 47276
municipal corporation or township of maintaining roads and other 47277
public facilities and of providing emergency and other public 47278
services, and compensating a municipal corporation or township for 47279
reductions in real property tax revenues due to reductions in real 47280
property valuations resulting from the location and operation of a 47281
solid waste disposal facility within the municipal corporation or 47282
township, a municipal corporation or township in which such a 47283
solid waste disposal facility is located may levy a fee of not 47284
more than twenty-five cents per ton on the disposal of solid 47285
wastes at a solid waste disposal facility located within the 47286
boundaries of the municipal corporation or township regardless of 47287
where the wastes were generated. 47288

The legislative authority of a municipal corporation or 47289
township may levy fees under this division by enacting an 47290
ordinance or adopting a resolution establishing the amount of the 47291
fees. Upon so doing the legislative authority shall mail a 47292
certified copy of the ordinance or resolution to the board of 47293
county commissioners or directors of the county or joint solid 47294
waste management district in which the municipal corporation or 47295
township is located or, if a regional solid waste management 47296
authority has been formed under section 343.011 of the Revised 47297
Code, to the board of trustees of that regional authority, the 47298
owner or operator of each solid waste disposal facility in the 47299
municipal corporation or township that is required to collect the 47300
fee by the ordinance or resolution, and the director of 47301
environmental protection. Although the fees levied under this 47302
division are levied on the basis of tons as the unit of 47303
measurement, the legislative authority, in its ordinance or 47304
resolution levying the fees under this division, may direct that 47305

the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

(D) (1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are generated from the combustion of coal, or from the combustion of primarily coal, regardless of whether the disposal facility is located on the premises where the wastes are generated;

(c) Are asbestos or asbestos-containing materials or products disposed of at a construction and demolition debris facility that is licensed under Chapter 3714. of the Revised Code or at a solid waste facility that is licensed under this chapter.

(2) Except as provided in section 3734.571 of the Revised Code, any fees levied under division (B) (1) of this section apply to solid wastes originating outside the boundaries of a county or joint district that are covered by an agreement for the joint use of solid waste facilities entered into under section 343.02 of the Revised Code by the board of county commissioners or board of

directors of the county or joint district where the wastes are 47337
generated and disposed of. 47338

(3) When solid wastes, other than solid wastes that consist 47339
of scrap tires, are burned in a disposal facility that is an 47340
incinerator or energy recovery facility, the fees levied under 47341
divisions (A), (B), and (C) of this section shall be levied upon 47342
the disposal of the fly ash and bottom ash remaining after burning 47343
of the solid wastes and shall be collected by the owner or 47344
operator of the sanitary landfill where the ash is disposed of. 47345

(4) When solid wastes are delivered to a solid waste transfer 47346
facility, the fees levied under divisions (B) and (C) of this 47347
section shall be levied upon the disposal of solid wastes 47348
transported off the premises of the transfer facility for disposal 47349
and shall be collected by the owner or operator of the solid waste 47350
disposal facility where the wastes are disposed of. 47351

(5) The fees levied under divisions (A), (B), and (C) of this 47352
section do not apply to sewage sludge that is generated by a waste 47353
water treatment facility holding a national pollutant discharge 47354
elimination system permit and that is disposed of through 47355
incineration, land application, or composting or at another 47356
resource recovery or disposal facility that is not a landfill. 47357

(6) The fees levied under divisions (A), (B), and (C) of this 47358
section do not apply to solid wastes delivered to a solid waste 47359
composting facility for processing. When any unprocessed solid 47360
waste or compost product is transported off the premises of a 47361
composting facility and disposed of at a landfill, the fees levied 47362
under divisions (A), (B), and (C) of this section shall be 47363
collected by the owner or operator of the landfill where the 47364
unprocessed waste or compost product is disposed of. 47365

(7) When solid wastes that consist of scrap tires are 47366
processed at a scrap tire recovery facility, the fees levied under 47367

divisions (A), (B), and (C) of this section shall be levied upon 47368
the disposal of the fly ash and bottom ash or other solid wastes 47369
remaining after the processing of the scrap tires and shall be 47370
collected by the owner or operator of the solid waste disposal 47371
facility where the ash or other solid wastes are disposed of. 47372

(8) The director of environmental protection may issue an 47373
order exempting from the fees levied under this section solid 47374
wastes, including, but not limited to, scrap tires, that are 47375
generated, transferred, or disposed of as a result of a contract 47376
providing for the expenditure of public funds entered into by the 47377
administrator or regional administrator of the United States 47378
environmental protection agency, the director of environmental 47379
protection, or the director of administrative services on behalf 47380
of the director of environmental protection for the purpose of 47381
remediating conditions at a hazardous waste facility, solid waste 47382
facility, or other location at which the administrator or regional 47383
administrator or the director of environmental protection has 47384
reason to believe that there is a substantial threat to public 47385
health or safety or the environment or that the conditions are 47386
causing or contributing to air or water pollution or soil 47387
contamination. An order issued by the director of environmental 47388
protection under division (D)(8) of this section shall include a 47389
determination that the amount of the fees not received by a solid 47390
waste management district as a result of the order will not 47391
adversely impact the implementation and financing of the 47392
district's approved solid waste management plan and any approved 47393
amendments to the plan. Such an order is a final action of the 47394
director of environmental protection. 47395

(E) The fees levied under divisions (B) and (C) of this 47396
section shall be collected by the owner or operator of the solid 47397
waste disposal facility where the wastes are disposed of as a 47398
trustee for the county or joint district and municipal corporation 47399

or township where the wastes are disposed of. Moneys from the fees 47400
levied under division (B) of this section shall be forwarded to 47401
the board of county commissioners or board of directors of the 47402
district in accordance with rules adopted under division (H) of 47403
this section. Moneys from the fees levied under division (C) of 47404
this section shall be forwarded to the treasurer or such other 47405
officer of the municipal corporation as, by virtue of the charter, 47406
has the duties of the treasurer or to the fiscal officer of the 47407
township, as appropriate, in accordance with those rules. 47408

(F) Moneys received by the treasurer or other officer of the 47409
municipal corporation under division (E) of this section shall be 47410
paid into the general fund of the municipal corporation. Moneys 47411
received by the fiscal officer of the township under that division 47412
shall be paid into the general fund of the township. The treasurer 47413
or other officer of the municipal corporation or the township 47414
fiscal officer, as appropriate, shall maintain separate records of 47415
the moneys received from the fees levied under division (C) of 47416
this section. 47417

(G) Moneys received by the board of county commissioners or 47418
board of directors under division (E) of this section or section 47419
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 47420
shall be paid to the county treasurer, or other official acting in 47421
a similar capacity under a county charter, in a county district or 47422
to the county treasurer or other official designated by the board 47423
of directors in a joint district and kept in a separate and 47424
distinct fund to the credit of the district. If a regional solid 47425
waste management authority has been formed under section 343.011 47426
of the Revised Code, moneys received by the board of trustees of 47427
that regional authority under division (E) of this section shall 47428
be kept by the board in a separate and distinct fund to the credit 47429
of the district. Moneys in the special fund of the county or joint 47430
district arising from the fees levied under division (B) of this 47431

section and the fee levied under division (A) of section 3734.573 47432
of the Revised Code shall be expended by the board of county 47433
commissioners or directors of the district in accordance with the 47434
district's solid waste management plan or amended plan approved 47435
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 47436
exclusively for the following purposes: 47437

(1) Preparation of the solid waste management plan of the 47438
district under section 3734.54 of the Revised Code, monitoring 47439
implementation of the plan, and conducting the periodic review and 47440
amendment of the plan required by section 3734.56 of the Revised 47441
Code by the solid waste management policy committee; 47442

(2) Implementation of the approved solid waste management 47443
plan or amended plan of the district, including, without 47444
limitation, the development and implementation of solid waste 47445
recycling or reduction programs; 47446

(3) Providing financial assistance to boards of health within 47447
the district, if solid waste facilities are located within the 47448
district, for enforcement of this chapter and rules, orders, and 47449
terms and conditions of permits, licenses, and variances adopted 47450
or issued under it, other than the hazardous waste provisions of 47451
this chapter and rules adopted and orders and terms and conditions 47452
of permits issued under those provisions; 47453

(4) Providing financial assistance to each county within the 47454
district to defray the added costs of maintaining roads and other 47455
public facilities and of providing emergency and other public 47456
services resulting from the location and operation of a solid 47457
waste facility within the county under the district's approved 47458
solid waste management plan or amended plan; 47459

(5) Pursuant to contracts entered into with boards of health 47460
within the district, if solid waste facilities contained in the 47461
district's approved plan or amended plan are located within the 47462

district, for paying the costs incurred by those boards of health 47463
for collecting and analyzing samples from public or private water 47464
wells on lands adjacent to those facilities; 47465

(6) Developing and implementing a program for the inspection 47466
of solid wastes generated outside the boundaries of this state 47467
that are disposed of at solid waste facilities included in the 47468
district's approved solid waste management plan or amended plan; 47469

(7) Providing financial assistance to boards of health within 47470
the district for the enforcement of section 3734.03 of the Revised 47471
Code or to local law enforcement agencies having jurisdiction 47472
within the district for enforcing anti-littering laws and 47473
ordinances; 47474

(8) Providing financial assistance to boards of health of 47475
health districts within the district that are on the approved list 47476
under section 3734.08 of the Revised Code to defray the costs to 47477
the health districts for the participation of their employees 47478
responsible for enforcement of the solid waste provisions of this 47479
chapter and rules adopted and orders and terms and conditions of 47480
permits, licenses, and variances issued under those provisions in 47481
the training and certification program as required by rules 47482
adopted under division (L) of section 3734.02 of the Revised Code; 47483

(9) Providing financial assistance to individual municipal 47484
corporations and townships within the district to defray their 47485
added costs of maintaining roads and other public facilities and 47486
of providing emergency and other public services resulting from 47487
the location and operation within their boundaries of a 47488
composting, energy or resource recovery, incineration, or 47489
recycling facility that either is owned by the district or is 47490
furnishing solid waste management facility or recycling services 47491
to the district pursuant to a contract or agreement with the board 47492
of county commissioners or directors of the district; 47493

(10) Payment of any expenses that are agreed to, awarded, or 47494
ordered to be paid under section 3734.35 of the Revised Code and 47495
of any administrative costs incurred pursuant to that section. In 47496
the case of a joint solid waste management district, if the board 47497
of county commissioners of one of the counties in the district is 47498
negotiating on behalf of affected communities, as defined in that 47499
section, in that county, the board shall obtain the approval of 47500
the board of directors of the district in order to expend moneys 47501
for administrative costs incurred. 47502

Prior to the approval of the district's solid waste 47503
management plan under section 3734.55 of the Revised Code, moneys 47504
in the special fund of the district arising from the fees shall be 47505
expended for those purposes in the manner prescribed by the solid 47506
waste management policy committee by resolution. 47507

Notwithstanding division (G) (6) of this section as it existed 47508
prior to October 29, 1993, or any provision in a district's solid 47509
waste management plan prepared in accordance with division 47510
(B) (2) (e) of section 3734.53 of the Revised Code as it existed 47511
prior to that date, any moneys arising from the fees levied under 47512
division (B) (3) of this section prior to January 1, 1994, may be 47513
expended for any of the purposes authorized in divisions (G) (1) to 47514
(10) of this section. 47515

(H) The director shall adopt rules in accordance with Chapter 47516
119. of the Revised Code prescribing procedures for collecting and 47517
forwarding the fees levied under divisions (B) and (C) of this 47518
section to the boards of county commissioners or directors of 47519
county or joint solid waste management districts and to the 47520
treasurers or other officers of municipal corporations and the 47521
fiscal officers of townships. The rules also shall prescribe the 47522
dates for forwarding the fees to the boards and officials and may 47523
prescribe any other requirements the director considers necessary 47524
or appropriate to implement and administer divisions (A), (B), and 47525

(C) of this section. 47526

Sec. 3734.85. (A) On and after the effective date of the 47527
rules adopted under sections 3734.70, 3734.71, 3734.72, and 47528
3734.73 of the Revised Code, the director of environmental 47529
protection may take action under this section to abate 47530
accumulations of scrap tires. If the director determines that an 47531
accumulation of scrap tires constitutes a danger to the public 47532
health or safety or to the environment, the director shall issue 47533
an order under section 3734.13 of the Revised Code to the person 47534
responsible for the accumulation of scrap tires directing that 47535
person, within one hundred twenty days after the issuance of the 47536
order, to remove the accumulation of scrap tires from the premises 47537
on which it is located and transport the tires to a scrap tire 47538
storage, monocell, monofill, or recovery facility licensed under 47539
section 3734.81 of the Revised Code, to such a facility in another 47540
state operating in compliance with the laws of the state in which 47541
it is located, or to any other solid waste disposal facility in 47542
another state that is operating in compliance with the laws of 47543
that state. If the person responsible for causing the accumulation 47544
of scrap tires is a person different from the owner of the land on 47545
which the accumulation is located, the director may issue such an 47546
order to the landowner. 47547

If the director is unable to ascertain immediately the 47548
identity of the person responsible for causing the accumulation of 47549
scrap tires, the director shall examine the records of the 47550
applicable board of health and law enforcement agencies to 47551
ascertain that person's identity. Before initiating any 47552
enforcement or removal actions under this division against the 47553
owner of the land on which the accumulation is located, the 47554
director shall initiate any such actions against the person that 47555
the director has identified as responsible for causing the 47556
accumulation of scrap tires. Failure of the director to make 47557

diligent efforts to ascertain the identity of the person 47558
responsible for causing the accumulation of scrap tires or to 47559
initiate an action against the person responsible for causing the 47560
accumulation shall not constitute an affirmative defense by a 47561
landowner to an enforcement action initiated by the director under 47562
this division requiring immediate removal of any accumulation of 47563
scrap tires. 47564

Upon the written request of the recipient of an order issued 47565
under this division, the director may extend the time for 47566
compliance with the order if the request demonstrates that the 47567
recipient has acted in good faith to comply with the order. If the 47568
recipient of an order issued under this division fails to comply 47569
with the order within one hundred twenty days after the issuance 47570
of the order or, if the time for compliance with the order was so 47571
extended, within that time, the director shall take such actions 47572
as the director considers reasonable and necessary to remove and 47573
properly manage the scrap tires located on the land named in the 47574
order. The director, through employees of the environmental 47575
protection agency or a contractor, may enter upon the land on 47576
which the accumulation of scrap tires is located and remove and 47577
transport them to a scrap tire recovery facility for processing, 47578
to a scrap tire storage facility for storage, or to a scrap tire 47579
monocell or monofill facility for storage or disposal. 47580

The director shall enter into contracts for the storage, 47581
disposal, or processing of scrap tires removed through removal 47582
operations conducted under this section. 47583

If a person to whom a removal order is issued under this 47584
division fails to comply with the order and if the director 47585
performs a removal action under this section, the person to whom 47586
the removal order is issued is liable to the director for the 47587
costs incurred by the director for conducting the removal 47588
operation, storage at a scrap tire storage facility, storage or 47589

disposal at a scrap tire monocell or monofill facility, or 47590
processing of the scrap tires so removed, the transportation of 47591
the scrap tires from the site of the accumulation to the scrap 47592
tire storage, monocell, monofill, or recovery facility where the 47593
scrap tires were stored, disposed of, or processed, and the 47594
administrative and legal expenses incurred by the director in 47595
connection with the removal operation. The director shall keep an 47596
itemized record of those costs. Upon completion of the actions for 47597
which the costs were incurred, the director shall record the costs 47598
at the office of the county recorder of the county in which the 47599
accumulation of scrap tires was located. The costs so recorded 47600
constitute a lien on the property on which the accumulation of 47601
scrap tires was located until discharged. Upon the written request 47602
of the director, the attorney general shall bring a civil action 47603
against the person responsible for the accumulation of the scrap 47604
tires that were the subject of the removal operation to recover 47605
the costs for which the person is liable under this division. Any 47606
money so received or recovered shall be credited to the scrap tire 47607
management fund created in section 3734.82 of the Revised Code. 47608

If, in a civil action brought under this division, an owner 47609
of real property is ordered to pay to the director the costs of a 47610
removal action that removed an accumulation of scrap tires from 47611
the person's land or if a lien is placed on the person's land for 47612
the costs of such a removal action, and, in either case, if the 47613
landowner was not the person responsible for causing the 47614
accumulation of scrap tires so removed, the landowner may bring a 47615
civil action against the person who was responsible for causing 47616
the accumulation to recover the amount of the removal costs that 47617
the court ordered the landowner to pay to the director or the 47618
amount of the removal costs certified to the county recorder as a 47619
lien on the landowner's property, whichever is applicable. If the 47620
landowner prevails in the civil action against the person who was 47621
responsible for causing the accumulation of scrap tires, the 47622

court, as it considers appropriate, may award to the landowner the 47623
reasonable attorney's fees incurred by the landowner for bringing 47624
the action, court costs, and other reasonable expenses incurred by 47625
the landowner in connection with the civil action. A landowner 47626
shall bring such a civil action within two years after making the 47627
final payment of the removal costs to the director pursuant to the 47628
judgment rendered against the landowner in the civil action 47629
brought under this division upon the director's request or within 47630
two years after the director certified the costs of the removal 47631
action to the county recorder, as appropriate. A person who, at 47632
the time that a removal action was conducted under this division, 47633
owned the land on which the removal action was performed may bring 47634
an action under this division to recover the costs of the removal 47635
action from the person responsible for causing the accumulation of 47636
scrap tires so removed regardless of whether the person owns the 47637
land at the time of bringing the action. 47638

Subject to the limitations set forth in division (G) of 47639
section 3734.82 of the Revised Code, the director may use moneys 47640
in the scrap tire management fund for conducting removal actions 47641
under this division. Any moneys recovered under this division 47642
shall be credited to the scrap tire management fund. 47643

(B) The director shall initiate enforcement and removal 47644
actions under division (A) of this section in accordance with the 47645
following descending listing of priorities: 47646

(1) Accumulations of scrap tires that the director finds 47647
constitute a fire hazard or threat to public health; 47648

(2) Accumulations of scrap tires determined by the director 47649
to contain more than one million scrap tires; 47650

(3) Accumulations of scrap tires in densely populated areas; 47651

(4) Other accumulations of scrap tires that the director or 47652
board of health of the health district in which the accumulation 47653

is located determines constitute a public nuisance; 47654

(5) Any other accumulations of scrap tires present on 47655
premises operating without a valid license issued under section 47656
3734.05 or 3734.81 of the Revised Code. 47657

(C) The director shall not take enforcement and removal 47658
actions under division (A) of this section against the owner or 47659
operator of, or the owner of the land on which is located, any of 47660
the following: 47661

(1) A premises where not more than one hundred scrap tires 47662
are present at any time; 47663

(2) The premises of a business engaging in the sale of tires 47664
at retail that meets either of the following criteria: 47665

(a) Not more than one thousand scrap tires are present on the 47666
premises at any time in an unsecured, uncovered outdoor location. 47667

(b) Any number of scrap tires are secured in a building or a 47668
covered, enclosed container, trailer, or installation. 47669

(3) The premises of a tire retreading business, a tire 47670
manufacturing finishing center, or a tire adjustment center on 47671
which is located a single, covered scrap tire storage area where 47672
not more than four thousand scrap tires are stored; 47673

(4) The premises of a business that removes tires from motor 47674
vehicles in the ordinary course of business and on which is 47675
located a single scrap tire storage area that occupies not more 47676
than twenty-five hundred square feet; 47677

(5) A solid waste facility licensed under section 3734.05 of 47678
the Revised Code that stores scrap tires on the surface of the 47679
ground if the total land area on which scrap tires are actually 47680
stored does not exceed ten thousand square feet; 47681

(6) A premises where not more than two hundred fifty scrap 47682
tires are stored or kept for agricultural use; 47683

(7) A construction site where scrap tires are stored for use 47684
or used in road resurfacing or the construction of embankments; 47685

(8) A scrap tire collection, storage, monocell, monofill, or 47686
recovery facility licensed under section 3734.81 of the Revised 47687
Code; 47688

(9) A solid waste incineration or energy recovery facility 47689
that is subject to regulation under this chapter and that burns 47690
scrap tires; 47691

(10) A premises where scrap tires are beneficially used and 47692
for which the notice required by rules adopted under section 47693
3734.84 of the Revised Code has been given; 47694

(11) A transporter registered under section 3734.83 of the 47695
Revised Code that collects and holds scrap tires in a covered 47696
trailer or vehicle for not longer than thirty days prior to 47697
transporting them to their final destination. 47698

(D) Nothing in this section restricts any right any person 47699
may have under statute or common law to enforce or seek 47700
enforcement of any law applicable to the management of scrap 47701
tires, abate a nuisance, or seek any other appropriate relief. 47702

(E) An owner of real property ~~upon which there is located an~~ 47703
~~accumulation of not more than five thousand scrap tires~~ is not 47704
liable under division (A) of this section for the cost of the 47705
removal of the up to ten thousand scrap tires on the owner's 47706
property, or more at the director's discretion, and no lien shall 47707
attach to the property under this section, if all of the following 47708
conditions are met: 47709

(1) The tires were placed on the property after the owner 47710
acquired title to the property, or the tires were placed on the 47711
property before the owner acquired title to the property and the 47712
owner acquired title to the property by bequest or devise. 47713

(2) The owner of the property did not have knowledge that the tires were being placed on the property, or the owner posted on the property signs prohibiting dumping or took other action to prevent the placing of tires on the property.

(3) The owner of the property did not participate in or consent to the placing of the tires on the property.

(4) The owner of the property received no financial benefit from the placing of the tires on the property or otherwise having the tires on the property.

(5) Title to the property was not transferred to the owner for the purpose of evading liability under division (A) of this section.

(6) The person responsible for placing the tires on the property, in doing so, was not acting as an agent for the owner of the property.

Sec. 3734.901. (A) (1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes and to support scrap tire amnesty and cleanup events; to make loans to promote the recycling or recovery of energy from scrap tires; and to defray the costs of administering and enforcing sections 3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents per tire is hereby levied on the sale of tires. The proceeds of the fee shall be deposited in the state treasury to the credit of the scrap tire management fund created in section 3734.82 of the Revised Code. The fee is levied from the first day of the calendar month that begins next after

thirty days from October 29, 1993, through June 30, ~~2022~~2024. 47745

(2) Beginning on July 1, 2011, and ending on June 30, 47746
~~2022~~2024, there is hereby levied an additional fee of fifty cents 47747
per tire on the sale of tires the proceeds of which shall be 47748
deposited in the state treasury to the credit of the soil and 47749
water conservation district assistance fund created in section 47750
940.15 of the Revised Code. 47751

(B) Only one sale of the same article shall be used in 47752
computing the amount of the fee due. 47753

Sec. 3736.01. As used in this chapter: 47754

(A) "Litter" means garbage, trash, waste, rubbish, ashes, 47755
cans, bottles, wire, paper, cartons, boxes, automobile parts, 47756
furniture, glass, or anything else of an unsightly or unsanitary 47757
nature thrown, dropped, discarded, placed, or deposited by a 47758
person on public property, on private property not owned by the 47759
person, or in or on waters of the state unless one of the 47760
following applies: 47761

(1) The person has been directed to do so by a public 47762
official as part of a litter collection drive. 47763

(2) The person has thrown, dropped, discarded, placed, or 47764
deposited the material in a receptacle in a manner that prevented 47765
its being carried away by the elements. 47766

(3) The person has been issued a permit or license covering 47767
the material pursuant to Chapter 3734. or 6111. of the Revised 47768
Code. 47769

(B) "Recycling" means the process of collecting, sorting, 47770
cleansing, treating, and reconstituting waste or other discarded 47771
materials for the purpose of recovering and reusing the materials. 47772

(C) "Agency of the state" includes, but is not limited to, an 47773
agency subject to Chapter 119. of the Revised Code and a state 47774

university or college as defined in section 3345.12 of the Revised Code. 47775
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(D) "Source reduction" means activities that decrease the initial production of waste materials at their point of origin. 47777
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(E) "Enterprise" means a business with its principal place of business in this state and that proposes to engage in research and development or recycling in this state. 47779
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(F) "Research and development" means inquiry, experimentation, or demonstration to advance basic scientific or technical knowledge or the application, adaptation, or use of existing or newly discovered scientific or technical knowledge regarding recycling, source reduction, or litter prevention. 47782
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(G) "Recyclables" means waste materials that are collected, separated, or processed and used as raw materials or products. 47787
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(H) "Recycling market development" means activities that stimulate the demand for recycled products, provide for a consistent supply of recyclables to meet the needs of recycling industries, or both. 47789
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(I) "Solid waste management districts" means solid waste management districts established under Chapter 343. of the Revised Code. 47793
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(J) "Synthetic rubber" means produced or extended rubber and products made from a synthetic rubber base material originating from petrochemical feedstocks, including scrap tires, tire molds, automobile engine belts, brake pads and hoses, weather stripping, fittings, electrical insulation, and other molded objects and parts. 47796
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(K) "Auxiliary container" has the same meaning as in section 3767.32 of the Revised Code. 47802
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Sec. 3736.021. A person may use an auxiliary container for 47804

purposes of commerce or otherwise. 47805

Nothing in this section shall be construed to prohibit or 47806
limit the authority of any county, municipal corporation, or solid 47807
waste management district to implement a voluntary recycling 47808
program. 47809

Sec. 3737.17. (A) As used in this section, a "qualifying 47810
small government" means any of the following: 47811

(1) A township that has a population of not more than five 47812
thousand or, regardless of its population, is located in a county 47813
that has a population of less than one hundred thousand; 47814

(2) A municipal corporation that has a population of not more 47815
than seven thousand five hundred; 47816

(3) A fire district, joint fire district, or fire and 47817
ambulance district that shares territory exclusively with 47818
townships or municipal corporations that meet the conditions of 47819
division (A) (1) or (2) of this section. 47820

(B) The state fire marshal shall administer a small 47821
government fire department services revolving loan program under 47822
which the state fire marshal makes loans to qualifying small 47823
governments for the following purposes: 47824

(1) To expedite purchases of major equipment for fire 47825
fighting, ambulance, emergency medical, or rescue services; 47826

(2) To expedite projects for the construction or renovation 47827
of fire department buildings. 47828

A loan for either purpose under the small government fire 47829
department services revolving loan program is not to carry 47830
interest, and is to be repaid within a term of not longer than 47831
twenty years. A qualifying small government is not eligible to 47832
receive a loan for a project or purchase under the program unless 47833
the qualifying small government contributes to the project or 47834

purchase an amount equal to at least five per cent of the loan amount. 47835
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(C) A qualifying small government may apply to the state fire marshal for a loan under the small government fire department services revolving loan program. In its application, the qualifying small government shall explain how it qualifies for the loan, describe the project or purchase for which it is requesting a loan, state the amount of the loan it requests, and state the amount it is prepared to contribute to the project or purchase. The qualifying small government shall provide additional information to support its application for a loan under the program as requested by the state fire marshal. 47837
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(D) The state fire marshal, in accordance with Chapter 119. of the Revised Code, shall adopt rules for the administration of the small government fire department services revolving loan program. 47847
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(E) There is hereby created in the state treasury the small government fire department services revolving loan fund, into which shall be deposited repayments by qualifying small governments of loans authorized under this section. The fund also shall consist of appropriated money. Investment earnings on money in the fund shall be credited to the fund. The state fire marshal shall use the money credited to the fund to make loans to qualifying small governments as described in this section. The state fire marshal may loan money from repaid loans credited to the fund at any time to qualifying small governments in accordance with this section. 47851
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(F) If the director of commerce determines that the cash balance in the small government fire department services revolving loan fund is insufficient to implement the program established under this section, the director may certify the amount needed, which cannot exceed the amount appropriated to the program for the 47862
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biennium period for which the certification is made, to the 47867
director of budget and management. Upon certification, the 47868
director of budget and management may transfer from the state fire 47869
marshal's fund established in section 3737.71 of the Revised Code 47870
to the small government fire department services revolving loan 47871
fund any amount up to, but not exceeding, the amount certified by 47872
the director of commerce. 47873

Sec. 3737.71. Each insurance company doing business in this 47874
state shall pay to the state in installments, at the time of 47875
making the payments required by section 5729.05 of the Revised 47876
Code, in addition to the taxes required to be paid by it, 47877
three-fourths of one per cent on the gross premium receipts 47878
derived from fire insurance and that portion of the premium 47879
reasonably allocable to insurance against the hazard of fire 47880
included in other coverages except life and sickness and accident 47881
insurance, after deducting return premiums paid and considerations 47882
received for reinsurances as shown by the annual statement of such 47883
company made pursuant to sections 3929.30, 3931.06, and 5729.02 of 47884
the Revised Code. The money received shall be paid into the state 47885
treasury to the credit of the state fire marshal's fund, which is 47886
hereby created. The fund shall be used for the maintenance and 47887
administration of the office of the fire marshal and the Ohio fire 47888
academy established by section 3737.33 of the Revised Code. If the 47889
director of commerce certifies to the director of budget and 47890
management that the cash balance in the state fire marshal's fund 47891
is in excess of the amount needed to pay ongoing operating 47892
expenses, the director of commerce, with the approval of the 47893
director of budget and management, may use the excess amount to 47894
acquire by purchase, lease, or otherwise, real property or 47895
interests in real property to be used for the benefit of the 47896
office of the state fire marshal, or to construct, acquire, 47897
enlarge, equip, furnish, or improve the fire marshal's office 47898

facilities or the facilities of the Ohio fire academy. The state 47899
fire marshal's fund shall be assessed a proportionate share of the 47900
administrative costs of the department of commerce in accordance 47901
with procedures prescribed by the director of commerce ~~and~~ 47902
~~approved by the director of budget and management.~~ Such assessment 47903
shall be paid from the state fire marshal's fund to the division 47904
of administration fund. 47905

Notwithstanding any other provision in this section, if the 47906
director of budget and management determines at any time that the 47907
money in the state fire marshal's fund exceeds the amount 47908
necessary to defray ongoing operating expenses in a fiscal year, 47909
the director may transfer the excess to the general revenue fund. 47910

Sec. 3740.01. As used in this chapter: 47911

(A) "Community-based long-term care provider" means a 47912
provider, as defined in section 173.39 of the Revised Code. 47913

(B) "Community-based long-term care subcontractor" means a 47914
subcontractor, as defined in section 173.38 of the Revised Code. 47915

(C) "Criminal records check" has the same meaning as in 47916
section 109.572 of the Revised Code. 47917

(D) "Direct care" means any of the following: 47918

(1) Any service identified in divisions (G) (1) to (6) of this 47919
section that is provided in a patient's place of residence used as 47920
the patient's home; 47921

(2) Any activity that requires the person performing the 47922
activity to be routinely alone with a patient or to routinely have 47923
access to a patient's personal property or financial documents 47924
regarding a patient; 47925

(3) For each home health agency individually, any other 47926
routine service or activity that the chief administrator of the 47927
home health agency designates as direct care. 47928

(E) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 47929
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(F) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service. 47932
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(G) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, pediatric respite care program, informal respite care provider, provider certified by the department of developmental disabilities under Chapter 5123. of the Revised Code, residential facility, shared living provider, or immediate family member, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home: 47937
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(1) Skilled nursing care; 47946

(2) Physical therapy; 47947

(3) Occupational therapy; 47948

(4) Speech-language pathology; 47949

(5) Medical social services; 47950

(6) Home health aide services. 47951

(H) "Home health aide services" means any of the following services provided by an employee of a home health agency: 47952
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(1) Hands-on bathing or assistance with a tub bath or shower; 47954

(2) Assistance with dressing, ambulation, and toileting; 47955

(3) Catheter care but not insertion; 47956

(4) Meal preparation and feeding. 47957

(I) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code. 47958
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(J) "Immediate family member" means a parent, stepparent, grandparent, legal guardian, grandchild, brother, sister, stepsibling, spouse, son, daughter, stepchild, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law. 47961
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(K) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician. 47966
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(L) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 47969
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(M) "Nonagency provider" means a person who provides direct care to an individual on a self-employed basis and does not employ, directly or through contract, another person to provide the services. "Nonagency provider" does not include any of the following: 47971
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(1) A caregiver who is an immediate family member of the individual receiving direct care; 47976
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(2) A person who provides direct care to not more than two individuals who are not immediate family members of the care provider; 47978
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(3) A volunteer; 47981

(4) A person who is certified under section 5104.12 of the Revised Code to provide publicly funded child care as an in-home aide; 47982
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(5) A person who provides privately funded child care; 47985

(6) A caregiver who is certified by the department of developmental disabilities under Chapter 5123. of the Revised 47986
47987

<u>Code.</u>	47988
<u>(N) "Nonmedical home health services" means any of the following:</u>	47989
	47990
<u>(1) Any service identified in divisions (H)(1) to (4) of this section;</u>	47991
	47992
<u>(2) Personal care services;</u>	47993
<u>(3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section 3740.10 of the Revised Code.</u>	47994
	47995
	47996
<u>(O) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.</u>	47997
	47998
	47999
<u>(P) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.</u>	48000
	48001
<u>(O) "Personal care services" means any of the following provided to an individual in the individual's home or community:</u>	48002
	48003
<u>(1) Hands-on assistance with activities of daily living and instrumental activities of daily living, when incidental to assistance with activities of daily living;</u>	48004
	48005
	48006
<u>(2) Assistance managing the individual's home and handling personal affairs;</u>	48007
	48008
<u>(3) Assistance with self-administration of medications;</u>	48009
<u>(4) Homemaker services when incidental to any of the services identified in divisions (O)(1) to (3) of this section or when essential to the health and welfare of the individual specifically, not the individual's family;</u>	48010
	48011
	48012
	48013
<u>(5) Respite services for the individual's caregiver;</u>	48014
<u>(6) Errands completed outside of the presence of the individual if needed to maintain the individual's health and</u>	48015
	48016

safety, including picking up prescriptions and groceries. 48017

(R) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code. 48018
48019

(S) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code. 48020
48021

(T) "Skilled home health services" means any of the following: 48022
48023

(1) Any service identified in divisions (G)(1) to (5) of this section; 48024
48025

(2) Any other service the director of health designates as a skilled home health service in rules adopted under section 3740.10 of the Revised Code. 48026
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(U) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker. 48029
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(V) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code. 48032
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(W) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code. 48034
48035

Sec. 3740.02. Beginning one year after the effective date of this section: 48036
48037

(A)(1) No home health agency shall do either of the following unless the agency holds a current, valid license to provide skilled home health services issued under this chapter: 48038
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48040

(a) Provide skilled home health services through one or more employees; 48041
48042

(b) Hold the agency, or any employee of the agency, out as a provider of skilled home health services. 48043
48044

(2) No home health agency shall do either of the following unless the agency holds either a current, valid license to provide nonmedical home health services, or a current, valid license to provide skilled home health services, issued under this chapter: 48045
48046
48047
48048

(a) Provide nonmedical home health services through one or more employees; 48049
48050

(b) Hold the agency, or any employee of the agency, out as a provider of nonmedical home health services. 48051
48052

(B) (1) No nonagency provider shall do either of the following unless the provider holds a current, valid license to provide skilled home health services issued under this chapter: 48053
48054
48055

(a) Provide skilled home health services; 48056

(b) Hold oneself out as a provider of skilled home health services. 48057
48058

(2) No nonagency provider shall do either of the following unless the provider holds either a current, valid license to provide nonmedical home health services, or a current, valid license to provide skilled home health services, issued under this chapter: 48059
48060
48061
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48063

(a) Provide nonmedical home health services; 48064

(b) Hold oneself out as a provider of nonmedical home health services. 48065
48066

Sec. 3740.03. (A) (1) A home health agency or nonagency provider seeking to provide skilled home health services shall apply to the department of health for a skilled home health services license. The application shall include all of the following: 48067
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48071

(a) Evidence that the agency or provider meets one of the following: 48072
48073

<u>(i) Is certified for participation in the medicare program;</u>	48074
<u>(ii) Is accredited by the accreditation commission for health care, the community health accreditation partner, the joint commission, or another national accreditation organization approved by the United States centers for medicare and medicaid services and recognized by the department pursuant to rules adopted under section 3740.10 of the Revised Code;</u>	48075 48076 48077 48078 48079 48080
<u>(iii) Is certified by the department of aging under section 173.391 of the Revised Code to provide community-based long-term care services;</u>	48081 48082 48083
<u>(iv) Otherwise meets medicare conditions of participation, even though not certified for participation in the medicare program.</u>	48084 48085 48086
<u>(b) Evidence that the applicant was providing direct care on or immediately prior to the effective date of this section, or if the applicant was not providing direct care immediately prior to the effective date of this section, a surety bond issued by a company licensed to do business in this state in the amount of fifty thousand dollars.</u>	48087 48088 48089 48090 48091 48092
<u>(c) An application fee in the amount of two hundred fifty dollars.</u>	48093 48094
<u>(2) An applicant applying on the basis of division (A) (1) (a) (iv) of this section shall provide documentation and comply with conditions as prescribed by rules adopted under section 3740.10 of the Revised Code.</u>	48095 48096 48097 48098
<u>(B) (1) Except as provided in division (B) (2) of this section, a home health agency or nonagency provider seeking to provide nonmedical home health services shall apply to the department of health for a nonmedical home health services license. Except as provided in division (B) (3) of this section, the application shall include all of the following:</u>	48099 48100 48101 48102 48103 48104

<u>(a) Fingerprint impressions of the primary owner of the home health agency or of the nonagency provider;</u>	48105
	48106
<u>(b) Copies of any documents filed and recorded with the secretary of state;</u>	48107
	48108
<u>(c) A notarized affidavit verifying the identity of the applicant;</u>	48109
	48110
<u>(d) If the applicant is a home health agency, a copy of the agency's criminal records check policy;</u>	48111
	48112
<u>(e) A statement identifying the days and hours of operation for the applicant;</u>	48113
	48114
<u>(f) A description of the nonmedical home health services to be provided, and any policies and procedures related to those services, if applicable;</u>	48115
	48116
	48117
<u>(g) Identification of the applicant's primary place of business and a description of the geographic area to be served;</u>	48118
	48119
<u>(h) Evidence that the applicant was providing direct care on or immediately prior to the effective date of this section, or if the applicant was not providing direct care immediately prior to the effective date of this section, a surety bond issued by a company licensed to do business in this state in the amount of twenty thousand dollars;</u>	48120
	48121
	48122
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	48124
	48125
<u>(i) An application fee in the amount of two hundred fifty dollars.</u>	48126
	48127
<u>(2) A home health agency or nonagency provider that holds a skilled home health services license issued under division (A) of this section may provide nonmedical home health services without obtaining a nonmedical home health services license.</u>	48128
	48129
	48130
	48131
<u>(3) The director of health shall waive receipt of the items identified in divisions (B)(1)(a) to (g) of this section if the agency or provider submits evidence that the agency or provider is</u>	48132
	48133
	48134

certified by the department of aging under section 173.391 of the 48135
Revised Code to provide community-based long-term care services. 48136

(C) An applicant under this section shall use the application 48137
form prescribed by rules adopted under section 3740.10 of the 48138
Revised Code and comply with license procedures established by 48139
those rules. 48140

Sec. 3740.04. The department of health shall review each 48141
license application received under section 3740.03 of the Revised 48142
Code. The department's review of the application shall include a 48143
site visit for each applicant seeking a license on the basis of 48144
division (A)(1)(a)(i) of section 3740.03 of the Revised Code to 48145
verify that medicare conditions of participation are met, unless 48146
the applicant has already had such a site visit within the 48147
five-year period immediately preceding the date of the 48148
application. 48149

Except as provided in section 3740.07 of the Revised Code, 48150
the department shall issue the appropriate license to an applicant 48151
if the applicant has paid the application fee and demonstrated to 48152
the department's satisfaction that the requirements established 48153
under section 3740.03 of the Revised Code are met. 48154

Sec. 3740.05. (A) Except as provided in section 3740.07 of 48155
the Revised Code and in division (B) of this section, a license 48156
issued under section 3740.04 of the Revised Code is valid for 48157
three years. A person seeking to renew the license shall apply to 48158
the department of health using a license renewal form prescribed 48159
by rules adopted under section 3740.10 of the Revised Code and 48160
comply with any renewal application procedures established by 48161
those rules. The department shall review each application for 48162
license renewal and shall renew the license for three years if the 48163
applicant has paid the renewal fee of two hundred fifty dollars 48164

and demonstrated to the department's satisfaction that the 48165
applicant continues to meet the requirements established in 48166
section 3740.03 of the Revised Code. 48167

(B) The department may adjust an initial license renewal date 48168
to align renewal of a license issued under this chapter with the 48169
renewal of a certification or accreditation identified in 48170
divisions (A) (1) (a) (i) to (iii) of section 3740.03 of the Revised 48171
Code. 48172

Sec. 3740.07. (A) For any of the reasons established in rules 48173
adopted under section 3740.10 of the Revised Code, the department 48174
of health may take one or more of the following actions, as 48175
applicable, with respect to an applicant for or the holder of a 48176
license under this chapter: 48177

(1) Refuse to issue a license; 48178

(2) Refuse to renew or reinstate the holder's license; 48179

(3) Impose limitations on the holder's license; 48180

(4) Revoke or suspend the holder's license; 48181

(5) Place the license holder on probation with regard to the 48182
holder's license or otherwise reprimand the license holder. 48183

(B) All actions taken under this section shall be taken in 48184
accordance with Chapter 119. of the Revised Code. 48185

Sec. 3740.10. (A) The director of health shall adopt rules as 48186
the director considers necessary to implement this chapter, 48187
including rules that do all of the following: 48188

(1) Prescribe license application forms and procedures; 48189

(2) Specify the documentation that must be provided and 48190
conditions that must be met by an applicant seeking a license on 48191
the basis of division (A) (1) (a) (iv) of section 3740.03 of the 48192

<u>Revised Code;</u>	48193
<u>(3) Prescribe license renewal application forms and procedures;</u>	48194
	48195
<u>(4) Establish the reasons for which the department of health may take action under section 3740.07 of the Revised Code;</u>	48196
	48197
<u>(5) Processes for dispute resolution and appeals related to licensing disputes.</u>	48198
	48199
<u>(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. In addition, the rules shall be adopted in consultation with the director of aging and medicaid director.</u>	48200
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	48202
	48203
Sec. 3701.881 3740.11. (A) As used in this section:	48204
(1) "Applicant", "applicant" means a person who is under final consideration for employment with a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual or is referred to a home health agency by an employment service for such a position.	48205
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	48209
(2) "Community based long term care provider" means a provider as defined in section 173.39 of the Revised Code.	48210
	48211
(3) "Community based long term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.	48212
	48213
(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	48214
	48215
(5) "Direct care" means any of the following:	48216
(a) Any service identified in divisions (A) (8) (a) to (f) of this section that is provided in a patient's place of residence used as the patient's home;	48217
	48218
	48219
(b) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have	48220
	48221

~~access to a patient's personal property or financial documents 48222
regarding a patient; 48223~~

~~(c) For each home health agency individually, any other 48224
routine service or activity that the chief administrator of the 48225
home health agency designates as direct care. 48226~~

~~(6) "Disqualifying offense" means any of the offenses listed 48227
or described in divisions (A) (3) (a) to (e) of section 109.572 of 48228
the Revised Code. 48229~~

~~(7) "Employee" means a person employed by a home health 48230
agency in a full time, part time, or temporary position that 48231
involves providing direct care to an individual and a person who 48232
works in such a position due to being referred to a home health 48233
agency by an employment service. 48234~~

~~(8) "Home health agency" means a person or government entity, 48235
other than a nursing home, residential care facility, hospice care 48236
program, or pediatric respite care program, that has the primary 48237
function of providing any of the following services to a patient 48238
at a place of residence used as the patient's home: 48239~~

~~(a) Skilled nursing care; 48240~~

~~(b) Physical therapy; 48241~~

~~(c) Speech language pathology; 48242~~

~~(d) Occupational therapy; 48243~~

~~(e) Medical social services; 48244~~

~~(f) Home health aide services. 48245~~

~~(9) "Home health aide services" means any of the following 48246
services provided by an employee of a home health agency: 48247~~

~~(a) Hands on bathing or assistance with a tub bath or shower; 48248~~

~~(b) Assistance with dressing, ambulation, and toileting; 48249~~

~~(c) Catheter care but not insertion; 48250~~

(d) Meal preparation and feeding.	48251
(10) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	48252 48253 48254
(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	48255 48256 48257
(12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	48258 48259
(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	48260 48261 48262
(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	48263 48264
(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	48265 48266
(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.	48267 48268 48269
(17) "Speech language pathology" has the same meaning as in section 4753.01 of the Revised Code.	48270 48271
(18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.	48272 48273
(B) No home health agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an individual if any of the following apply:	48274 48275 48276 48277
(1) A review of the databases listed in division (D) of this section reveals any of the following:	48278 48279

(a) That the applicant or employee is included in one or more 48280
of the databases listed in divisions (D) (1) to (5) of this 48281
section; 48282

(b) That there is in the state nurse aide registry 48283
established under section 3721.32 of the Revised Code a statement 48284
detailing findings by the director of health that the applicant or 48285
employee abused, neglected, or exploited a long-term care facility 48286
or residential care facility resident or misappropriated property 48287
of such a resident; 48288

(c) That the applicant or employee is included in one or more 48289
of the databases, if any, specified in rules adopted under this 48290
section and the rules prohibit the home health agency from 48291
employing an applicant or continuing to employ an employee 48292
included in such a database in a position that involves providing 48293
direct care to an individual. 48294

(2) After the applicant or employee is provided, pursuant to 48295
division (E) (2) (a) of this section, a copy of the form prescribed 48296
pursuant to division (C) (1) of section 109.572 of the Revised Code 48297
and the standard impression sheet prescribed pursuant to division 48298
(C) (2) of that section, the applicant or employee fails to 48299
complete the form or provide the applicant's or employee's 48300
fingerprint impressions on the standard impression sheet. 48301

(3) Except as provided in rules adopted under this section, 48302
the applicant or employee is found by a criminal records check 48303
required by this section to have been convicted of, pleaded guilty 48304
to, or been found eligible for intervention in lieu of conviction 48305
for a disqualifying offense. 48306

(C) Except as provided by division (F) of this section, the 48307
chief administrator of a home health agency shall inform each 48308
applicant of both of the following at the time of the applicant's 48309
initial application for employment or referral to the home health 48310

agency by an employment service for a position that involves 48311
providing direct care to an individual: 48312

(1) That a review of the databases listed in division (D) of 48313
this section will be conducted to determine whether the home 48314
health agency is prohibited by division (B)(1) of this section 48315
from employing the applicant in the position; 48316

(2) That, unless the database review reveals that the 48317
applicant may not be employed in the position, a criminal records 48318
check of the applicant will be conducted and the applicant is 48319
required to provide a set of the applicant's fingerprint 48320
impressions as part of the criminal records check. 48321

(D) As a condition of employing any applicant in a position 48322
that involves providing direct care to an individual, the chief 48323
administrator of a home health agency shall conduct a database 48324
review of the applicant in accordance with rules adopted under 48325
this section. If rules adopted under this section so require, the 48326
chief administrator of a home health agency shall conduct a 48327
database review of an employee in accordance with the rules as a 48328
condition of continuing to employ the employee in a position that 48329
involves providing direct care to an individual. However, the 48330
chief administrator is not required to conduct a database review 48331
of an applicant or employee if division (F) of this section 48332
applies. A database review shall determine whether the applicant 48333
or employee is included in any of the following: 48334

(1) The excluded parties list system that is maintained by 48335
the United States general services administration pursuant to 48336
subpart 9.4 of the federal acquisition regulation and available at 48337
the federal web site known as the system for award management; 48338

(2) The list of excluded individuals and entities maintained 48339
by the office of inspector general in the United States department 48340
of health and human services pursuant to the "Social Security 48341

Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 48342

(3) The registry of developmental disabilities employees 48343
established under section 5123.52 of the Revised Code; 48344

(4) The internet-based sex offender and child-victim offender 48345
database established under division (A)(11) of section 2950.13 of 48346
the Revised Code; 48347

(5) The internet-based database of inmates established under 48348
section 5120.66 of the Revised Code; 48349

(6) The state nurse aide registry established under section 48350
3721.32 of the Revised Code; 48351

(7) Any other database, if any, specified in rules adopted 48352
under this section. 48353

(E)(1) As a condition of employing any applicant in a 48354
position that involves providing direct care to an individual, the 48355
chief administrator of a home health agency shall request the 48356
superintendent of the bureau of criminal identification and 48357
investigation to conduct a criminal records check of the 48358
applicant. If rules adopted under this section so require, the 48359
chief administrator of a home health agency shall request the 48360
superintendent to conduct a criminal records check of an employee 48361
at times specified in the rules as a condition of continuing to 48362
employ the employee in a position that involves providing direct 48363
care to an individual. However, the chief administrator is not 48364
required to request the criminal records check of the applicant or 48365
the employee if division (F) of this section applies or the home 48366
health agency is prohibited by division (B)(1) of this section 48367
from employing the applicant or continuing to employ the employee 48368
in a position that involves providing direct care to an 48369
individual. If an applicant or employee for whom a criminal 48370
records check request is required by this section does not present 48371
proof of having been a resident of this state for the five-year 48372

period immediately prior to the date upon which the criminal 48373
records check is requested or does not provide evidence that 48374
within that five-year period the superintendent has requested 48375
information about the applicant from the federal bureau of 48376
investigation in a criminal records check, the chief administrator 48377
shall request that the superintendent obtain information from the 48378
federal bureau of investigation as a part of the criminal records 48379
check. Even if an applicant or employee for whom a criminal 48380
records check request is required by this section presents proof 48381
that the applicant or employee has been a resident of this state 48382
for that five-year period, the chief administrator may request 48383
that the superintendent include information from the federal 48384
bureau of investigation in the criminal records check. 48385

(2) The chief administrator shall do all of the following: 48386

(a) Provide to each applicant and employee for whom a 48387
criminal records check request is required by this section a copy 48388
of the form prescribed pursuant to division (C)(1) of section 48389
109.572 of the Revised Code and a standard impression sheet 48390
prescribed pursuant to division (C)(2) of that section; 48391

(b) Obtain the completed form and standard impression sheet 48392
from each applicant and employee; 48393

(c) Forward the completed form and standard impression sheet 48394
to the superintendent at the time the chief administrator requests 48395
the criminal records check. 48396

(3) A home health agency shall pay to the bureau of criminal 48397
identification and investigation the fee prescribed pursuant to 48398
division (C)(3) of section 109.572 of the Revised Code for each 48399
criminal records check the agency requests under this section. A 48400
home health agency may charge an applicant a fee not exceeding the 48401
amount the agency pays to the bureau under this section if both of 48402
the following apply: 48403

(a) The home health agency notifies the applicant at the time 48404
of initial application for employment of the amount of the fee and 48405
that, unless the fee is paid, the applicant will not be considered 48406
for employment. 48407

(b) The medicaid program does not reimburse the home health 48408
agency for the fee it pays to the bureau under this section. 48409

(F) Divisions (C) to (E) of this section do not apply with 48410
regard to an applicant or employee if the applicant or employee is 48411
referred to a home health agency by an employment service that 48412
supplies full-time, part-time, or temporary staff for positions 48413
that involve providing direct care to an individual and both of 48414
the following apply: 48415

(1) The chief administrator of the home health agency 48416
receives from the employment service confirmation that a review of 48417
the databases listed in division (D) of this section was conducted 48418
with regard to the applicant or employee. 48419

(2) The chief administrator of the home health agency 48420
receives from the employment service, applicant, or employee a 48421
report of the results of a criminal records check of the applicant 48422
or employee that has been conducted by the superintendent within 48423
the one-year period immediately preceding the following: 48424

(a) In the case of an applicant, the date of the applicant's 48425
referral by the employment service to the home health agency; 48426

(b) In the case of an employee, the date by which the home 48427
health agency would otherwise have to request a criminal records 48428
check of the employee under division (E) of this section. 48429

(G) (1) A home health agency may employ conditionally an 48430
applicant for whom a criminal records check request is required by 48431
this section before obtaining the results of the criminal records 48432
check if the agency is not prohibited by division (B) of this 48433
section from employing the applicant in a position that involves 48434

providing direct care to an individual and either of the following 48435
applies: 48436

(a) The chief administrator of the home health agency 48437
requests the criminal records check in accordance with division 48438
(E) of this section not later than five business days after the 48439
applicant begins conditional employment. 48440

(b) The applicant is referred to the home health agency by an 48441
employment service, the employment service or the applicant 48442
provides the chief administrator of the agency a letter that is on 48443
the letterhead of the employment service, the letter is dated and 48444
signed by a supervisor or another designated official of the 48445
employment service, and the letter states all of the following: 48446

(i) That the employment service has requested the 48447
superintendent to conduct a criminal records check regarding the 48448
applicant; 48449

(ii) That the requested criminal records check is to include 48450
a determination of whether the applicant has been convicted of, 48451
pleaded guilty to, or been found eligible for intervention in lieu 48452
of conviction for a disqualifying offense; 48453

(iii) That the employment service has not received the 48454
results of the criminal records check as of the date set forth on 48455
the letter; 48456

(iv) That the employment service promptly will send a copy of 48457
the results of the criminal records check to the chief 48458
administrator of the home health agency when the employment 48459
service receives the results. 48460

(2) If a home health agency employs an applicant 48461
conditionally pursuant to division (G)(1)(b) of this section, the 48462
employment service, on its receipt of the results of the criminal 48463
records check, promptly shall send a copy of the results to the 48464
chief administrator of the agency. 48465

(3) A home health agency that employs an applicant 48466
conditionally pursuant to division (G) (1) (a) or (b) of this 48467
section shall terminate the applicant's employment if the results 48468
of the criminal records check, other than the results of any 48469
request for information from the federal bureau of investigation, 48470
are not obtained within the period ending sixty days after the 48471
date the request for the criminal records check is made. 48472
Regardless of when the results of the criminal records check are 48473
obtained, if the results indicate that the applicant has been 48474
convicted of, pleaded guilty to, or been found eligible for 48475
intervention in lieu of conviction for a disqualifying offense, 48476
the home health agency shall terminate the applicant's employment 48477
unless circumstances specified in rules adopted under this section 48478
that permit the agency to employ the applicant exist and the 48479
agency chooses to employ the applicant. Termination of employment 48480
under this division shall be considered just cause for discharge 48481
for purposes of division (D) (2) of section 4141.29 of the Revised 48482
Code if the applicant makes any attempt to deceive the home health 48483
agency about the applicant's criminal record. 48484

(H) The report of any criminal records check conducted by the 48485
bureau of criminal identification and investigation in accordance 48486
with section 109.572 of the Revised Code and pursuant to a request 48487
made under this section is not a public record for the purposes of 48488
section 149.43 of the Revised Code and shall not be made available 48489
to any person other than the following: 48490

(1) The applicant or employee who is the subject of the 48491
criminal records check or the applicant's or employee's 48492
representative; 48493

(2) The home health agency requesting the criminal records 48494
check or its representative; 48495

(3) The administrator of any other facility, agency, or 48496
program that provides direct care to individuals that is owned or 48497

operated by the same entity that owns or operates the home health agency that requested the criminal records check; 48498
48499

(4) The employment service that requested the criminal records check; 48500
48501

(5) The director of health and the staff of the department of health who monitor a home health agency's compliance with this section; 48502
48503
48504

(6) The director of aging or the director's designee if either of the following apply: 48505
48506

(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a community-based long-term care provider or community-based long-term care subcontractor; 48507
48508
48509
48510

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a community-based long-term care provider or community-based long-term care subcontractor. 48511
48512
48513
48514
48515

(7) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if either of the following apply: 48516
48517
48518

(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a waiver agency; 48519
48520
48521

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a waiver agency. 48522
48523
48524
48525

(8) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 48526
48527

(a) A denial of employment of the applicant or employee;	48528
(b) Employment or unemployment benefits of the applicant or employee;	48529 48530
(c) A civil or criminal action regarding the medicaid program.	48531 48532
(I) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a home health agency employs in a position that involves providing direct care to an individual, all of the following shall apply:	48533 48534 48535 48536 48537
(1) If the home health agency employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.	48538 48539 48540 48541 48542 48543
(2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to division (G) of this section, the agency shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.	48544 48545 48546 48547 48548
(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.	48549 48550 48551 48552 48553 48554 48555
(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.	48556 48557

(1) The rules may do the following: 48558

(a) Require employees to undergo database reviews and 48559
criminal records checks under this section; 48560

(b) If the rules require employees to undergo database 48561
reviews and criminal records checks under this section, exempt one 48562
or more classes of employees from the requirements; 48563

(c) For the purpose of division (D) (7) of this section, 48564
specify other databases that are to be checked as part of a 48565
database review conducted under this section. 48566

(2) The rules shall specify all of the following: 48567

(a) The procedures for conducting database reviews under this 48568
section; 48569

(b) If the rules require employees to undergo database 48570
reviews and criminal records checks under this section, the times 48571
at which the database reviews and criminal records checks are to 48572
be conducted; 48573

(c) If the rules specify other databases to be checked as 48574
part of the database reviews, the circumstances under which a home 48575
health agency is prohibited from employing an applicant or 48576
continuing to employ an employee who is found by a database review 48577
to be included in one or more of those databases; 48578

(d) Circumstances under which a home health agency may employ 48579
an applicant or employee who is found by a criminal records check 48580
required by this section to have been convicted of, pleaded guilty 48581
to, or been found eligible for intervention in lieu of conviction 48582
for a disqualifying offense but meets personal character 48583
standards. 48584

Sec. 3740.99. Whoever violates section 3740.02 of the Revised 48585
Code is guilty of a misdemeanor of the second degree on a first 48586
offense; for each subsequent offense, the person is guilty of a 48587

misdemeanor of the first degree. 48588

Sec. 3741.14. (A) Each filling station offering self-service 48589
shall be operated in accordance with the most recent version of 48590
the national fire protection association standard number ~~30A-1990~~ 48591
30A, as that standard is incorporated into the fire code adopted 48592
by the state fire marshal in accordance with section 3737.82 of 48593
the Revised Code, and the provisions of the "Occupational Safety 48594
and Health Act of 1970," 84 Stat. 1590, 5 U.S.C.A. 5108, and any 48595
amendments thereto and standards adopted thereunder. 48596

(B) The fire marshal shall adopt, as part of the state fire 48597
code, rules governing the equipment, operation, and maintenance of 48598
filling stations. The rules shall be such as are necessary for the 48599
protection of the persons and property of the public, but shall 48600
require as a minimum that: 48601

(2) A sign, in block letters at least four inches in height, 48602
be conspicuously displayed on each gasoline pump island where 48603
self-service is offered stating that it is a self-service island; 48604

(3) Signs giving instructions for the operation of gasoline 48605
dispensing equipment, in block letters, be conspicuously posted at 48606
each filling station offering self-service; 48607

(4) A sign bearing the following words in block letters be 48608
conspicuously posted on each gasoline pump island where 48609
self-service is offered: 48610

(a) "STOP ENGINE"; 48611

(b) "NO SMOKING"; 48612

(c) "WARNING--IT IS UNLAWFUL AND DANGEROUS TO DISPENSE 48613
GASOLINE INTO UNAPPROVED CONTAINERS"; 48614

(d) "PERSONS USING DISPENSERS WITH HOLD-OPEN LATCHES MUST 48615
REMAIN AT THE REFUELING POINT DURING REFUELING". 48616

(5) All signs required by this section be constructed of 48617
rigid, weather-resistant material; 48618

(6) Gasoline dispensing nozzles used by any person other than 48619
a supervisor, employee, or attendant be of an approved automatic 48620
closing type. Any person other than a supervisor, employee, or 48621
attendant using a dispenser with a hold-open latch shall remain at 48622
the refueling point during refueling. 48623

(C) The fire marshal shall not prohibit the operation of a 48624
filling station offering self-service solely because it is an 48625
unattended filling station that utilizes key- or card-operated 48626
self-service flammable or combustible liquid dispensing equipment. 48627

(D) Nothing in this section shall be interpreted to prohibit 48628
the fire marshal from adopting reasonable rules governing the 48629
safety of self-service flammable or combustible liquid dispensing 48630
equipment. 48631

Sec. 3745.014. There is hereby created in the state treasury 48632
the central support indirect fund, which shall be administered by 48633
the director of environmental protection. Money credited to the 48634
fund shall be used for administrative costs of the environmental 48635
protection agency. The director may assess any operating funds 48636
from which the agency receives appropriations, except the central 48637
support indirect fund, for a share of the administrative costs of 48638
the agency. The amounts assessed shall be transferred to the 48639
central support indirect fund by means of intrastate transfer 48640
vouchers. The director, ~~with the approval of the director of~~ 48641
~~budget and management,~~ shall determine the rate of assessments. 48642

Sec. 3745.11. (A) Applicants for and holders of permits, 48643
licenses, variances, plan approvals, and certifications issued by 48644
the director of environmental protection pursuant to Chapters 48645
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 48646

to the environmental protection agency for each such issuance and 48647
each application for an issuance as provided by this section. No 48648
fee shall be charged for any issuance for which no application has 48649
been submitted to the director. 48650

(B) Except as otherwise provided in division (C) (2) of this 48651
section, beginning July 1, 1994, each person who owns or operates 48652
an air contaminant source and who is required to apply for and 48653
obtain a Title V permit under section 3704.036 of the Revised Code 48654
shall pay the fees set forth in this division. For the purposes of 48655
this division, total emissions of air contaminants may be 48656
calculated using engineering calculations, emissions factors, 48657
material balance calculations, or performance testing procedures, 48658
as authorized by the director. 48659

The following fees shall be assessed on the total actual 48660
emissions from a source in tons per year of the regulated 48661
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 48662
organic compounds, and lead: 48663

(1) Fifteen dollars per ton on the total actual emissions of 48664
each such regulated pollutant during the period July through 48665
December 1993, to be collected no sooner than July 1, 1994; 48666

(2) Twenty dollars per ton on the total actual emissions of 48667
each such regulated pollutant during calendar year 1994, to be 48668
collected no sooner than April 15, 1995; 48669

(3) Twenty-five dollars per ton on the total actual emissions 48670
of each such regulated pollutant in calendar year 1995, and each 48671
subsequent calendar year, to be collected no sooner than the 48672
fifteenth day of April of the year next succeeding the calendar 48673
year in which the emissions occurred. 48674

The fees levied under this division do not apply to that 48675
portion of the emissions of a regulated pollutant at a facility 48676
that exceed four thousand tons during a calendar year. 48677

(C) (1) The fees assessed under division (B) of this section 48678
are for the purpose of providing funding for the Title V permit 48679
program. 48680

(2) The fees assessed under division (B) of this section do 48681
not apply to emissions from any electric generating unit 48682
designated as a Phase I unit under Title IV of the federal Clean 48683
Air Act prior to calendar year 2000. Those fees shall be assessed 48684
on the emissions from such a generating unit commencing in 48685
calendar year 2001 based upon the total actual emissions from the 48686
generating unit during calendar year 2000 and shall continue to be 48687
assessed each subsequent calendar year based on the total actual 48688
emissions from the generating unit during the preceding calendar 48689
year. 48690

(3) The director shall issue invoices to owners or operators 48691
of air contaminant sources who are required to pay a fee assessed 48692
under division (B) or (D) of this section. Any such invoice shall 48693
be issued no sooner than the applicable date when the fee first 48694
may be collected in a year under the applicable division, shall 48695
identify the nature and amount of the fee assessed, and shall 48696
indicate that the fee is required to be paid within thirty days 48697
after the issuance of the invoice. 48698

(D) (1) ~~Except as provided in division (D) (3) of this section,~~ 48699
~~from January 1, 1994, through December 31, 2003, each person who~~ 48700
~~owns or operates an air contaminant source; who is required to~~ 48701
~~apply for a permit to operate pursuant to rules adopted under~~ 48702
~~division (C), or a variance pursuant to division (H), of section~~ 48703
~~3704.03 of the Revised Code; and who is not required to apply for~~ 48704
~~and obtain a Title V permit under section 3704.036 of the Revised~~ 48705
~~Code shall pay a single fee based upon the sum of the actual~~ 48706
~~annual emissions from the facility of the regulated pollutants~~ 48707
~~particulate matter, sulfur dioxide, nitrogen oxides, organic~~ 48708
~~compounds, and lead in accordance with the following schedule:~~ 48709

Total tons per year		48710
of regulated pollutants	Annual fee	48711
emitted	per facility	48712
More than 0, but less than 50	\$ 75	48713
50 or more, but less than 100	300	48714
100 or more	700	48715

~~(2)~~ Except as provided in division ~~(D)~~ ~~(3)~~ (D) (2) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year		48727
of regulated pollutants	Annual fee	48728
emitted	per facility	48729
More than 0, but less than 10	\$ 100	48730
10 or more, but less than 50	200	48731
50 or more, but less than 100	300	48732
100 or more	700	48733

~~(3) (a) (2) (a)~~ As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2022~~ 2024,

each person who owns or operates a synthetic minor facility shall 48742
pay an annual fee based on the sum of the actual annual emissions 48743
from the facility of particulate matter, sulfur dioxide, nitrogen 48744
dioxide, organic compounds, and lead in accordance with the 48745
following schedule: 48746

Combined total tons 48747	Annual fee 48748
per year of all regulated 48749	per facility 48749
pollutants emitted 48749	48749
Less than 10 48750	\$ 170 48750
10 or more, but less than 20 48751	340 48751
20 or more, but less than 30 48752	670 48752
30 or more, but less than 40 48753	1,010 48753
40 or more, but less than 50 48754	1,340 48754
50 or more, but less than 60 48755	1,680 48755
60 or more, but less than 70 48756	2,010 48756
70 or more, but less than 80 48757	2,350 48757
80 or more, but less than 90 48758	2,680 48758
90 or more, but less than 100 48759	3,020 48759
100 or more 48760	3,350 48760

~~(4) The fees assessed under division (D)(1) of this section 48761~~
~~shall be collected annually no sooner than the fifteenth day of 48762~~
~~April, commencing in 1995. (3) The fees assessed under division 48763~~
~~(D)(2)(D)(1) of this section shall be collected annually no sooner 48764~~
than the fifteenth day of April, commencing in 2005. The fees 48765
assessed under division ~~(D)(3)(D)(2)~~ of this section shall be 48766
collected no sooner than the fifteenth day of April, commencing in 48767
2000. The fees assessed under division (D) of this section in a 48768
calendar year shall be based upon the sum of the actual emissions 48769
of those regulated pollutants during the preceding calendar year. 48770
For the purpose of division (D) of this section, emissions of air 48771
contaminants may be calculated using engineering calculations, 48772
emission factors, material balance calculations, or performance 48773
testing procedures, as authorized by the director. The director, 48774

by rule, may require persons who are required to pay the fees 48775
assessed under division (D) of this section to pay those fees 48776
biennially rather than annually. 48777

(E) (1) Consistent with the need to cover the reasonable costs 48778
of the Title V permit program, the director annually shall 48779
increase the fees prescribed in division (B) of this section by 48780
the percentage, if any, by which the consumer price index for the 48781
most recent calendar year ending before the beginning of a year 48782
exceeds the consumer price index for calendar year 1989. Upon 48783
calculating an increase in fees authorized by division (E) (1) of 48784
this section, the director shall compile revised fee schedules for 48785
the purposes of division (B) of this section and shall make the 48786
revised schedules available to persons required to pay the fees 48787
assessed under that division and to the public. 48788

(2) For the purposes of division (E) (1) of this section: 48789

(a) The consumer price index for any year is the average of 48790
the consumer price index for all urban consumers published by the 48791
United States department of labor as of the close of the 48792
twelve-month period ending on the thirty-first day of August of 48793
that year. 48794

(b) If the 1989 consumer price index is revised, the director 48795
shall use the revision of the consumer price index that is most 48796
consistent with that for calendar year 1989. 48797

(F) Each person who is issued a permit to install pursuant to 48798
rules adopted under division (F) of section 3704.03 of the Revised 48799
Code on or after July 1, 2003, shall pay the fees specified in the 48800
following schedules: 48801

(1) Fuel-burning equipment (boilers, furnaces, or process 48802
heaters used in the process of burning fuel for the primary 48803
purpose of producing heat or power by indirect heat transfer) 48804
Input capacity (maximum) 48805

(million British thermal units per hour)	Permit to install	48806
Greater than 0, but less than 10	\$ 200	48807
10 or more, but less than 100	400	48808
100 or more, but less than 300	1000	48809
300 or more, but less than 500	2250	48810
500 or more, but less than 1000	3750	48811
1000 or more, but less than 5000	6000	48812
5000 or more	9000	48813
Units burning exclusively natural gas, number two fuel oil,		48814
or both shall be assessed a fee that is one-half the applicable		48815
amount shown in division (F)(1) of this section.		48816
(2) Combustion turbines and stationary internal combustion		48817
engines designed to generate electricity		48818
Generating capacity (mega watts)	Permit to install	48819
0 or more, but less than 10	\$ 25	48820
10 or more, but less than 25	150	48821
25 or more, but less than 50	300	48822
50 or more, but less than 100	500	48823
100 or more, but less than 250	1000	48824
250 or more	2000	48825
(3) Incinerators		48826
Input capacity (pounds per hour)	Permit to install	48827
0 to 100	\$ 100	48828
101 to 500	500	48829
501 to 2000	1000	48830
2001 to 20,000	1500	48831
more than 20,000	3750	48832
(4) (a) Process		48833
Process weight rate (pounds per hour)	Permit to install	48834
0 to 1000	\$ 200	48835
1001 to 5000	500	48836
5001 to 10,000	750	48837

10,001 to 50,000	1000	48838
more than 50,000	1250	48839

In any process where process weight rate cannot be 48840
ascertained, the minimum fee shall be assessed. A boiler, furnace, 48841
combustion turbine, stationary internal combustion engine, or 48842
process heater designed to provide direct heat or power to a 48843
process not designed to generate electricity shall be assessed a 48844
fee established in division (F) (4) (a) of this section. A 48845
combustion turbine or stationary internal combustion engine 48846
designed to generate electricity shall be assessed a fee 48847
established in division (F) (2) of this section. 48848

(b) Notwithstanding division (F) (4) (a) of this section, any 48849
person issued a permit to install pursuant to rules adopted under 48850
division (F) of section 3704.03 of the Revised Code shall pay the 48851
fees set forth in division (F) (4) (c) of this section for a process 48852
used in any of the following industries, as identified by the 48853
applicable two-digit, three-digit, or four-digit standard 48854
industrial classification code according to the Standard 48855
Industrial Classification Manual published by the United States 48856
office of management and budget in the executive office of the 48857
president, 1987, as revised: 48858

Major group 10, metal mining; 48859

Major group 12, coal mining; 48860

Major group 14, mining and quarrying of nonmetallic minerals; 48861

Industry group 204, grain mill products; 48862

2873 Nitrogen fertilizers; 48863

2874 Phosphatic fertilizers; 48864

3281 Cut stone and stone products; 48865

3295 Minerals and earth, ground or otherwise treated; 48866

4221 Grain elevators (storage only); 48867

5159 Farm related raw materials;		48868
5261 Retail nurseries and lawn and garden supply stores.		48869
(c) The fees set forth in the following schedule apply to the		48870
issuance of a permit to install pursuant to rules adopted under		48871
division (F) of section 3704.03 of the Revised Code for a process		48872
identified in division (F) (4) (b) of this section:		48873
Process weight rate (pounds per	Permit to install	48874
hour)		
0 to 10,000	\$ 200	48875
10,001 to 50,000	400	48876
50,001 to 100,000	500	48877
100,001 to 200,000	600	48878
200,001 to 400,000	750	48879
400,001 or more	900	48880
(5) Storage tanks		48881
Gallons (maximum useful capacity)	Permit to install	48882
0 to 20,000	\$ 100	48883
20,001 to 40,000	150	48884
40,001 to 100,000	250	48885
100,001 to 500,000	400	48886
500,001 or greater	750	48887
(6) Gasoline/fuel dispensing facilities		48888
For each gasoline/fuel		48889
dispensing facility (includes all	Permit to install	48890
units at the facility)	\$ 100	48891
(7) Dry cleaning facilities		48892
For each dry cleaning		48893
facility (includes all units	Permit to install	48894
at the facility)	\$ 100	48895
(8) Registration status		48896
For each source covered	Permit to install	48897

by registration status \$ 75 48898

(G) An owner or operator who is responsible for an asbestos 48899
demolition or renovation project pursuant to rules adopted under 48900
section 3704.03 of the Revised Code shall pay, upon submitting a 48901
notification pursuant to rules adopted under that section, the 48902
fees set forth in the following schedule: 48903

Action	Fee	
Each notification	\$75	48905
Asbestos removal	\$3/unit	48906
Asbestos cleanup	\$4/cubic yard	48907

For purposes of this division, "unit" means any combination of 48908
linear feet or square feet equal to fifty. 48909

(H) A person who is issued an extension of time for a permit 48910
to install an air contaminant source pursuant to rules adopted 48911
under division (F) of section 3704.03 of the Revised Code shall 48912
pay a fee equal to one-half the fee originally assessed for the 48913
permit to install under this section, except that the fee for such 48914
an extension shall not exceed two hundred dollars. 48915

(I) A person who is issued a modification to a permit to 48916
install an air contaminant source pursuant to rules adopted under 48917
section 3704.03 of the Revised Code shall pay a fee equal to 48918
one-half of the fee that would be assessed under this section to 48919
obtain a permit to install the source. The fee assessed by this 48920
division only applies to modifications that are initiated by the 48921
owner or operator of the source and shall not exceed two thousand 48922
dollars. 48923

(J) Notwithstanding division (F) of this section, a person 48924
who applies for or obtains a permit to install pursuant to rules 48925
adopted under division (F) of section 3704.03 of the Revised Code 48926
after the date actual construction of the source began shall pay a 48927
fee for the permit to install that is equal to twice the fee that 48928
otherwise would be assessed under the applicable division unless 48929

the applicant received authorization to begin construction under 48930
division (W) of section 3704.03 of the Revised Code. This division 48931
only applies to sources for which actual construction of the 48932
source begins on or after July 1, 1993. The imposition or payment 48933
of the fee established in this division does not preclude the 48934
director from taking any administrative or judicial enforcement 48935
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 48936
of the Revised Code, or a rule adopted under any of them, in 48937
connection with a violation of rules adopted under division (F) of 48938
section 3704.03 of the Revised Code. 48939

As used in this division, "actual construction of the source" 48940
means the initiation of physical on-site construction activities 48941
in connection with improvements to the source that are permanent 48942
in nature, including, without limitation, the installation of 48943
building supports and foundations and the laying of underground 48944
pipework. 48945

(K) (1) Money received under division (B) of this section 48946
shall be deposited in the state treasury to the credit of the 48947
Title V clean air fund created in section 3704.035 of the Revised 48948
Code. Annually, not more than fifty cents per ton of each fee 48949
assessed under division (B) of this section on actual emissions 48950
from a source and received by the environmental protection agency 48951
pursuant to that division may be transferred by the director using 48952
an interstate transfer voucher to the state treasury to the credit 48953
of the small business assistance fund created in section 3706.19 48954
of the Revised Code. In addition, annually, the amount of money 48955
necessary for the operation of the office of ombudsperson as 48956
determined under division (B) of that section shall be transferred 48957
to the state treasury to the credit of the small business 48958
ombudsperson fund created by that section. 48959

(2) Money received by the agency pursuant to divisions (D), 48960
(F), (G), (H), (I), and (J) of this section shall be deposited in 48961

the state treasury to the credit of the non-Title V clean air fund 48962
created in section 3704.035 of the Revised Code. 48963

(L) (1) A person applying for a plan approval for a wastewater 48964
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 48965
of the Revised Code shall pay a nonrefundable fee of one hundred 48966
dollars plus sixty-five one-hundredths of one per cent of the 48967
estimated project cost through June 30, ~~2022~~2024, and a 48968
nonrefundable application fee of one hundred dollars plus 48969
two-tenths of one per cent of the estimated project cost on and 48970
after July 1, ~~2022~~2024, except that the total fee shall not exceed 48971
fifteen thousand dollars through June 30, ~~2022~~2024, and five 48972
thousand dollars on and after July 1, ~~2022~~2024. The fee shall be 48973
paid at the time the application is submitted. 48974

(2) A person who has entered into an agreement with the 48975
director under section 6111.14 of the Revised Code shall pay an 48976
administrative service fee for each plan submitted under that 48977
section for approval that shall not exceed the minimum amount 48978
necessary to pay administrative costs directly attributable to 48979
processing plan approvals. The director annually shall calculate 48980
the fee and shall notify all persons who have entered into 48981
agreements under that section, or who have applied for agreements, 48982
of the amount of the fee. 48983

(3) (a) (i) Not later than January 30, ~~2020~~2022, and January 48984
30, ~~2021~~2023, a person holding an NPDES discharge permit issued 48985
pursuant to Chapter 6111. of the Revised Code with an average 48986
daily discharge flow of five thousand gallons or more shall pay a 48987
nonrefundable annual discharge fee. Any person who fails to pay 48988
the fee at that time shall pay an additional amount that equals 48989
ten per cent of the required annual discharge fee. 48990

(ii) The billing year for the annual discharge fee 48991
established in division (L) (3) (a) (i) of this section shall consist 48992
of a twelve-month period beginning on the first day of January of 48993

the year preceding the date when the annual discharge fee is due. 48994
In the case of an existing source that permanently ceases to 48995
discharge during a billing year, the director shall reduce the 48996
annual discharge fee, including the surcharge applicable to 48997
certain industrial facilities pursuant to division (L) (3) (c) of 48998
this section, by one-twelfth for each full month during the 48999
billing year that the source was not discharging, but only if the 49000
person holding the NPDES discharge permit for the source notifies 49001
the director in writing, not later than the first day of October 49002
of the billing year, of the circumstances causing the cessation of 49003
discharge. 49004

(iii) The annual discharge fee established in division 49005
(L) (3) (a) (i) of this section, except for the surcharge applicable 49006
to certain industrial facilities pursuant to division (L) (3) (c) of 49007
this section, shall be based upon the average daily discharge flow 49008
in gallons per day calculated using first day of May through 49009
thirty-first day of October flow data for the period two years 49010
prior to the date on which the fee is due. In the case of NPDES 49011
discharge permits for new sources, the fee shall be calculated 49012
using the average daily design flow of the facility until actual 49013
average daily discharge flow values are available for the time 49014
period specified in division (L) (3) (a) (iii) of this section. The 49015
annual discharge fee may be prorated for a new source as described 49016
in division (L) (3) (a) (ii) of this section. 49017

(b) (i) An NPDES permit holder that is a public discharger 49018
shall pay the fee specified in the following schedule: 49019

Average daily	Fee due by	
discharge flow	January 30,	
	2020 2022, and	49022
	January 30,	49023
	2021 2023	
5,000 to 49,999	\$ 200	49024

50,000 to 100,000	500	49025
100,001 to 250,000	1,050	49026
250,001 to 1,000,000	2,600	49027
1,000,001 to 5,000,000	5,200	49028
5,000,001 to 10,000,000	10,350	49029
10,000,001 to 20,000,000	15,550	49030
20,000,001 to 50,000,000	25,900	49031
50,000,001 to 100,000,000	41,400	49032
100,000,001 or more	62,100	49033
(ii) Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand persons shall pay an annual discharge fee under division (L) (3) (b) (i) of this section that is based on the combined average daily discharge flow of the treatment works.		49034 49035 49036 49037 49038 49039 49040 49041
(c) (i) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:		49042 49043 49044 49045
Average daily discharge flow	Fee due by	49046
	January 30,	49047
	2020 <u>2022</u> , and	49048
	January 30,	49049
	2021 <u>2023</u>	
5,000 to 49,999	\$ 250	49050
50,000 to 250,000	1,200	49051
250,001 to 1,000,000	2,950	49052
1,000,001 to 5,000,000	5,850	49053
5,000,001 to 10,000,000	8,800	49054
10,000,001 to 20,000,000	11,700	49055

20,000,001 to 100,000,000	14,050	49056
100,000,001 to 250,000,000	16,400	49057
250,000,001 or more	18,700	49058

(ii) In addition to the fee specified in the above schedule, 49059
an NPDES permit holder that is an industrial discharger classified 49060
as a major discharger during all or part of the annual discharge 49061
fee billing year specified in division (L)(3)(a)(ii) of this 49062
section shall pay a nonrefundable annual surcharge of seven 49063
thousand five hundred dollars not later than January 30, ~~2020~~2022, 49064
and not later than January 30, ~~2021~~2023. Any person who fails to 49065
pay the surcharge at that time shall pay an additional amount that 49066
equals ten per cent of the amount of the surcharge. 49067

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 49068
section, a public discharger, that is not a separate municipal 49069
storm sewer system, identified by I in the third character of the 49070
permittee's NPDES permit number and an industrial discharger 49071
identified by I, J, L, V, W, X, Y, or Z in the third character of 49072
the permittee's NPDES permit number shall pay a nonrefundable 49073
annual discharge fee of one hundred eighty dollars not later than 49074
January 30, ~~2020~~2022, and not later than January 30, ~~2021~~2023. Any 49075
person who fails to pay the fee at that time shall pay an 49076
additional amount that equals ten per cent of the required fee. 49077

(4) Each person obtaining an NPDES permit for municipal storm 49078
water discharge shall pay a nonrefundable storm water annual 49079
discharge fee of ten dollars per one-tenth of a square mile of 49080
area permitted. The fee shall not exceed ten thousand dollars and 49081
shall be payable on or before January 30, 2004, and the thirtieth 49082
day of January of each year thereafter. Any person who fails to 49083
pay the fee on the date specified in division (L)(4) of this 49084
section shall pay an additional amount per year equal to ten per 49085
cent of the annual fee that is unpaid. 49086

(5) The director shall transmit all moneys collected under 49087

division (L) of this section to the treasurer of state for deposit 49088
into the state treasury to the credit of the surface water 49089
protection fund created in section 6111.038 of the Revised Code. 49090

(6) As used in this section: 49091

(a) "NPDES" means the federally approved national pollutant 49092
discharge elimination system individual and general program for 49093
issuing, modifying, revoking, reissuing, terminating, monitoring, 49094
and enforcing permits and imposing and enforcing pretreatment 49095
requirements under Chapter 6111. of the Revised Code and rules 49096
adopted under it. 49097

(b) "Public discharger" means any holder of an NPDES permit 49098
identified by P in the second character of the NPDES permit number 49099
assigned by the director. 49100

(c) "Industrial discharger" means any holder of an NPDES 49101
permit identified by I in the second character of the NPDES permit 49102
number assigned by the director. 49103

(d) "Major discharger" means any holder of an NPDES permit 49104
classified as major by the regional administrator of the United 49105
States environmental protection agency in conjunction with the 49106
director. 49107

(M) Through June 30, ~~2022~~2024, a person applying for a 49108
license or license renewal to operate a public water system under 49109
section 6109.21 of the Revised Code shall pay the appropriate fee 49110
established under this division at the time of application to the 49111
director. Any person who fails to pay the fee at that time shall 49112
pay an additional amount that equals ten per cent of the required 49113
fee. The director shall transmit all moneys collected under this 49114
division to the treasurer of state for deposit into the drinking 49115
water protection fund created in section 6109.30 of the Revised 49116
Code. 49117

Except as provided in divisions (M) (4) and (5) of this 49118

section, fees required under this division shall be calculated and 49119
paid in accordance with the following schedule: 49120

(1) For the initial license required under section 6109.21 of 49121
the Revised Code for any public water system that is a community 49122
water system as defined in section 6109.01 of the Revised Code, 49123
and for each license renewal required for such a system prior to 49124
January 31, ~~2022~~2024, the fee is: 49125

Number of service connections	Fee amount	
Not more than 49	\$ 112	49126
50 to 99	176	49128
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	49130
2,500 to 4,999	1.48	49131
5,000 to 7,499	1.42	49132
7,500 to 9,999	1.34	49133
10,000 to 14,999	1.16	49134
15,000 to 24,999	1.10	49135
25,000 to 49,999	1.04	49136
50,000 to 99,999	.92	49137
100,000 to 149,999	.86	49138
150,000 to 199,999	.80	49139
200,000 or more	.76	49140

A public water system may determine how it will pay the total 49141
amount of the fee calculated under division (M) (1) of this 49142
section, including the assessment of additional user fees that may 49143
be assessed on a volumetric basis. 49144

As used in division (M) (1) of this section, "service 49145
connection" means the number of active or inactive pipes, 49146
goosenecks, pigtails, and any other fittings connecting a water 49147
main to any building outlet. 49148

(2) For the initial license required under section 6109.21 of 49149
the Revised Code for any public water system that is not a 49150

community water system and serves a nontransient population, and 49151
for each license renewal required for such a system prior to 49152
January 31, ~~2022~~2024, the fee is: 49153

Population served	Fee amount	
Fewer than 150	\$ 112	49155
150 to 299	176	49156
300 to 749	384	49157
750 to 1,499	628	49158
1,500 to 2,999	1,268	49159
3,000 to 7,499	2,816	49160
7,500 to 14,999	5,510	49161
15,000 to 22,499	9,048	49162
22,500 to 29,999	12,430	49163
30,000 or more	16,820	49164

As used in division (M) (2) of this section, "population 49165
served" means the total number of individuals having access to the 49166
water supply during a twenty-four-hour period for at least sixty 49167
days during any calendar year. In the absence of a specific 49168
population count, that number shall be calculated at the rate of 49169
three individuals per service connection. 49170

(3) For the initial license required under section 6109.21 of 49171
the Revised Code for any public water system that is not a 49172
community water system and serves a transient population, and for 49173
each license renewal required for such a system prior to January 49174
31, ~~2022~~2024, the fee is: 49175

Number of wells or sources, other 49176 than surface water, supplying system	Fee amount	
1	\$112	49177
2	112	49178
3	176	49179
4	278	49180
5	568	49181

System designated as using a 49182
surface water source 792 49183

As used in division (M) (3) of this section, "number of wells 49184
or sources, other than surface water, supplying system" means 49185
those wells or sources that are physically connected to the 49186
plumbing system serving the public water system. 49187

(4) A public water system designated as using a surface water 49188
source shall pay a fee of seven hundred ninety-two dollars or the 49189
amount calculated under division (M) (1) or (2) of this section, 49190
whichever is greater. 49191

(5) An applicant for an initial license who is proposing to 49192
operate a new public water supply system shall submit a fee that 49193
equals a prorated amount of the appropriate fee for the remainder 49194
of the licensing year. 49195

(N) (1) A person applying for a plan approval for a public 49196
water supply system under section 6109.07 of the Revised Code 49197
shall pay a fee of one hundred fifty dollars plus thirty-five 49198
hundredths of one per cent of the estimated project cost, except 49199
that the total fee shall not exceed twenty thousand dollars 49200
through June 30, ~~2022~~2024, and fifteen thousand dollars on and 49201
after July 1, ~~2022~~2024. The fee shall be paid at the time the 49202
application is submitted. 49203

(2) A person who has entered into an agreement with the 49204
director under division (A) (2) of section 6109.07 of the Revised 49205
Code shall pay an administrative service fee for each plan 49206
submitted under that section for approval that shall not exceed 49207
the minimum amount necessary to pay administrative costs directly 49208
attributable to processing plan approvals. The director annually 49209
shall calculate the fee and shall notify all persons that have 49210
entered into agreements under that division, or who have applied 49211
for agreements, of the amount of the fee. 49212

(3) Through June 30, ~~2022~~2024, the following fee, on a per 49213
survey basis, shall be charged any person for services rendered by 49214
the state in the evaluation of laboratories and laboratory 49215
personnel for compliance with accepted analytical techniques and 49216
procedures established pursuant to Chapter 6109. of the Revised 49217
Code for determining the qualitative characteristics of water: 49218

microbiological		49219
MMO-MUG	\$2,000	49220
MF	2,100	49221
MMO-MUG and MF	2,550	49222
organic chemical	5,400	49223
trace metals	5,400	49224
standard chemistry	2,800	49225
limited chemistry	1,550	49226

On and after July 1, ~~2022~~2024, the following fee, on a per 49227
survey basis, shall be charged any such person: 49228

microbiological	\$ 1,650	49229
organic chemicals	3,500	49230
trace metals	3,500	49231
standard chemistry	1,800	49232
limited chemistry	1,000	49233

The fee for those services shall be paid at the time the request 49234
for the survey is made. Through June 30, ~~2022~~2024, an individual 49235
laboratory shall not be assessed a fee under this division more 49236
than once in any three-year period unless the person requests the 49237
addition of analytical methods or analysts, in which case the 49238
person shall pay ~~eighteen~~ five hundred dollars for each additional 49239
survey requested. 49240

As used in division (N) (3) of this section: 49241

(a) "MF" means ~~microfiltration~~ membrane filtration. 49242

(b) "MMO" means minimal medium ONPG. 49243

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 49244

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 49245

The director shall transmit all moneys collected under this 49246
division to the treasurer of state for deposit into the drinking 49247
water protection fund created in section 6109.30 of the Revised 49248
Code. 49249

(O) Any person applying to the director to take an 49250
examination for certification as an operator of a water supply 49251
system or wastewater system under Chapter 6109. or 6111. of the 49252
Revised Code that is administered by the director, at the time the 49253
application is submitted, shall pay a fee in accordance with the 49254
following schedule through November 30, ~~2022~~2024: 49255

Class A operator	\$ 80	49256
Class I operator	105	49257
Class II operator	120	49258
Class III operator	130	49259
Class IV operator	145	49260

On and after December 1, ~~2022~~2024, the applicant shall pay a 49261
fee in accordance with the following schedule: 49262

Class A operator	\$ 50	49263
Class I operator	70	49264
Class II operator	80	49265
Class III operator	90	49266
Class IV operator	100	49267

Any person applying to the director for certification as an 49268
operator of a water supply system or wastewater system who has 49269
passed an examination administered by an examination provider 49270
approved by the director shall pay a certification fee of 49271
forty-five dollars. 49272

A person shall pay a biennial certification renewal fee for 49273
each applicable class of certification in accordance with the 49274

following schedule:		49275
Class A operator	\$25	49276
Class I operator	35	49277
Class II operator	45	49278
Class III operator	55	49279
Class IV operator	65	49280

If a certification renewal fee is received by the director 49281
more than thirty days, but not more than one year, after the 49282
expiration date of the certification, the person shall pay a 49283
certification renewal fee in accordance with the following 49284
schedule: 49285

Class A operator	\$45	49286
Class I operator	55	49287
Class II operator	65	49288
Class III operator	75	49289
Class IV operator	85	49290

A person who requests a replacement certificate shall pay a 49291
fee of twenty-five dollars at the time the request is made. 49292

Any person applying to be a water supply system or wastewater 49293
treatment system examination provider shall pay an application fee 49294
of five hundred dollars. Any person approved by the director as a 49295
water supply system or wastewater treatment system examination 49296
provider shall pay an annual fee that is equal to ten per cent of 49297
the fees that the provider assesses and collects for administering 49298
water supply system or wastewater treatment system certification 49299
examinations in this state for the calendar year. The fee shall be 49300
paid not later than forty-five days after the end of a calendar 49301
year. 49302

The director shall transmit all moneys collected under this 49303
division to the treasurer of state for deposit into the drinking 49304
water protection fund created in section 6109.30 of the Revised 49305
Code. 49306

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or

composting facility, or an existing infectious waste treatment 49340
facility using incineration as its principal method of treatment, 49341
under that chapter shall pay a fee of one thousand dollars. The 49342
increases in the permit fees under this division resulting from 49343
the amendments made by Amended Substitute House Bill 592 of the 49344
117th general assembly do not apply to any person who submitted an 49345
application for a permit to install a new, or modify an existing, 49346
solid waste disposal facility under that chapter prior to 49347
September 1, 1987; any such person shall pay the permit fee 49348
established in this division as it existed prior to June 24, 1988. 49349
In addition to the applicable permit fee under this division, a 49350
person issued a permit to install or modify a solid waste facility 49351
or an infectious waste treatment facility under that chapter who 49352
fails to pay the permit fee to the director in compliance with 49353
division (V) of this section shall pay an additional ten per cent 49354
of the amount of the fee for each week that the permit fee is 49355
late. 49356

Permit and late payment fees paid to the director under this 49357
division shall be credited to the general revenue fund. 49358

(R) (1) A person issued a registration certificate for a scrap 49359
tire collection facility under section 3734.75 of the Revised Code 49360
shall pay a fee of two hundred dollars, except that if the 49361
facility is owned or operated by a motor vehicle salvage dealer 49362
licensed under Chapter 4738. of the Revised Code, the person shall 49363
pay a fee of twenty-five dollars. 49364

(2) A person issued a registration certificate for a new 49365
scrap tire storage facility under section 3734.76 of the Revised 49366
Code shall pay a fee of three hundred dollars, except that if the 49367
facility is owned or operated by a motor vehicle salvage dealer 49368
licensed under Chapter 4738. of the Revised Code, the person shall 49369
pay a fee of twenty-five dollars. 49370

(3) A person issued a permit for a scrap tire storage 49371

facility under section 3734.76 of the Revised Code shall pay a fee 49372
of one thousand dollars, except that if the facility is owned or 49373
operated by a motor vehicle salvage dealer licensed under Chapter 49374
4738. of the Revised Code, the person shall pay a fee of fifty 49375
dollars. 49376

(4) A person issued a permit for a scrap tire monocell or 49377
monofill facility under section 3734.77 of the Revised Code shall 49378
pay a fee of ten dollars per thousand cubic yards of disposal 49379
capacity or one thousand dollars, whichever is greater, except 49380
that the total fee for any such permit shall not exceed eighty 49381
thousand dollars. 49382

(5) A person issued a registration certificate for a scrap 49383
tire recovery facility under section 3734.78 of the Revised Code 49384
shall pay a fee of one hundred dollars. 49385

(6) A person issued a permit for a scrap tire recovery 49386
facility under section 3734.78 of the Revised Code shall pay a fee 49387
of one thousand dollars. 49388

(7) In addition to the applicable registration certificate or 49389
permit fee under divisions (R) (1) to (6) of this section, a person 49390
issued a registration certificate or permit for any such scrap 49391
tire facility who fails to pay the registration certificate or 49392
permit fee to the director in compliance with division (V) of this 49393
section shall pay an additional ten per cent of the amount of the 49394
fee for each week that the fee is late. 49395

(8) The registration certificate, permit, and late payment 49396
fees paid to the director under divisions (R) (1) to (7) of this 49397
section shall be credited to the scrap tire management fund 49398
created in section 3734.82 of the Revised Code. 49399

~~(S) (1) (a) Except as provided by divisions (L), (M), (N), (O), 49400
(P), and (S) (2) of this section, division (A) (2) of section 49401
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 49402~~

~~and rules adopted under division (T) (1) of this section, any person applying for a registration certificate under section 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.~~

~~(b)~~ Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable application fee of one hundred dollars at the time the application is submitted through June 30, ~~2022~~2024, and a nonrefundable application fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2022~~2024.

~~(e) (i) (b) (i)~~ Except as otherwise provided in divisions ~~(S) (1) (e) (iii) (S) (1) (b) (iii)~~ and (iv) of this section, through June 30, ~~2022~~2024, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a nonrefundable application fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2022~~2024, such a person shall pay a nonrefundable application fee of fifteen dollars at the time of application.

(ii) In addition to the nonrefundable application fee, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a design flow discharge fee based on each point source to which the issuance is applicable in accordance with the following schedule:

Design flow discharge (gallons per day)	Fee	
0 to 1,000	\$ 0	49429
1,001 to 5,000	100	49431
5,001 to 50,000	200	49432
50,001 to 100,000	300	49433
100,001 to 300,000	525	49434

over 300,000 750 49435

(iii) Notwithstanding divisions ~~(S)(1)(e)(i)~~ (S)(1)(b)(i) and 49436
(ii) of this section, the application and design flow discharge 49437
fee for an NPDES permit for a public discharger identified by the 49438
letter I in the third character of the NPDES permit number shall 49439
not exceed nine hundred fifty dollars. 49440

(iv) Notwithstanding divisions ~~(S)(1)(e)(i)~~ (S)(1)(b)(i) and 49441
(ii) of this section, the application and design flow discharge 49442
fee for an NPDES permit for a coal mining operation regulated 49443
under Chapter 1513. of the Revised Code shall not exceed four 49444
hundred fifty dollars per mine. 49445

(v) A person issued a modification of an NPDES permit shall 49446
pay a nonrefundable modification fee equal to the application fee 49447
and one-half the design flow discharge fee based on each point 49448
source, if applicable, that would be charged for an NPDES permit, 49449
except that the modification fee shall not exceed six hundred 49450
dollars. 49451

~~(d)(c)~~ In addition to the application fee established under 49452
division ~~(S)(1)(e)(i)~~ (S)(1)(b)(i) of this section, any person 49453
applying for an NPDES general storm water construction permit 49454
shall pay a nonrefundable fee of twenty dollars per acre for each 49455
acre that is permitted above five acres at the time the 49456
application is submitted. However, the per acreage fee shall not 49457
exceed three hundred dollars. In addition to the application fee 49458
established under division ~~(S)(1)(e)(i)~~ (S)(1)(b)(i) of this 49459
section, any person applying for an NPDES general storm water 49460
industrial permit shall pay a nonrefundable fee of one hundred 49461
fifty dollars at the time the application is submitted. 49462

~~(e)(d)~~ The director shall transmit all moneys collected under 49463
division (S)(1) of this section pursuant to Chapter 6109. of the 49464
Revised Code to the treasurer of state for deposit into the 49465
drinking water protection fund created in section 6109.30 of the 49466

Revised Code. 49467

~~(f)(e)~~ The director shall transmit all moneys collected under 49468
division (S) (1) of this section pursuant to Chapter 6111. of the 49469
Revised Code and under division ~~(S) (3)~~ (S) (2) of this section to 49470
the treasurer of state for deposit into the surface water 49471
protection fund created in section 6111.038 of the Revised Code. 49472

~~(g)~~ If a registration certificate is issued under section 49473
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 49474
the application fee paid shall be deducted from the amount of the 49475
registration certificate fee due under division (R) (1), (2), or 49476
~~(5)~~ of this section, as applicable. 49477

~~(h)~~ (f) If a person submits an electronic application for a 49478
registration certificate, permit, variance, or plan approval for 49479
which an application fee is established under division (S) (1) of 49480
this section, the person shall pay all applicable fees as 49481
expeditiously as possible after the submission of the electronic 49482
application. An application for a registration certificate, 49483
permit, variance, or plan approval for which an application fee is 49484
established under division (S) (1) of this section shall not be 49485
reviewed or processed until the applicable application fee, and 49486
any other fees established under this division, are paid. 49487

~~(2)~~ Division (S) (1) of this section does not apply to an 49488
application for a registration certificate for a scrap tire 49489
collection or storage facility submitted under section 3734.75 or 49490
3734.76 of the Revised Code, as applicable, if the owner or 49491
operator of the facility or proposed facility is a motor vehicle 49492
salvage dealer licensed under Chapter 4738. of the Revised Code. 49493

~~(3)~~ A person applying for coverage under an NPDES general 49494
discharge permit for household sewage treatment systems shall pay 49495
the following fees: 49496

~~(a)~~ A a nonrefundable fee of two hundred dollars at the time 49497

of application for initial permit coverage, 49498

~~(b) A nonrefundable fee of one hundred dollars at the time of~~ 49499
~~application for a renewal of permit coverage. No fee is required~~ 49500
~~for an application for permit coverage renewal.~~ 49501

(T) The director may adopt, amend, and rescind rules in 49502
accordance with Chapter 119. of the Revised Code that do all of 49503
the following: 49504

(1) Prescribe fees to be paid by applicants for and holders 49505
of any license, permit, variance, plan approval, or certification 49506
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 49507
the Revised Code that are not specifically established in this 49508
section. The fees shall be designed to defray the cost of 49509
processing, issuing, revoking, modifying, denying, and enforcing 49510
the licenses, permits, variances, plan approvals, and 49511
certifications. 49512

The director shall transmit all moneys collected under rules 49513
adopted under division (T)(1) of this section pursuant to Chapter 49514
6109. of the Revised Code to the treasurer of state for deposit 49515
into the drinking water protection fund created in section 6109.30 49516
of the Revised Code. 49517

The director shall transmit all moneys collected under rules 49518
adopted under division (T)(1) of this section pursuant to Chapter 49519
6111. of the Revised Code to the treasurer of state for deposit 49520
into the surface water protection fund created in section 6111.038 49521
of the Revised Code. 49522

(2) Exempt the state and political subdivisions thereof, 49523
including education facilities or medical facilities owned by the 49524
state or a political subdivision, or any person exempted from 49525
taxation by section 5709.07 or 5709.12 of the Revised Code, from 49526
any fee required by this section; 49527

(3) Provide for the waiver of any fee, or any part thereof, 49528

otherwise required by this section whenever the director 49529
determines that the imposition of the fee would constitute an 49530
unreasonable cost of doing business for any applicant, class of 49531
applicants, or other person subject to the fee; 49532

(4) Prescribe measures that the director considers necessary 49533
to carry out this section. 49534

(U) When the director reasonably demonstrates that the direct 49535
cost to the state associated with the issuance of a permit, 49536
license, variance, plan approval, or certification exceeds the fee 49537
for the issuance or review specified by this section, the director 49538
may condition the issuance or review on the payment by the person 49539
receiving the issuance or review of, in addition to the fee 49540
specified by this section, the amount, or any portion thereof, in 49541
excess of the fee specified under this section. The director shall 49542
not so condition issuances for which a fee is prescribed in 49543
division ~~(S) (1) (e) (iii)~~ (S) (1) (b) (iii) of this section. 49544

(V) Except as provided in divisions (L), (M), (P), and (S) of 49545
this section or unless otherwise prescribed by a rule of the 49546
director adopted pursuant to Chapter 119. of the Revised Code, all 49547
fees required by this section are payable within thirty days after 49548
the issuance of an invoice for the fee by the director or the 49549
effective date of the issuance of the license, permit, variance, 49550
plan approval, or certification. If payment is late, the person 49551
responsible for payment of the fee shall pay an additional ten per 49552
cent of the amount due for each month that it is late. 49553

(W) As used in this section, "fuel-burning equipment," 49554
"fuel-burning equipment input capacity," "incinerator," 49555
"incinerator input capacity," "process," "process weight rate," 49556
"storage tank," "gasoline dispensing facility," "dry cleaning 49557
facility," "design flow discharge," and "new source treatment 49558
works" have the meanings ascribed to those terms by applicable 49559
rules or standards adopted by the director under Chapter 3704. or 49560

6111. of the Revised Code. 49561

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 49562
(J) of this section, and in any other provision of this section 49563
pertaining to fees paid pursuant to Chapter 3704. of the Revised 49564
Code: 49565

(1) "Facility," "federal Clean Air Act," "person," and "Title 49566
V permit" have the same meanings as in section 3704.01 of the 49567
Revised Code. 49568

(2) "Title V permit program" means the following activities 49569
as necessary to meet the requirements of Title V of the federal 49570
Clean Air Act and 40 C.F.R. part 70, including at least: 49571

(a) Preparing and adopting, if applicable, generally 49572
applicable rules or guidance regarding the permit program or its 49573
implementation or enforcement; 49574

(b) Reviewing and acting on any application for a Title V 49575
permit, permit revision, or permit renewal, including the 49576
development of an applicable requirement as part of the processing 49577
of a permit, permit revision, or permit renewal; 49578

(c) Administering the permit program, including the 49579
supporting and tracking of permit applications, compliance 49580
certification, and related data entry; 49581

(d) Determining which sources are subject to the program and 49582
implementing and enforcing the terms of any Title V permit, not 49583
including any court actions or other formal enforcement actions; 49584

(e) Emission and ambient monitoring; 49585

(f) Modeling, analyses, or demonstrations; 49586

(g) Preparing inventories and tracking emissions; 49587

(h) Providing direct and indirect support to small business 49588
stationary sources to determine and meet their obligations under 49589
the federal Clean Air Act pursuant to the small business 49590

stationary source technical and environmental compliance 49591
assistance program required by section 507 of that act and 49592
established in sections 3704.18, 3704.19, and 3706.19 of the 49593
Revised Code. 49594

(3) "Organic compound" means any chemical compound of carbon, 49595
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic 49596
carbides or carbonates, and ammonium carbonate. 49597

(Y) (1) Except as provided in divisions (Y) (2), (3), and (4) 49598
of this section, each sewage sludge facility shall pay a 49599
nonrefundable annual sludge fee equal to three dollars and fifty 49600
cents per dry ton of sewage sludge, including the dry tons of 49601
sewage sludge in materials derived from sewage sludge, that the 49602
sewage sludge facility treats or disposes of in this state. The 49603
annual volume of sewage sludge treated or disposed of by a sewage 49604
sludge facility shall be calculated using the first day of January 49605
through the thirty-first day of December of the calendar year 49606
preceding the date on which payment of the fee is due. 49607

(2) (a) Except as provided in division (Y) (2) (d) of this 49608
section, each sewage sludge facility shall pay a minimum annual 49609
sewage sludge fee of one hundred dollars. 49610

(b) The annual sludge fee required to be paid by a sewage 49611
sludge facility that treats or disposes of exceptional quality 49612
sludge in this state shall be thirty-five per cent less per dry 49613
ton of exceptional quality sludge than the fee assessed under 49614
division (Y) (1) of this section, subject to the following 49615
exceptions: 49616

(i) Except as provided in division (Y) (2) (d) of this section, 49617
a sewage sludge facility that treats or disposes of exceptional 49618
quality sludge shall pay a minimum annual sewage sludge fee of one 49619
hundred dollars. 49620

(ii) A sewage sludge facility that treats or disposes of 49621

exceptional quality sludge shall not be required to pay the annual 49622
sludge fee for treatment or disposal in this state of exceptional 49623
quality sludge generated outside of this state and contained in 49624
bags or other containers not greater than one hundred pounds in 49625
capacity. 49626

A thirty-five per cent reduction for exceptional quality 49627
sludge applies to the maximum annual fees established under 49628
division (Y) (3) of this section. 49629

(c) A sewage sludge facility that transfers sewage sludge to 49630
another sewage sludge facility in this state for further treatment 49631
prior to disposal in this state shall not be required to pay the 49632
annual sludge fee for the tons of sewage sludge that have been 49633
transferred. In such a case, the sewage sludge facility that 49634
disposes of the sewage sludge shall pay the annual sludge fee. 49635
However, the facility transferring the sewage sludge shall pay the 49636
one-hundred-dollar minimum fee required under division (Y) (2) (a) 49637
of this section. 49638

In the case of a sewage sludge facility that treats sewage 49639
sludge in this state and transfers it out of this state to another 49640
entity for disposal, the sewage sludge facility in this state 49641
shall be required to pay the annual sludge fee for the tons of 49642
sewage sludge that have been transferred. 49643

(d) A sewage sludge facility that generates sewage sludge 49644
resulting from an average daily discharge flow of less than five 49645
thousand gallons per day is not subject to the fees assessed under 49646
division (Y) of this section. 49647

(3) No sewage sludge facility required to pay the annual 49648
sludge fee shall be required to pay more than the maximum annual 49649
fee for each disposal method that the sewage sludge facility uses. 49650
The maximum annual fee does not include the additional amount that 49651
may be charged under division (Y) (5) of this section for late 49652

payment of the annual sludge fee. The maximum annual fee for the 49653
following methods of disposal of sewage sludge is as follows: 49654

(a) Incineration: five thousand dollars; 49655

(b) Preexisting land reclamation project or disposal in a 49656
landfill: five thousand dollars; 49657

(c) Land application, land reclamation, surface disposal, or 49658
any other disposal method not specified in division (Y) (3) (a) or 49659
(b) of this section: twenty thousand dollars. 49660

(4) (a) In the case of an entity that generates sewage sludge 49661
or a sewage sludge facility that treats sewage sludge and 49662
transfers the sewage sludge to an incineration facility for 49663
disposal, the incineration facility, and not the entity generating 49664
the sewage sludge or the sewage sludge facility treating the 49665
sewage sludge, shall pay the annual sludge fee for the tons of 49666
sewage sludge that are transferred. However, the entity or 49667
facility generating or treating the sewage sludge shall pay the 49668
one-hundred-dollar minimum fee required under division (Y) (2) (a) 49669
of this section. 49670

(b) In the case of an entity that generates sewage sludge and 49671
transfers the sewage sludge to a landfill for disposal or to a 49672
sewage sludge facility for land reclamation or surface disposal, 49673
the entity generating the sewage sludge, and not the landfill or 49674
sewage sludge facility, shall pay the annual sludge fee for the 49675
tons of sewage sludge that are transferred. 49676

(5) Not later than the first day of April of the calendar 49677
year following March 17, 2000, and each first day of April 49678
thereafter, the director shall issue invoices to persons who are 49679
required to pay the annual sludge fee. The invoice shall identify 49680
the nature and amount of the annual sludge fee assessed and state 49681
the first day of May as the deadline for receipt by the director 49682
of objections regarding the amount of the fee and the first day of 49683

July as the deadline for payment of the fee. 49684

Not later than the first day of May following receipt of an 49685
invoice, a person required to pay the annual sludge fee may submit 49686
objections to the director concerning the accuracy of information 49687
regarding the number of dry tons of sewage sludge used to 49688
calculate the amount of the annual sludge fee or regarding whether 49689
the sewage sludge qualifies for the exceptional quality sludge 49690
discount established in division (Y) (2) (b) of this section. The 49691
director may consider the objections and adjust the amount of the 49692
fee to ensure that it is accurate. 49693

If the director does not adjust the amount of the annual 49694
sludge fee in response to a person's objections, the person may 49695
appeal the director's determination in accordance with Chapter 49696
119. of the Revised Code. 49697

Not later than the first day of June, the director shall 49698
notify the objecting person regarding whether the director has 49699
found the objections to be valid and the reasons for the finding. 49700
If the director finds the objections to be valid and adjusts the 49701
amount of the annual sludge fee accordingly, the director shall 49702
issue with the notification a new invoice to the person 49703
identifying the amount of the annual sludge fee assessed and 49704
stating the first day of July as the deadline for payment. 49705

Not later than the first day of July, any person who is 49706
required to do so shall pay the annual sludge fee. Any person who 49707
is required to pay the fee, but who fails to do so on or before 49708
that date shall pay an additional amount that equals ten per cent 49709
of the required annual sludge fee. 49710

(6) The director shall transmit all moneys collected under 49711
division (Y) of this section to the treasurer of state for deposit 49712
into the surface water protection fund created in section 6111.038 49713
of the Revised Code. The moneys shall be used to defray the costs 49714

of administering and enforcing provisions in Chapter 6111. of the 49715
Revised Code and rules adopted under it that govern the use, 49716
storage, treatment, or disposal of sewage sludge. 49717

(7) Beginning in fiscal year 2001, and every two years 49718
thereafter, the director shall review the total amount of moneys 49719
generated by the annual sludge fees to determine if that amount 49720
exceeded six hundred thousand dollars in either of the two 49721
preceding fiscal years. If the total amount of moneys in the fund 49722
exceeded six hundred thousand dollars in either fiscal year, the 49723
director, after review of the fee structure and consultation with 49724
affected persons, shall issue an order reducing the amount of the 49725
fees levied under division (Y) of this section so that the 49726
estimated amount of moneys resulting from the fees will not exceed 49727
six hundred thousand dollars in any fiscal year. 49728

If, upon review of the fees under division (Y) (7) of this 49729
section and after the fees have been reduced, the director 49730
determines that the total amount of moneys collected and 49731
accumulated is less than six hundred thousand dollars, the 49732
director, after review of the fee structure and consultation with 49733
affected persons, may issue an order increasing the amount of the 49734
fees levied under division (Y) of this section so that the 49735
estimated amount of moneys resulting from the fees will be 49736
approximately six hundred thousand dollars. Fees shall never be 49737
increased to an amount exceeding the amount specified in division 49738
(Y) (7) of this section. 49739

Notwithstanding section 119.06 of the Revised Code, the 49740
director may issue an order under division (Y) (7) of this section 49741
without the necessity to hold an adjudicatory hearing in 49742
connection with the order. The issuance of an order under this 49743
division is not an act or action for purposes of section 3745.04 49744
of the Revised Code. 49745

(8) As used in division (Y) of this section: 49746

- (a) "Sewage sludge facility" means an entity that performs treatment on or is responsible for the disposal of sewage sludge. 49747
49748
- (b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. 49749
49750
49751
"Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage. 49752
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49758
- (c) "Exceptional quality sludge" means sewage sludge that meets all of the following qualifications: 49759
49760
- (i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a); 49761
49762
- (ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 49763
49764
- (iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13; 49765
49766
- (iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13. 49767
49768
- (d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge. 49769
49770
49771
- (e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator. 49772
49773
49774
- (f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage 49775
49776

sludge below the land surface, or the incorporation of sewage 49777
sludge into the soil for the purposes of conditioning the soil or 49778
fertilizing crops or vegetation grown in the soil. 49779

(g) "Land reclamation" means the returning of disturbed land 49780
to productive use. 49781

(h) "Surface disposal" means the placement of sludge on an 49782
area of land for disposal, including, but not limited to, 49783
monofills, surface impoundments, lagoons, waste piles, or 49784
dedicated disposal sites. 49785

(i) "Incinerator" means an entity that disposes of sewage 49786
sludge through the combustion of organic matter and inorganic 49787
matter in sewage sludge by high temperatures in an enclosed 49788
device. 49789

(j) "Incineration facility" includes all incinerators owned 49790
or operated by the same entity and located on a contiguous tract 49791
of land. Areas of land are considered to be contiguous even if 49792
they are separated by a public road or highway. 49793

(k) "Annual sludge fee" means the fee assessed under division 49794
(Y) (1) of this section. 49795

(l) "Landfill" means a sanitary landfill facility, as defined 49796
in rules adopted under section 3734.02 of the Revised Code, that 49797
is licensed under section 3734.05 of the Revised Code. 49798

(m) "Preexisting land reclamation project" means a 49799
property-specific land reclamation project that has been in 49800
continuous operation for not less than five years pursuant to 49801
approval of the activity by the director and includes the 49802
implementation of a community outreach program concerning the 49803
activity. 49804

Sec. 3746.01. As used in this chapter: 49805

(A) "Accredited laboratory" means a laboratory that is 49806

accredited as follows: 49807

(1) For analysis of asbestos, valid accreditation by one of 49808
the following: 49809

(a) The American industrial hygiene association, asbestos 49810
analysts registry; 49811

(b) The national institute of standards technology, national 49812
voluntary laboratory accreditation program for asbestos fiber 49813
analysis; 49814

(c) An accreditation body recognized by the national 49815
environmental laboratory accreditation conference. 49816

(2) For analysis of any constituent other than asbestos, 49817
valid accreditation by one of the following: 49818

(a) The national environmental laboratory accreditation 49819
program; 49820

(b) A national environmental laboratory accreditation program 49821
accreditation from an accreditation body recognized by the 49822
national environmental laboratory accreditation conference. 49823

(B) "Activity and use limitations" has the same meaning as in 49824
section 5301.80 of the Revised Code. 49825

~~(B)~~(C) "Affiliated" means under common ownership or control. 49826

~~(C)~~(D) "Applicable standards," unless the context indicates 49827
otherwise, means standards that applied before the effective date 49828
of this amendment, standards established in or pursuant to 49829
sections 3746.05~~7~~, and 3746.06~~7~~, ~~and~~ ~~3746.07~~ of the Revised Code, in 49830
or pursuant to rules adopted under division (B)(1) or (2) of 49831
section 3746.04 of the Revised Code, pursuant to rules adopted 49832
under division ~~(B)(12)~~ ~~(b)~~ (B)(11)(b) of section 3746.04 of the 49833
Revised Code, or alternative standards and terms and conditions 49834
set forth in a variance issued under section 3746.09 of the 49835
Revised Code, as applicable. 49836

~~(D)~~(E) "Background level" means the conditions at a property 49837
and areas surrounding a property that are unaffected by any 49838
current or past activities involving treatment, storage, or 49839
disposal of hazardous substances or petroleum. "Background level" 49840
includes naturally occurring substances. 49841

~~(E)~~(F) "Certified laboratory" means a laboratory that was 49842
~~certified by the director of environmental protection pursuant to~~ 49843
~~rules adopted under division (B) (6) of section 3746.04 of the~~ 49844
~~Revised Code, or deemed to be certified under division (E) of~~ 49845
~~section 3746.07 of the Revised Code, to perform analyses in~~ 49846
connection with voluntary actions before the effective date of 49847
this amendment. 49848

~~(F)~~(G) "Certified professional" means a person certified by 49849
the director pursuant to rules adopted under division (B) (5) of 49850
section 3746.04 of the Revised Code, or deemed to be certified 49851
~~under division (D) of section 3746.07 of the Revised Code~~ before 49852
the effective date of this amendment, to issue no further action 49853
letters under section 3746.11 of the Revised Code. 49854

~~(G)~~(H) "Covenant not to sue" means a release from liability 49855
that is issued by the director under section 3746.12 of the 49856
Revised Code. 49857

~~(H)~~(I) "Environmental covenant" has the same meaning as in 49858
section 5301.80 of the Revised Code. 49859

~~(I)~~(J) "Hazardous substance" includes all of the following: 49860

(1) Any substance identified or listed in rules adopted under 49861
division (B) (1) (c) of section 3750.02 of the Revised Code; 49862

(2) Any product registered as a pesticide under section 49863
921.02 of the Revised Code when the product is used in a manner 49864
inconsistent with its required labeling; 49865

(3) Any product formerly registered as a pesticide under that 49866

section for which the registration was suspended or canceled under 49867
section 921.05 of the Revised Code; 49868

(4) Any mixture of a substance described in divisions 49869
~~(I)~~~~(1)~~(J) (1) to (3) of this section with a radioactive material. 49870

~~(J)~~(K) "Owner or operator" includes both of the following: 49871

(1) Any person owning or holding a legal, equitable, or 49872
possessory interest in or having responsibility for the daily 49873
activities on a property; 49874

(2) In the case of property title or control of which was 49875
conveyed due to bankruptcy, foreclosure, tax delinquency, 49876
abandonment, or similar means to this state or a political 49877
subdivision of this state, any person who owned, operated, or 49878
otherwise controlled activities occurring on the property before 49879
the conveyance. 49880

~~(K)~~(L) "Person" means any person as defined in section 1.59 49881
of the Revised Code and also includes this state, any political 49882
subdivision of this state, any other body of this state or of a 49883
political subdivision of this state, the board of directors of a 49884
nonprofit corporation governing a special improvement district 49885
created under Chapter 1710. of the Revised Code, and the United 49886
States and any agency or instrumentality thereof. 49887

~~(L)~~(M) "Petroleum" means oil or petroleum of any kind and in 49888
any form, including, without limitation, crude oil or any fraction 49889
thereof, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil 49890
refuse, used oil, substances or additives utilized in the refining 49891
or blending of crude petroleum or petroleum stock, natural gas, 49892
natural gas liquids, liquefied natural gas, synthetic gas usable 49893
for fuel, and mixtures of natural gas and synthetic gas. 49894

~~(M)~~(N) "Property," except for the purposes of sections 49895
3746.02, 3746.26, and 3746.27 of the Revised Code, means any 49896
parcel of real property, or portion thereof, and any improvements 49897

thereto, the limits of which have been described in writing by the owner of record or a legally appointed representative of the owner and that is or has been the subject of a voluntary action under this chapter and rules adopted under it.

~~(N)~~(O) "Radioactive material" means a substance that spontaneously emits ionizing radiation.

~~(O)~~(P) "Related" means the persons are related by consanguinity or marriage.

~~(P)~~(O) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, migrating, dumping, or disposing of any hazardous substance or petroleum into the environment, including, without limitation, the abandonment or discarding of barrels, containers, or any other closed receptacle containing any hazardous substance, petroleum, or pollutant or contaminant. "Release" does not include any of the following:

(1) Any release that results solely in the exposure of individuals to hazardous substances or petroleum in the workplace with respect to which those individuals may assert a claim against their employer and that is regulated under the "Occupational Health and Safety Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, as amended, and regulations adopted under that act, or under Chapter 4167. of the Revised Code and rules adopted under it;

(2) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;

(3) Any release of a source, byproduct, or special nuclear material from a nuclear incident, as "source material," "byproduct material," "special nuclear material," and "nuclear incident" are defined in the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended, if the release is subject to financial

protection requirements under section 170 of that act unless any 49929
such material is mixed with a hazardous substance or petroleum; 49930

(4) Any federally permitted release as defined in section 49931
101(10) of the "Comprehensive Environmental Response, 49932
Compensation, and Liability Act of 1980," 94 Stat. 3300, 42 49933
U.S.C.A. 9601, as amended; 49934

(5) The normal application of a fertilizer material that is 49935
intended to improve the quality or quantity of plant growth. 49936

~~(Q)~~(R) "Remedy" or "remedial activities" means actions that 49937
are taken at a property to treat, remove, transport for treatment 49938
or disposal, dispose of, contain, or control hazardous substances 49939
or petroleum, are protective of public health and safety and the 49940
environment, and are consistent with a permanent remedy, 49941
including, without limitation, excavation, treatment, off-site 49942
disposal, the use of engineering or institutional controls or 49943
activity and use limitations, the issuance and implementation of a 49944
consolidated standards permit under section 3746.15 of the Revised 49945
Code, and the entering into and implementation of an operation and 49946
maintenance agreement pursuant to section 3746.12 of the Revised 49947
Code. 49948

~~(R)~~(S) "Voluntary action" means a series of measures that may 49949
be undertaken to identify and address potential sources of 49950
contamination of property by hazardous substances or petroleum and 49951
to establish that the property complies with applicable standards. 49952
"Voluntary action" may include, without limitation, a phase I 49953
property assessment conducted in accordance with rules adopted 49954
under division (B) (3) of section 3746.04 of the Revised Code or 49955
~~division (B) of section 3746.07 of the Revised Code~~ as it existed 49956
before the effective date of this amendment, as appropriate, a 49957
phase II property assessment conducted in accordance with rules 49958
adopted under division (B) (4) of section 3746.04 of the Revised 49959
Code or ~~division (C) of section 3746.07 of the Revised Code~~ as it 49960

existed before the effective date of this amendment, as 49961
appropriate, and a sampling plan, a remedial plan, or remedial 49962
activities followed by the issuance of a no further action letter 49963
under section 3746.11 of the Revised Code indicating that the 49964
property meets applicable standards upon demonstration by the 49965
person undertaking the measures either that there is no 49966
information indicating that there has been a release of hazardous 49967
substances or petroleum at or upon the property or that there has 49968
been a release of hazardous substances or petroleum at or upon the 49969
property and that applicable standards were not exceeded or have 49970
been or will be achieved in accordance with this chapter and rules 49971
adopted under it. 49972

Sec. 3746.04. ~~Within one year after September 28, 1994, the~~ 49973
The director of environmental protection, in accordance with 49974
Chapter 119. of the Revised Code, shall adopt, and subsequently 49975
may amend, suspend, or rescind, rules that do both of the 49976
following: 49977

(A) Revise the rules adopted under Chapters 3704., 3714., 49978
3734., 6109., and 6111. of the Revised Code to incorporate the 49979
provisions necessary to conform those rules to the requirements of 49980
this chapter. The amended rules adopted under this division also 49981
shall establish response times for all submittals to the 49982
environmental protection agency required under this chapter or 49983
rules adopted under it. 49984

(B) Establish requirements and procedures that are reasonably 49985
necessary for the implementation and administration of this 49986
chapter, including, without limitation, all of the following: 49987

(1) Appropriate generic numerical clean-up standards for the 49988
treatment or removal of soils, sediments, and water media for 49989
hazardous substances and petroleum. The rules shall establish 49990
separate generic numerical clean-up standards based upon the 49991

intended use of properties after the completion of voluntary 49992
actions, including industrial, commercial, and residential uses 49993
and such other categories of land use as the director considers to 49994
be appropriate. The generic numerical clean-up standards 49995
established for each category of land use shall be the 49996
concentration of each contaminant that may be present on a 49997
property that shall ensure protection of public health and safety 49998
and the environment for the reasonable exposure for that category 49999
of land use. When developing the standards, the director shall 50000
consider such factors as all of the following: 50001

(a) Scientific information, including, without limitation, 50002
toxicological information and realistic assumptions regarding 50003
human and environmental exposure to hazardous substances or 50004
petroleum; 50005

(b) Climatic factors; 50006

(c) Human activity patterns; 50007

(d) Current statistical techniques; 50008

(e) For petroleum at industrial property, alternatives to the 50009
use of total petroleum hydrocarbons. 50010

The generic numerical clean-up standards established in the 50011
rules adopted under division (B)(1) of this section shall be 50012
consistent with and equivalent in scope, content, and coverage to 50013
any applicable standard established by federal environmental laws 50014
and regulations adopted under them, including, without limitation, 50015
the "Federal Water Pollution Control Act Amendments of 1972," 86 50016
Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource 50017
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 50018
6921, as amended; the "Toxic Substances Control Act," 90 Stat. 50019
2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive 50020
Environmental Response, Compensation, and Liability Act of 1980," 50021
94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe 50022

Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as 50023
amended. 50024

In order for the rules adopted under division (B)(1) of this 50025
section to require that any such federal environmental standard 50026
apply to a property, the property shall meet the requirements of 50027
the particular federal statute or regulation involved in the 50028
manner specified by the statute or regulation. 50029

The generic numerical clean-up standards for petroleum at 50030
commercial or residential property shall be the standards 50031
established in rules adopted under division (B) of section 50032
3737.882 of the Revised Code. 50033

(2) (a) Procedures for performing property-specific risk 50034
assessments that would be performed at a property to demonstrate 50035
that the remedy evaluated in a risk assessment results in 50036
protection of public health and safety and the environment instead 50037
of complying with the generic numerical clean-up standards 50038
established in the rules adopted under division (B)(1) of this 50039
section. The risk assessment procedures shall describe a 50040
methodology to establish, on a property-specific basis, allowable 50041
levels of contamination to remain at a property to ensure 50042
protection of public health and safety and the environment on the 50043
property and off the property when the contamination is emanating 50044
off the property, taking into account all of the following: 50045

(i) The implementation of treatment, storage, or disposal, or 50046
a combination thereof, of hazardous substances or petroleum; 50047

(ii) The existence of institutional controls or activity and 50048
use limitations that eliminate or mitigate exposure to hazardous 50049
substances or petroleum through the restriction of access to 50050
hazardous substances or petroleum; 50051

(iii) The existence of engineering controls that eliminate or 50052
mitigate exposure to hazardous substances or petroleum through 50053

containment of, control of, or restrictions of access to hazardous 50054
substances or petroleum, including, without limitation, fences, 50055
cap systems, cover systems, and landscaping. 50056

(b) The risk assessment procedures and levels of acceptable 50057
risk set forth in the rules adopted under division (B)(2) of this 50058
section shall be based upon all of the following: 50059

(i) Scientific information, including, without limitation, 50060
toxicological information and actual or proposed human and 50061
environmental exposure; 50062

(ii) Locational and climatic factors; 50063

(iii) Surrounding land use and human activities; 50064

(iv) Differing levels of remediation that may be required 50065
when an existing land use is continued compared to when a 50066
different land use follows the remediation. 50067

(c) Any standards established pursuant to rules adopted under 50068
division (B)(2) of this section shall be no more stringent than 50069
standards established under the environmental statutes of this 50070
state and rules adopted under them for the same contaminant in the 50071
same environmental medium that are in effect at the time the risk 50072
assessment is conducted. 50073

(3) Minimum standards for phase I property assessments. The 50074
standards shall specify the information needed to demonstrate that 50075
there is no reason to believe that contamination exists on a 50076
property. The rules adopted under division (B)(3) of this section, 50077
at a minimum, shall require that a phase I property assessment 50078
include all of the following: 50079

(a) A review and analysis of deeds, mortgages, easements of 50080
record, and similar documents relating to the chain of title to 50081
the property that are publicly available or that are known to and 50082
reasonably available to the owner or operator; 50083

(b) A review and analysis of any previous environmental 50084
assessments, property assessments, environmental studies, or 50085
geologic studies of the property and any land within two thousand 50086
feet of the boundaries of the property that are publicly available 50087
or that are known to and reasonably available to the owner or 50088
operator; 50089

(c) A review of current and past environmental compliance 50090
histories of persons who owned or operated the property; 50091

(d) A review of aerial photographs of the property that 50092
indicate prior uses of the property; 50093

(e) Interviews with managers of activities conducted at the 50094
property who have knowledge of environmental conditions at the 50095
property; 50096

(f) Conducting an inspection of the property consisting of a 50097
walkover; 50098

(g) Identifying the current and past uses of the property, 50099
adjoining tracts of land, and the area surrounding the property, 50100
including, without limitation, interviews with persons who reside 50101
or have resided, or who are or were employed, within the area 50102
surrounding the property regarding the current and past uses of 50103
the property and adjacent tracts of land. 50104

The rules adopted under division (B) (3) of this section shall 50105
establish criteria to determine when a phase II property 50106
assessment shall be conducted when a phase I property assessment 50107
reveals facts that establish a reason to believe that hazardous 50108
substances or petroleum have been treated, stored, managed, or 50109
disposed of on the property if the person undertaking the phase I 50110
property assessment wishes to obtain a covenant not to sue under 50111
section 3746.12 of the Revised Code. 50112

(4) Minimum standards for phase II property assessments. The 50113
standards shall specify the information needed to demonstrate that 50114

any contamination present at the property does not exceed 50115
applicable standards or that the remedial activities conducted at 50116
the property have achieved compliance with applicable standards. 50117
The rules adopted under division (B)(4) of this section, at a 50118
minimum, shall require that a phase II property assessment include 50119
all of the following: 50120

(a) A review and analysis of all documentation prepared in 50121
connection with a phase I property assessment conducted within the 50122
one hundred eighty days before the phase II property assessment 50123
begins. The rules adopted under division (B)(4)(a) of this section 50124
shall require that if a period of more than one hundred eighty 50125
days has passed between the time that the phase I assessment of 50126
the property was completed and the phase II assessment begins, the 50127
phase II assessment shall include a reasonable inquiry into the 50128
change in the environmental condition of the property during the 50129
intervening period. 50130

(b) Quality assurance objectives for measurements taken in 50131
connection with a phase II assessment; 50132

(c) Sampling procedures to ensure the representative sampling 50133
of potentially contaminated environmental media; 50134

(d) Quality assurance and quality control requirements for 50135
samples collected in connection with phase II assessments; 50136

(e) Analytical and data assessment procedures; 50137

(f) Data objectives to ensure that samples collected in 50138
connection with phase II assessments are biased toward areas where 50139
information indicates that contamination by hazardous substances 50140
or petroleum is likely to exist. 50141

(5) Standards governing the conduct of certified 50142
professionals, criteria and procedures for the certification of 50143
professionals to issue no further action letters under section 50144
3746.11 of the Revised Code, and criteria for the suspension and 50145

revocation of those certifications. The director shall take an action regarding a certification as a final action. The issuance, denial, renewal, suspension, and revocation of those certifications are subject to Chapter 3745. of the Revised Code, except that, in lieu of publishing an action regarding a certification in a newspaper of general circulation as required in section 3745.07 of the Revised Code, such an action shall be published on the environmental protection agency's web site and in the agency's weekly review not later than fifteen days after the date of the issuance, denial, renewal, suspension, or revocation of the certification and not later than thirty days before a hearing or public meeting concerning the action.

The rules adopted under division (B)(5) of this section shall do all of the following:

(a) Provide for the certification of environmental professionals to issue no further action letters pertaining to investigations and remedies in accordance with the criteria and procedures set forth in the rules. The rules adopted under division (B)(5)(a) of this section shall do at least all of the following:

(i) Authorize the director to consider such factors as an environmental professional's previous performance record regarding such investigations and remedies and the environmental professional's environmental compliance history when determining whether to certify the environmental professional;

(ii) Ensure that an application for certification is reviewed in a timely manner;

(iii) Require the director to certify any environmental professional who the director determines complies with those criteria;

(iv) Require the director to deny certification for any

environmental professional who does not comply with those 50177
criteria. 50178

(b) Establish an annual fee to be paid by environmental 50179
professionals certified pursuant to the rules adopted under 50180
division (B) (5) (a) of this section. The fee shall be established 50181
at an amount calculated to defray the costs to the agency for the 50182
required reviews of the qualifications of environmental 50183
professionals for certification and for the issuance of the 50184
certifications. 50185

(c) Develop a schedule for and establish requirements 50186
governing the review by the director of the credentials of 50187
environmental professionals who were deemed to be certified 50188
professionals ~~under division (D) of section 3746.07 of the Revised~~ 50189
~~Code~~ before the effective date of this amendment in order to 50190
determine if they comply with the criteria established in rules 50191
adopted under division (B) (5) of this section. The rules adopted 50192
under division (B) (5) (c) of this section shall do at least all of 50193
the following: 50194

(i) Ensure that the review is conducted in a timely fashion; 50195

(ii) Require the director to certify any such environmental 50196
professional who the director determines complies with those 50197
criteria; 50198

(iii) Require any such environmental professional initially 50199
to pay the fee established in the rules adopted under division 50200
(B) (5) (b) of this section at the time that the environmental 50201
professional is so certified by the director; 50202

(iv) Establish a time period within which any such 50203
environmental professional who does not comply with those criteria 50204
may obtain the credentials that are necessary for certification; 50205

(v) Require the director to deny certification for any such 50206
environmental professional who does not comply with those criteria 50207

and who fails to obtain the necessary credentials within the 50208
established time period. 50209

(d) Require that any information submitted to the director 50210
for the purposes of the rules adopted under division (B) (5) (a) or 50211
(c) of this section comply with division (A) of section 3746.20 of 50212
the Revised Code; 50213

(e) Authorize the director to suspend or revoke the 50214
certification of an environmental professional if the director 50215
finds that the environmental professional's performance has 50216
resulted in the issuance of no further action letters under 50217
section 3746.11 of the Revised Code that are not consistent with 50218
applicable standards or finds that the certified environmental 50219
professional has not substantially complied with section 3746.31 50220
of the Revised Code; 50221

(f) Authorize the director to suspend for a period of not 50222
more than five years or to permanently revoke a certified 50223
environmental professional's certification for any violation of or 50224
failure to comply with an ethical standard established in rules 50225
adopted under division (B) (5) of this section; 50226

(g) Require the director to revoke the certification of an 50227
environmental professional if the director finds that the 50228
environmental professional falsified any information on the 50229
environmental professional's application for certification 50230
regarding the environmental professional's credentials or 50231
qualifications or any other information generated for the purposes 50232
of or use under this chapter or rules adopted under it; 50233

(h) Require the director permanently to revoke the 50234
certification of an environmental professional who has violated or 50235
is violating division (A) of section 3746.18 of the Revised Code; 50236

(i) Preclude the director from revoking the certification of 50237
an environmental professional who only conducts investigations and 50238

remedies at property contaminated solely with petroleum unless the 50239
director first consults with the director of commerce. 50240

~~(6) Criteria and procedures for the certification of 50241
laboratories to perform analyses under this chapter and rules 50242
adopted under it. The issuance, denial, suspension, and revocation 50243
of those certifications are subject to Chapter 3745. of the 50244
Revised Code, and the director of environmental protection shall 50245
take any such action regarding a certification as a final action. 50246~~

~~The rules adopted under division (B) (6) of this section shall 50247
do all of the following: 50248~~

~~(a) Provide for the certification to perform analyses of 50249
laboratories in accordance with the criteria and procedures 50250
established in the rules adopted under division (B) (6) (a) of this 50251
section and establish an annual fee to be paid by those 50252
laboratories. The fee shall be established at an amount calculated 50253
to defray the costs to the agency for the review of the 50254
qualifications of those laboratories for certification and for the 50255
issuance of the certifications. The rules adopted under division 50256
(B) (6) (a) of this section may provide for the certification of 50257
those laboratories to perform only particular types or categories 50258
of analyses, specific test parameters or group of test parameters, 50259
or a specific matrix or matrices under this chapter. 50260~~

~~(b) Develop a schedule for and establish requirements 50261
governing the review by the director of the operations of 50262
laboratories that were deemed to be certified laboratories under 50263
division (E) of section 3746.07 of the Revised Code in order to 50264
determine if they comply with the criteria established in rules 50265
adopted under division (B) (6) of this section. The rules adopted 50266
under division (B) (6) (b) of this section shall do at least all of 50267
the following: 50268~~

~~(i) Ensure that the review is conducted in a timely fashion; 50269~~

~~(ii) Require the director to certify any such laboratory that the director determines complies with those criteria;~~ 50270
50271

~~(iii) Require any such laboratory initially to pay the fee established in the rules adopted under division (B) (6) (a) of this section at the time that the laboratory is so certified by the director;~~ 50272
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~~(iv) Establish a time period within which any such laboratory that does not comply with those criteria may make changes in its operations necessary for the performance of analyses under this chapter and rules adopted under it in order to be certified by the director;~~ 50276
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~~(v) Require the director to deny certification for any such laboratory that does not comply with those criteria and that fails to make the necessary changes in its operations within the established time period.~~ 50281
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50283
50284

~~(c) Require that any information submitted to the director for the purposes of the rules adopted under division (B) (6) (a) or (b) of this section comply with division (A) of section 3746.20 of the Revised Code;~~ 50285
50286
50287
50288

~~(d) Authorize the director to suspend or revoke the certification of a laboratory if the director finds that the laboratory's performance has resulted in the issuance of no further action letters under section 3746.11 of the Revised Code that are not consistent with applicable standards;~~ 50289
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~~(e) Authorize the director to suspend or revoke the certification of a laboratory if the director finds that the laboratory falsified any information on its application for certification regarding its credentials or qualifications;~~ 50294
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~~(f) Require the director permanently to revoke the certification of a laboratory that has violated or is violating division (A) of section 3746.18 of the Revised Code.~~ 50298
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50300

~~(7)~~ Information to be included in a no further action letter 50301
prepared under section 3746.11 of the Revised Code, including, 50302
without limitation, all of the following: 50303

(a) A summary of the information required to be submitted to 50304
the certified environmental professional preparing the no further 50305
action letter under division (C) of section 3746.10 of the Revised 50306
Code; 50307

(b) Notification that a risk assessment was performed in 50308
accordance with rules adopted under division (B) (2) of this 50309
section if such an assessment was used in lieu of generic 50310
numerical clean-up standards established in rules adopted under 50311
division (B) (1) of this section; 50312

(c) The contaminants addressed at the property, if any, their 50313
source, if known, and their levels prior to remediation; 50314

(d) The identity of any other person who performed work to 50315
support the request for the no further action letter as provided 50316
in division (B) (2) of section 3746.10 of the Revised Code and the 50317
nature and scope of the work performed by that person; 50318

(e) A list of the data, information, records, and documents 50319
relied upon by the certified environmental professional in 50320
preparing the no further action letter. 50321

~~(8)~~(7) Methods for determining fees to be paid for the 50322
following services provided by the agency under this chapter and 50323
rules adopted under it: 50324

(a) Site- or property-specific technical assistance in 50325
developing or implementing plans in connection with a voluntary 50326
action; 50327

(b) Reviewing applications for and issuing consolidated 50328
standards permits under section 3746.15 of the Revised Code and 50329
monitoring compliance with those permits; 50330

(c) Negotiating, preparing, and entering into agreements 50331
necessary for the implementation and administration of this 50332
chapter and rules adopted under it; 50333

(d) Reviewing no further action letters, issuing covenants 50334
not to sue, and monitoring compliance with any terms and 50335
conditions of those covenants and with operation and maintenance 50336
agreements entered into pursuant to those covenants, including, 50337
without limitation, conducting audits of properties where 50338
voluntary actions are being or were conducted under this chapter 50339
and rules adopted under it. 50340

The fees established pursuant to the rules adopted under 50341
division ~~(B)(8)~~(B)(7) of this section shall be at a level 50342
sufficient to defray the direct and indirect costs incurred by the 50343
agency for the administration and enforcement of this chapter and 50344
rules adopted under it other than the provisions regarding the 50345
certification of professionals and laboratories. 50346

~~(9)(8)~~ Criteria for selecting the no further action letters 50347
issued under section 3746.11 of the Revised Code that will be 50348
audited under section 3746.17 of the Revised Code, and the scope 50349
and procedures for conducting those audits. The rules adopted 50350
under division ~~(B)(9)~~(B)(8) of this section, at a minimum, shall 50351
require the director to establish priorities for auditing no 50352
further action letters to which any of the following applies: 50353

(a) The letter was prepared by an environmental professional 50354
who was deemed to be a certified professional ~~under division (D)~~ 50355
~~of section 3746.07 of the Revised Code~~ before the effective date 50356
of this amendment, but who does not comply with the criteria 50357
established in rules adopted under division (B)(5) of this section 50358
as determined pursuant to rules adopted under division (B)(5)(d) 50359
of this section; 50360

(b) The letter was submitted fraudulently; 50361

(c) The letter was prepared by a certified environmental professional whose certification subsequently was revoked in accordance with rules adopted under division (B)(5) of this section, or analyses were performed for the purposes of the no further action letter by a certified laboratory whose certification ~~subsequently~~ was revoked ~~in accordance with rules adopted under division (B)(6) of this section~~ before the effective date of this amendment or a laboratory that is not an accredited laboratory;

(d) A covenant not to sue that was issued pursuant to the letter was revoked under this chapter;

(e) The letter was for a voluntary action that was conducted pursuant to a risk assessment in accordance with rules adopted under division (B)(2) of this section;

(f) The letter was for a voluntary action that included as remedial activities engineering controls or institutional controls or activity and use limitations authorized under section 3746.05 of the Revised Code.

The rules adopted under division ~~(B)(9)~~ (B)(8) of this section shall provide for random audits of no further action letters to which the rules adopted under divisions ~~(B)(9)(a)~~ (B)(8)(a) to (f) of this section do not apply.

~~(10)(9)~~ A classification system to characterize ground water according to its capability to be used for human use and its impact on the environment and a methodology that shall be used to determine when ground water that has become contaminated from sources on a property for which a covenant not to sue is requested under section 3746.11 of the Revised Code shall be remediated to the standards established in the rules adopted under division (B)(1) or (2) of this section.

(a) In adopting rules under division ~~(B)(10)~~ (B)(9) of this

section to characterize ground water according to its capability 50393
for human use, the director shall consider all of the following: 50394

(i) The presence of legally enforceable, reliable 50395
restrictions on the use of ground water, including, without 50396
limitation, local rules or ordinances; 50397

(ii) The presence of regional commingled contamination from 50398
multiple sources that diminishes the quality of ground water; 50399

(iii) The natural quality of ground water; 50400

(iv) Regional availability of ground water and reasonable 50401
alternative sources of drinking water; 50402

(v) The productivity of the aquifer; 50403

(vi) The presence of restrictions on the use of ground water 50404
implemented under this chapter and rules adopted under it; 50405

(vii) The existing use of ground water. 50406

(b) In adopting rules under division ~~(B) (10)~~ (B) (9) of this 50407
section to characterize ground water according to its impacts on 50408
the environment, the director shall consider both of the 50409
following: 50410

(i) The risks posed to humans, fauna, surface water, 50411
sediments, soil, air, and other resources by the continuing 50412
presence of contaminated ground water; 50413

(ii) The availability and feasibility of technology to remedy 50414
ground water contamination. 50415

~~(11)~~ (10) Governing the application for and issuance of 50416
variances under section 3746.09 of the Revised Code; 50417

~~(12) (a)~~ (11) (a) In the case of voluntary actions involving 50418
contaminated ground water, specifying the circumstances under 50419
which the generic numerical clean-up standards established in 50420
rules adopted under division (B) (1) of this section and standards 50421

established through a risk assessment conducted pursuant to rules 50422
adopted under division (B) (2) of this section shall be 50423
inapplicable to the remediation of contaminated ground water and 50424
under which the standards for remediating contaminated ground 50425
water shall be established on a case-by-case basis prior to the 50426
commencement of the voluntary action pursuant to rules adopted 50427
under division ~~(B) (12) (b)~~ (B) (11) (b) of this section; 50428

(b) Criteria and procedures for the case-by-case 50429
establishment of standards for the remediation of contaminated 50430
ground water under circumstances in which the use of the generic 50431
numerical clean-up standards and standards established through a 50432
risk assessment are precluded by the rules adopted under division 50433
~~(B) (12) (a)~~ (B) (11) (a) of this section. The rules governing the 50434
procedures for the case-by-case development of standards for the 50435
remediation of contaminated ground water shall establish 50436
application, public participation, adjudication, and appeals 50437
requirements and procedures that are equivalent to the 50438
requirements and procedures established in section 3746.09 of the 50439
Revised Code and rules adopted under division ~~(B) (11)~~ (B) (10) of 50440
this section, except that the procedural rules shall not require 50441
an applicant to make the demonstrations set forth in divisions 50442
(A) (1) to (3) of section 3746.09 of the Revised Code. 50443

~~(13)~~ (12) A definition of the evidence that constitutes 50444
sufficient evidence for the purpose of division (A) (5) of section 50445
3746.02 of the Revised Code. 50446

At least thirty days before filing the proposed rules 50447
required to be adopted under this section with the secretary of 50448
state, director of the legislative service commission, and joint 50449
committee on agency rule review in accordance with divisions (B) 50450
and (C) of section 119.03 of the Revised Code, the director of 50451
environmental protection shall hold at least one public meeting on 50452
the proposed rules in each of the five districts into which the 50453

agency has divided the state for administrative purposes. 50454

~~Sec. 3746.071 3746.07. (A) As used in this section, 50455
"certified professional" means a certified professional deemed to 50456
be certified under division (D) of section 3746.07 of the Revised 50457
Code. 50458~~

~~(B) A certified professional shall do all of the following: 50459~~

(1) Protect the safety, health, and welfare of the public in 50460
the performance of professional duties. If a circumstance arises 50461
where the certified professional faces a situation where the 50462
safety, health, or welfare of the public would not be protected, 50463
the certified professional shall do all of the following: 50464

(a) Sever the relationship with the certified professional's 50465
employer or client; 50466

(b) Refuse to accept responsibility for the design, report, 50467
or statement involved; 50468

(c) Notify the director of environmental protection if, in 50469
the opinion of the certified professional, the situation is 50470
sufficiently important. 50471

(2) Undertake to perform assignments only when the certified 50472
professional or the certified professional's consulting support is 50473
qualified by training and experience in the specific technical 50474
fields involved; 50475

(3) Be completely objective in any professional report, 50476
statement, or testimony. The certified professional shall include 50477
all relevant and pertinent information in the report, statement, 50478
or testimony when the result of an omission would or reasonably 50479
could lead to a fallacious conclusion. 50480

(4) Express an opinion as a technical or expert witness 50481
before any court, commission, or other tribunal only when it is 50482
founded upon adequate knowledge of the facts in issue, upon a 50483

background of technical competence in the subject matter, and upon 50484
honest conviction of the accuracy and propriety of the testimony. 50485

~~(C)~~ (B) A certified professional shall not issue statements, 50486
criticisms, or arguments on matters connected with public policy 50487
that are inspired or paid for by an interested party, unless the 50488
certified professional has prefaced the remarks by explicitly 50489
identifying the certified professional, by disclosing the identity 50490
of the parties on whose behalf the certified professional is 50491
speaking, and by revealing the existence of any pecuniary interest 50492
the certified professional may have in the instant matters. 50493

~~(D)~~ ~~(1)~~ (C) (1) A certified professional shall conscientiously 50494
avoid any conflict of interest with the certified professional's 50495
employer or client. 50496

(2) A certified professional promptly shall inform the 50497
certified professional's employer or client of any business 50498
association, interests, or circumstances that could influence the 50499
certified professional's judgment or the quality of the certified 50500
professional's service to the employer or client. 50501

(3) A certified professional shall not accept compensation, 50502
financial or otherwise, from more than one party for services on 50503
or pertaining to the same project, unless the circumstances are 50504
fully disclosed to, and agreed to, by all interested parties or 50505
their duly authorized agents. 50506

(4) A certified professional shall not solicit or accept 50507
financial or other valuable considerations from material or 50508
equipment suppliers for specifying their products. 50509

(5) A certified professional shall not solicit or accept 50510
gratuities, directly or indirectly, from contractors, their 50511
agents, or other parties dealing directly with the certified 50512
professional's employer or client in connection with the work for 50513
which the certified professional is responsible. 50514

~~(E)~~ ~~(1)~~ (D) (1) A certified professional shall not pay, solicit, or offer, directly or indirectly, any bribe or commission for professional employment with the exception of payment of the usual commission for securing salaried positions through licensed employment agencies.

(2) A certified professional shall seek professional employment on the basis of qualification and competence for proper accomplishment of the work. A certified professional may submit proposed fee information prior to selection to serve as a certified professional under this chapter and rules adopted under it.

(3) A certified professional shall not falsify or permit misrepresentation of the certified professional's or the certified professional's associates' academic or professional qualifications. The certified professional shall not misrepresent or exaggerate the certified professional's degree of responsibility in or for the subject matter of prior assignments.

(4) Brochures or other presentations incident to the solicitation of employment by a certified professional shall not misrepresent pertinent facts concerning the certified professional's employers, employees, associates, or joint ventures, or the past accomplishments of any of them, with the intent and purpose of enhancing the certified professional's qualifications for the certified professional's work.

~~(F)~~ ~~(1)~~ (E) (1) A certified professional shall not sign or seal professional work for which the certified professional does not have personal professional knowledge and direct supervisory control and responsibility.

(2) A certified professional shall not knowingly associate with, or permit the use of the certified professional's own name or the name of the certified professional's firm in, a business

venture by any person or firm that the certified professional 50546
knows, or has reason to believe, is engaging in business or 50547
professional practices of a fraudulent or dishonest nature. 50548

(3) If a certified professional has knowledge or reason to 50549
believe that another person or firm has violated any of the 50550
provisions of this chapter or any requirement of this section, the 50551
certified professional shall present the information to the 50552
director in writing. 50553

~~(G)~~(F) The director, in accordance with rules adopted under 50554
section 3746.04 of the Revised Code, may suspend for a period of 50555
not more than five years or permanently revoke a certified 50556
professional's certification for a violation of or failure to 50557
comply with any requirement or obligation set forth in this 50558
section. 50559

(G) Notwithstanding any other provision of this chapter to 50560
the contrary, a certified professional may use data analyzed by a 50561
certified laboratory prior to the effective date of this amendment 50562
in completion of a no further action letter. 50563

Sec. 3746.09. (A) A person who proposes to enter into or who 50564
is participating in the voluntary action program under this 50565
chapter and rules adopted under it, in accordance with this 50566
section and rules adopted under division ~~(B)(11)~~(B)(10) of section 50567
3746.04 of the Revised Code, may apply to the director of 50568
environmental protection for a variance from applicable standards 50569
otherwise established in this chapter and rules adopted under it. 50570
The application for a variance shall be prepared by a certified 50571
professional. The director shall issue a variance from those 50572
applicable standards only if the application makes all of the 50573
following demonstrations to the director's satisfaction: 50574

(1) Either or both of the following: 50575

(a) It is technically infeasible to comply with the applicable standards otherwise established at the property named in the application;

(b) The costs of complying with the applicable standards otherwise established at the property substantially exceed the economic benefits.

(2) The proposed alternative standard or set of standards and terms and conditions set forth in the application will result in an improvement of environmental conditions at the property and ensure that public health and safety will be protected.

(3) The establishment of and compliance with the alternative standard or set of standards and terms and conditions are necessary to promote, protect, preserve, or enhance employment opportunities or the reuse of the property named in the application.

A variance issued under this section shall state the specific standard or standards whose terms are being varied and shall set forth the specific alternative standard or set of standards and the terms and conditions imposed on the applicant in their place. A variance issued under this section shall include only standards and terms and conditions proposed by the applicant in the application, except that the director may impose any additional or alternative terms and conditions that the director determines to be necessary to ensure that public health and safety will be protected. If the director finds that compliance with any standard or term or condition proposed by the applicant will not protect public health and safety and that the imposition of additional or alternative terms and conditions will not ensure that public health or safety will be protected, the director shall disapprove the application and shall include in the order of denial the specific findings on which the denial was based.

(B) Variances shall be issued or denied in accordance with 50607
this section, rules adopted under division ~~(B)(11)~~ (B)(10) of 50608
section 3746.04 of the Revised Code, and Chapter 3745. of the 50609
Revised Code. Upon determining that an application for a variance 50610
is complete, the director shall schedule a public meeting on the 50611
application to be held within ninety days after the director 50612
determines that the application is complete in the county in which 50613
is located the property to which the application pertains. 50614

(C) Not less than thirty days before the date scheduled for 50615
the public meeting on an application for a variance, the director 50616
shall publish notice of the public meeting and that the director 50617
will receive written comments on the application for a period of 50618
forty-five days commencing on the date of the publication of the 50619
notice. The notice shall contain all of the following information, 50620
at a minimum: 50621

(1) The address of the property to which the application 50622
pertains; 50623

(2) A brief summary of the alternative standards and terms 50624
and conditions proposed by the applicant; 50625

(3) The date, time, and location of the public meeting. 50626

The notice shall be published in a newspaper of general 50627
circulation in the county in which the property is located and, if 50628
the property is located in close proximity to the boundary of the 50629
county with an adjacent county, as determined by the director, 50630
shall be published in a newspaper of general circulation in the 50631
adjacent county. Concurrently with the publication of the notice 50632
of the public meeting, the director shall mail notice of the 50633
application, comment period, and public meeting to the owner of 50634
each parcel of land that is adjacent to the affected property and 50635
to the legislative authority of the municipal corporation or 50636
township, and county, in which the affected property is located. 50637

The notices mailed to the adjacent land owners and legislative 50638
authorities shall contain the same information as the published 50639
notice. 50640

(D) At the public meeting on an application for a variance, 50641
the applicant, or a representative of the applicant who is 50642
knowledgeable about the affected property and the application, 50643
shall present information regarding the application and the basis 50644
of the request for the variance and shall respond to questions 50645
from the public regarding the affected property and the 50646
application. A representative of the environmental protection 50647
agency who is familiar with the affected property and the 50648
application shall attend the public meeting to hear the public's 50649
comments and to respond to questions from the public regarding the 50650
affected property and the application. A stenographic record of 50651
the proceedings at the public meeting shall be kept and shall be 50652
made a part of the administrative record regarding the 50653
application. 50654

(E) Within ninety days after conducting the public meeting on 50655
an application for a variance under division (D) of this section, 50656
the director shall issue a proposed action to the applicant in 50657
accordance with section 3745.07 of the Revised Code that indicates 50658
the director's intent with regard to the issuance or denial of the 50659
application. When considering whether to issue or deny the 50660
application or whether to impose terms and conditions of the 50661
variance that are in addition or alternative to those proposed by 50662
the applicant, the director shall consider comments on the 50663
application made by the public at the public meeting and written 50664
comments on the application received from the public. 50665

Sec. 3746.10. (A) Except as otherwise provided in section 50666
3746.02 of the Revised Code, any person may undertake a voluntary 50667
action under this chapter and rules adopted under it to identify 50668

and address potential sources of contamination by hazardous 50669
substances or petroleum of soil, sediments, surface water, or 50670
ground water on or underlying property and to establish that the 50671
property meets applicable standards. The voluntary action may 50672
include any one or more of the following elements: 50673

(1) A phase I property assessment conducted in accordance 50674
with rules adopted under division (B)(3) of section 3746.04 of the 50675
Revised Code ~~or division (B) of section 3746.07 of the Revised~~ 50676
~~Code, as appropriate;~~ 50677

(2) A phase II property assessment conducted in accordance 50678
with rules adopted under division (B)(4) of section 3746.04 of the 50679
Revised Code ~~or division (C) of section 3746.07 of the Revised~~ 50680
~~Code, as appropriate;~~ 50681

(3) A sampling plan; 50682

(4) A remediation plan; 50683

(5) Remedial activities; 50684

(6) Such other activities as the person undertaking the 50685
voluntary action considers to be necessary or appropriate to 50686
address the contamination. 50687

When the person undertaking a voluntary action determines 50688
that the property meets applicable standards, the person may seek 50689
a no further action letter from a certified professional. A no 50690
further action letter may be issued for the property at any stage 50691
of the identification of potential hazardous substance or 50692
petroleum contamination or remedial activities after a phase I or 50693
II property assessment has demonstrated that there is no reason to 50694
believe that there has been a release of hazardous substances or 50695
petroleum at or upon the property, that information indicates that 50696
there has been a release of hazardous substances or petroleum at 50697
or upon the property, but that the release is not in excess of 50698
applicable standards, or that if there has been such a release in 50699

excess of applicable standards, those standards have been achieved 50700
through remedial activities or will be achieved in accordance with 50701
the timeframes established in an operation and maintenance 50702
agreement entered into under division (A) (3) of section 3746.12 of 50703
the Revised Code or in such an agreement and a consolidated 50704
standards permit issued under section 3746.15 of the Revised Code. 50705

(B) (1) A person who is participating in the voluntary action 50706
program under this chapter and rules adopted under it shall do 50707
both of the following: 50708

(a) Utilize the services of ~~a certified~~ an accredited 50709
laboratory to perform any analyses that form the basis for the 50710
issuance of a no further action letter for a property and ensure 50711
that a laboratory performs in connection with a voluntary action 50712
only those analyses for which it is ~~certified under rules adopted~~ 50713
~~under division (B) (6) of section 3746.04 of the Revised Code or~~ 50714
~~for which it is qualified prior to the adoption of those rules~~ 50715
accredited; 50716

(b) Utilize the services of a certified professional to 50717
verify that the property and any remedial activities undertaken at 50718
the property in connection with a voluntary action comply with 50719
applicable standards and, if those standards are met, to issue to 50720
the person a no further action letter for the property. For the 50721
purposes of such a verification, the certified professional shall 50722
perform and review all work that was conducted to support the 50723
request for the no further action letter or shall ensure that the 50724
work has been performed and reviewed by other persons with 50725
expertise and competence in areas other than those of the 50726
certified professional's expertise and competence as necessary for 50727
the issuance of the no further action letter. 50728

(2) No person who is participating in the voluntary action 50729
program shall do any of the following: 50730

(a) If the person also is a certified professional, prepare a no further action letter in connection with a voluntary action conducted at a property that the certified professional owns or operates;

(b) Utilize the services of a certified professional who is employed by, affiliated with, or related to the participant or who was employed by or affiliated with the participant during the year preceding the date that the participant entered into the contract to utilize the services of the certified professional in connection with the voluntary action;

(c) Utilize the services of ~~a certified~~ an accredited laboratory that is owned by or affiliated with the participant, that is owned by a person related to the participant, or that was owned by or affiliated with the participant during the year preceding the date that the participant entered into the contract to utilize the services of the ~~certified~~ accredited laboratory in connection with the voluntary action, to perform any analyses that form the basis for the issuance of a no further action letter in connection with a voluntary action.

A covenant not to sue issued under section 3746.12 of the Revised Code to a person who violated division (B) (2) (a), (b), or (c) of this section with respect to the no further action letter upon which issuance of the covenant was based is void.

Except as otherwise provided in division (B) (2) of this section, a person who is participating in the voluntary action program may utilize an independent contractor to serve as a certified professional or ~~certified~~ accredited laboratory.

(C) In order to obtain a no further action letter, a person undertaking a voluntary action shall submit to a certified professional all of the following, as applicable:

(1) Information demonstrating that there is no contamination

by hazardous substances or petroleum of soil, sediments, surface 50762
water, or ground water on or underlying the property in 50763
concentrations exceeding applicable standards. The demonstrations 50764
shall be based upon the findings of a phase I or phase II property 50765
assessment. 50766

(2) If remedial activities were conducted in connection with 50767
the voluntary action, data demonstrating that the remedy meets 50768
applicable standards or will achieve applicable standards in 50769
accordance with the timeframes established in an operation and 50770
maintenance agreement entered into under division (A) (3) of 50771
section 3746.12 of the Revised Code or in such an agreement and a 50772
consolidated standards permit issued under section 3746.15 of the 50773
Revised Code; 50774

(3) (a) If the remedy relies on institutional controls or 50775
restrictions on the use of the property to achieve applicable 50776
standards, a demonstration that the institutional controls or the 50777
use restrictions have been recorded in the office of the county 50778
recorder of the county in which the property is located, or have 50779
been entered in the appropriate register for registered land as 50780
defined in section 5309.01 of the Revised Code, in compliance with 50781
section 3746.14 of the Revised Code; 50782

(b) If the person undertaking a voluntary action seeks to 50783
obtain a covenant not to sue and if the remedy relies on activity 50784
and use limitations to achieve applicable standards, a 50785
demonstration that the activity and use limitations have been 50786
developed in accordance with this chapter and rules adopted under 50787
it and are contained in a proposed environmental covenant that 50788
meets the requirements established in section 5301.82 of the 50789
Revised Code. 50790

(4) If the remedy relies on engineering controls that contain 50791
or control the release of hazardous substances or petroleum at or 50792
from the property, a plan for the proper operation and maintenance 50793

of the engineering controls. 50794

(D) Except as otherwise specifically provided in this chapter 50795
and rules adopted under it, voluntary actions under this chapter 50796
and rules adopted under it shall be undertaken in compliance with 50797
all applicable laws of this state and rules adopted under them and 50798
with applicable ordinances, resolutions, and rules of political 50799
subdivisions of this state. 50800

Sec. 3746.11. (A) After receiving the demonstrations and 50801
operation and maintenance plan, if any, required to be submitted 50802
to a certified professional under division (C) of section 3746.10 50803
of the Revised Code, the certified professional shall review them 50804
to verify whether the property where the voluntary action was 50805
undertaken complies with applicable standards or shall ensure that 50806
they have been reviewed by another person or persons who performed 50807
work to support the request for the no further action letter as 50808
provided in division (B)(2) of section 3746.10 of the Revised 50809
Code. If, on the basis of the best knowledge, information, and 50810
belief of the certified professional, the certified professional 50811
concludes that the property meets applicable standards, the 50812
certified professional shall prepare a no further action letter 50813
for the property. The no further action letter shall contain all 50814
the information specified in rules adopted under division 50815
~~(B)(7)(B)(6)~~ of section 3746.04 of the Revised Code ~~or in division~~ 50816
~~(E) of section 3746.07 of the Revised Code, as applicable.~~ 50817

Upon completion of a no further action letter, the certified 50818
professional shall send a copy of the letter to the person who 50819
undertook the voluntary action. The letter shall be accompanied by 50820
a written request that the person notify the certified 50821
professional as to whether the person wishes to submit the no 50822
further action letter to the director of environmental protection 50823
and by a written notice informing the person that the original 50824

letter may be submitted to the director only by a certified professional and that the person may receive a covenant not to sue from the director in connection with the voluntary action only if the no further action letter for the voluntary action is submitted to the director on the person's behalf by the certified professional.

Promptly after receipt of the letter and request, the person who undertook the voluntary action shall send written notice to the certified professional informing the certified professional as to whether the person wishes to submit the letter to the director and shall send a copy of the notice to the director. If the person's notice indicates that the person wishes to have the no further action letter submitted to the director, promptly after receipt of the notice, the certified professional shall submit the original no further action letter, together with a proposed environmental covenant, if applicable, and a proposed operation and maintenance agreement, if applicable, to the director by certified mail on behalf of the person who undertook the voluntary action. If the person who undertook the voluntary action notifies the certified professional that the person does not wish to submit the no further action letter to the director, the certified professional shall send the original letter to the person promptly after receiving the notice.

(B) If after reviewing the demonstrations required to be submitted to the certified professional under division (C) of section 3746.10 of the Revised Code, the certified professional finds that the property where the voluntary action was undertaken does not comply with applicable standards, the certified professional shall send to the person who undertook the voluntary action written notice of that fact and of the certified professional's inability to issue a no further action letter for the property.

(C) A certified professional shall prepare a summary report 50857
detailing the certified professional's findings and conclusions 50858
about the environmental conditions at the property concerning 50859
which the professional was requested to prepare a no further 50860
action letter and the remedial activities undertaken to mitigate 50861
or abate any threat to public health and safety and the 50862
environment, including, without limitation, all of the following: 50863

(1) A description of the nature and extent of contamination 50864
emanating from sources on the property; 50865

(2) A risk assessment performed in accordance with rules 50866
adopted under division (B)(2) of section 3746.04 of the Revised 50867
Code if such an assessment was used in lieu of generic numerical 50868
clean-up standards established in rules adopted under division 50869
(B)(1) of that section; 50870

(3) A description of any remedy conducted at the property and 50871
how the remedy complies with applicable standards; 50872

(4) A description of any plan for the proper operation and 50873
maintenance of engineering controls identified under division 50874
(C)(4) of section 3746.10 of the Revised Code; 50875

(5) Any documents prepared by any other person who performed 50876
work to support the request for the no further action letter as 50877
provided in division (B)(2) of section 3746.10 of the Revised 50878
Code. 50879

(D) A certified professional shall maintain all documents and 50880
data prepared or acquired by the certified professional in 50881
connection with a no further action letter for not less than ten 50882
years after the date of issuance of the letter or after the notice 50883
required under division (B) of this section has been sent, as 50884
applicable, or for a longer period as determined in rules adopted 50885
under section 3746.04 of the Revised Code. The director shall have 50886
access to those documents and data in accordance with section 50887

3746.18 or 3746.31 of the Revised Code. 50888

Sec. 3746.12. (A) Except as provided in division (C) of this 50889
section, the director of environmental protection shall issue to a 50890
person on behalf of whom a certified professional has submitted to 50891
the director an original no further action letter and accompanying 50892
verification under division (A) of section 3746.11 of the Revised 50893
Code a covenant not to sue for the property that is named in the 50894
letter. The director shall not issue a covenant not to sue if an 50895
original no further action letter is submitted to ~~him~~ the director 50896
by any person other than the certified professional who prepared 50897
the letter or if a copy of the letter is submitted to ~~him~~ the 50898
director. 50899

A covenant not to sue shall contain both of the following, as 50900
applicable: 50901

(1) A provision releasing the person who undertook the 50902
voluntary action from all civil liability to this state to perform 50903
additional investigational and remedial activities to address a 50904
release of hazardous substances or petroleum when the property has 50905
undergone a phase I or a phase II property assessment in 50906
compliance with this chapter and rules adopted under it or has 50907
been the subject of remedial activities conducted under this 50908
chapter and rules adopted under it to address a release of 50909
hazardous substances or petroleum and such an assessment or those 50910
activities demonstrate or result in compliance with applicable 50911
standards, except: 50912

(a) As otherwise specifically provided in this chapter or as 50913
may be conditioned by the director under this chapter; 50914

(b) For claims for natural resource damages the state may 50915
have pursuant to section 107 or 113 of the "Comprehensive 50916
Environmental Response, Compensation, and Liability Act of 1980," 50917
94 Stat. 2781 and 2792, 42 U.S.C.A. 9607 and 9613, as amended; 50918

(c) For claims the state may have pursuant to section 107 of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2781, 42 U.S.C.A. 9607, as amended, for costs other than those for damages to natural resources, provided that the state incurs those other costs as a result of an action by the president of the United States under section 104, 106, 107, or 122 of that act or pursuant to section 3746.29 of the Revised Code.

(2) If the voluntary action involves the use of engineering controls that contain and control the release of hazardous substances or petroleum at or from the property in order to comply with applicable standards, all of the following:

(a) A provision requiring that the person enter into an operation and maintenance agreement with the director that ensures that all engineering controls are maintained so that the remedy is protective of public health and safety and the environment; that includes provisions requiring the person to conduct monitoring for compliance with the engineering controls and the applicable standards upon which issuance of the covenant was based, and periodically to report the findings of the monitoring to the director, as specified in the agreement; and that includes financial assurances that the remedy will remain operational and functional;

(b) A provision requiring the transferor of a covenant that contains an operation and maintenance agreement for engineering controls to notify the director whenever a transfer or assignment of the covenant or property to which it applies occurs;

(c) A provision revoking the covenant if the engineering controls are violated or are no longer in place and the person has not reinstated the controls within a reasonable period of time as determined in accordance with the covenant.

(B) (1) The release provided under division (A) (1) of this section remains effective only for as long as the property or portion thereof to which the covenant pertains continues to comply with the applicable standards upon which the issuance of the covenant was based.

(2) Upon finding that a property or portion thereof to which a covenant not to sue pertains no longer complies with the applicable standards upon which issuance of the covenant was based, the director, by certified mail, receipt requested, shall mail notice of that fact and the requirements of division (B) (3) of this section to the person responsible for maintaining compliance with those standards.

(3) Unless the recipient of a notice provided under division (B) (2) of this section, within thirty days after the mailing of the notice, notifies the director of ~~his~~ the recipient's intention to return the property or portion thereof to compliance with the applicable standards upon which issuance of the covenant was based and enters into a compliance schedule agreement with the director, the director, by issuance of an order as a final action under Chapter 3745. of the Revised Code, shall revoke the covenant. The compliance schedule agreement shall establish a reasonable period of time for returning to compliance with those applicable standards.

(4) Upon finding that a person with whom ~~he~~ the director has entered into a compliance schedule agreement under division (B) (3) of this section has failed to return the property or portion thereof to which the agreement pertains to compliance with the applicable standards within the time established in the agreement, the director, by issuance of an order as a final action under Chapter 3745. of the Revised Code, shall revoke the covenant applicable to the property or portion thereof.

(C) The director shall deny a covenant not to sue as a final

action for any of the following reasons: 50982

(1) The no further action letter submitted on behalf of the 50983
person seeking the covenant not to sue does not comply with 50984
section 3746.11 of the Revised Code and any rules adopted under 50985
this chapter regarding no further action letters; 50986

(2) The director determines from information available to ~~him~~ 50987
to the director that a remedy identified in the no further action 50988
letter does not protect public health and safety and the 50989
environment; 50990

(3) The no further action letter was submitted fraudulently. 50991

(D) The director shall not revoke a covenant not to sue 50992
issued for property for which a voluntary action was conducted in 50993
accordance with standards and procedures ~~established in section~~ 50994
~~3746.07~~ that applied prior to the adoption of rules under section 50995
3746.04 of the Revised Code solely on the basis that the voluntary 50996
action was conducted in accordance with those standards and 50997
procedures. 50998

(E) Unless a covenant not to sue issued under this section is 50999
revoked through the operation of a provision of the covenant 51000
described in division (A)(2)(c) of this section, or under division 51001
(B) of this section, division (B)(2) of section 3746.18 of the 51002
Revised Code, or division (B) of section 3746.19 of the Revised 51003
Code, the covenant shall remain effective as long as the property 51004
complies with the applicable standards that were in effect when 51005
the person who undertook the voluntary action submitted the 51006
information and demonstrations required under division (C) of 51007
section 3746.10 of the Revised Code to the certified professional 51008
who prepared the no further action letter regardless of whether 51009
amendments to the rules adopted under division (B)(1) or (2) of 51010
section 3746.04 of the Revised Code that became effective after 51011
that time altered the generic numerical clean-up standards for a 51012

contaminant addressed by the voluntary action or the procedures or 51013
levels of acceptable risk that govern the property-specific risk 51014
assessments conducted in lieu of compliance with generic numerical 51015
standards. 51016

Sec. 3746.13. (A) For property that does not involve the 51017
issuance of a consolidated standards permit under section 3746.15 51018
of the Revised Code and where no remedial activities for which 51019
there is a required operation and maintenance agreement or an 51020
environmental covenant under this chapter or sections 5301.80 to 51021
5301.92 of the Revised Code, as applicable, are used to comply 51022
with applicable standards, the director of environmental 51023
protection shall issue a covenant not to sue pursuant to section 51024
3746.12 of the Revised Code by issuance of an order and as a final 51025
action under Chapter 3745. of the Revised Code within thirty days 51026
after the director receives the no further action letter for the 51027
property from the certified professional who prepared the letter 51028
under section 3746.11 of the Revised Code. 51029

(B) For property that involves the issuance of a consolidated 51030
standards permit under section 3746.15 of the Revised Code or 51031
where remedial activities for which there is a required operation 51032
and maintenance agreement or an environmental covenant under this 51033
chapter or sections 5301.80 to 5301.92 of the Revised Code, as 51034
applicable, are used to comply with applicable standards, the 51035
director shall issue a covenant not to sue pursuant to section 51036
3746.12 of the Revised Code by issuance of an order and as a final 51037
action under Chapter 3745. of the Revised Code within ninety days 51038
after the director receives the no further action letter for the 51039
property from the certified professional who prepared the letter 51040
and enters into an environmental covenant regarding the property, 51041
if applicable. 51042

(C) Except as provided in division (D) of this section, each 51043

person who is issued a covenant not to sue under this section 51044
shall pay the fee established pursuant to rules adopted under 51045
division ~~(B)(9)~~(B)(7) of section 3746.04 of the Revised Code. 51046
Until those rules become effective, each person who is issued a 51047
covenant not to sue shall pay a fee of two thousand dollars. The 51048
fee shall be paid to the director at the time that the no further 51049
action letter and accompanying verification are submitted to the 51050
director. 51051

(D) An applicant, as defined in section 122.65 of the Revised 51052
Code, who has entered into an agreement under section 122.653 of 51053
the Revised Code and who is issued a covenant not to sue under 51054
this section shall not be required to pay the fee for the issuance 51055
of a covenant not to sue established in rules adopted under 51056
division ~~(B)(9)~~(B)(7) of section 3746.04 of the Revised Code. 51057

Sec. 3746.17. (A) The director of environmental protection 51058
shall conduct audits in connection with no further action letters 51059
issued under section 3746.11 of the Revised Code for all of the 51060
following purposes: 51061

(1) Determining whether after completion of the voluntary 51062
actions under this chapter and rules adopted under it, the 51063
properties where the voluntary actions were conducted meet 51064
applicable standards; 51065

(2) Reviewing the qualifications of and work performed by 51066
certified professionals under the voluntary action program to 51067
ascertain whether they possess the qualifications for 51068
certification pursuant to rules adopted under division (B)(5) of 51069
section 3746.04 of the Revised Code and whether their performance 51070
under the program has resulted in the issuance of no further 51071
action letters that are not consistent with applicable standards; 51072

(3) Reviewing ~~the qualifications of~~ and work performed by 51073
certified laboratories or accredited laboratories in connection 51074

with the voluntary action program, and inspecting the facilities 51075
of ~~certified~~ those laboratories to ascertain whether ~~they possess~~ 51076
~~the qualifications for certification pursuant to rules adopted~~ 51077
~~under division (B) (6) of section 3746.04 of the Revised Code and~~ 51078
~~whether~~ their performance in connection with the program has 51079
resulted in the issuance of no further action letters that are not 51080
consistent with applicable standards. 51081

An audit may be conducted for any of the purposes identified 51082
in divisions (A) (1) to (3) of this section or for any combination 51083
of those purposes. 51084

(B) ~~Commencing one year after the effective date of this~~ 51085
~~section, the~~ The director annually shall conduct in connection 51086
with the no further action letters submitted to ~~him~~ the director 51087
during the preceding calendar year under section 3746.11 of the 51088
Revised Code audits of not less than twenty-five per cent of the 51089
letters pertaining ~~the~~ to voluntary actions that involved remedial 51090
activities and not less than twenty-five per cent of the letters 51091
pertaining to voluntary actions that did not involve remedial 51092
activities. Audits conducted pursuant to contracts entered into 51093
under division ~~(E)~~ (D) of this section or division (B) of section 51094
3745.01 of the Revised Code shall be included in determining the 51095
number of audits conducted by the director during the year in 51096
which the audits were conducted. 51097

(C) ~~Except as provided in division (D) of this section, the~~ 51098
The director shall select the no further action letters to be 51099
audited under this section in accordance with the selection 51100
criteria established in rules adopted under division ~~(B) (9)~~ (B) (8) 51101
of section 3746.04 of the Revised Code. Any such audit shall be 51102
conducted in accordance with the rules adopted under that 51103
division. 51104

(D) ~~Prior to the adoption of rules under section 3746.04 of~~ 51105
~~the Revised Code, the director may conduct audits in connection~~ 51106

~~with no further action letters issued under section 3746.11 of the Revised Code in order to determine if the relevant properties, certified professionals, certified laboratories, or any combination of them comply with the standards established in section 3746.07 of the Revised Code.~~

~~(E)~~ The director may enter into contracts to have audits conducted under this section in accordance with rules adopted under division ~~(B)(9)~~ (B)(8) of section 3746.04 of the Revised Code. The director shall not select as a contractor to conduct audits under this section a person who meets any of the following:

~~(a)(1)~~ Undertook the voluntary action in connection with which the audit is to be performed;

~~(b)(2)~~ Is employed by, affiliated with, or related to the person who undertook the voluntary action in connection with which the audit is to be performed or was employed by or affiliated with that person during the year preceding the date that the audit is to be conducted;

~~(c)(3)~~ Served as the certified professional who issued the no further action letter for the voluntary action in connection with which the audit is to be performed or is employed by, affiliated with, or related to the person who served as the certified professional or was employed by or affiliated with that person during the year preceding the date that the audit is to be conducted;

~~(d)(4)~~ Performed or reviewed, or ~~his~~ the person's employer performed or reviewed, any work that was conducted to support the request for the no further action letter in connection with which the audit is to be performed;

~~(e)(5)~~ Served as a certified laboratory or accredited laboratory that performed any analyses that formed the basis for the issuance of the no further action letter in connection with

which the audit is to be performed, is employed by, affiliated 51138
with, or related to the person who served as such a certified 51139
laboratory or accredited laboratory, or was employed by or 51140
affiliated with that person during the year preceding the date 51141
that the audit is to be conducted. 51142

Sec. 3746.18. (A) The director of environmental protection 51143
may request a certified professional or certified laboratory or 51144
accredited laboratory to provide ~~to him~~ the director documents and 51145
data for the purposes of verifying the qualifications of the 51146
professional or laboratory or auditing the performance of the 51147
professional or laboratory in connection with voluntary actions 51148
conducted under this chapter and rules adopted under it or may 51149
request any other person who performed work that was conducted to 51150
support a request for a no further action letter as provided in 51151
division (B) (2) of section 3746.10 of the Revised Code to submit 51152
documents and data relating to the no further action letter. 51153

No person shall fail to comply with a request made under this 51154
division. 51155

(B) In addition to any other remedy provided by law, the 51156
director may do either or both of the following in connection with 51157
a violation of division (A) of this section: 51158

(1) Permanently revoke the certification of the certified 51159
professional ~~or certified laboratory~~ in accordance with rules 51160
adopted under division (B) (5) (g) ~~or (B) (6) (f)~~ of section 3746.04 51161
of the Revised Code, as applicable; 51162

(2) Revoke any covenant not to sue issued under section 51163
3746.12 of the Revised Code pertaining to the director's request 51164
for information under division (A) of this section. 51165

Nothing in division (B) (2) of this section precludes a person 51166
whose covenant not to sue was revoked under that division from 51167

having a new no further action letter prepared regarding the 51168
relevant property and issued under section 3746.11 of the Revised 51169
Code by another certified professional, or using another ~~certified~~ 51170
accredited laboratory, for the purpose of obtaining a new covenant 51171
not to sue for the property. 51172

Sec. 3746.19. (A) If the director of environmental protection 51173
finds that the performance of a certified professional or 51174
certified laboratory has resulted in the issuance of no further 51175
action letters under section 3746.11 of the Revised Code that are 51176
not consistent with applicable standards, ~~he~~ the director shall 51177
notify persons for whom the certified professional or certified 51178
laboratory has performed work in connection with a voluntary 51179
action of ~~his~~ those findings. 51180

(B) The director, in accordance with the criteria and 51181
procedures established in rules adopted under division 51182
~~(B) (9)~~ (B) (8) of section 3746.04 of the Revised Code, may conduct 51183
an audit of any property for which a covenant not to sue was 51184
issued under section 3746.12 of the Revised Code based upon a no 51185
further action letter issued under section 3746.11 of the Revised 51186
Code that was prepared by a certified professional whose 51187
certification was subsequently suspended or revoked under this 51188
chapter and rules adopted under it or based upon a no further 51189
action letter for a voluntary action for which analyses were 51190
performed by a certified laboratory for which the certification 51191
was ~~subsequently~~ suspended or revoked ~~under this chapter and rules~~ 51192
~~adopted under it~~ before the effective date of this amendment. 51193

If, after such an audit, the director finds that the property 51194
does not comply with applicable standards, ~~he~~ the director shall 51195
proceed in accordance with divisions (B) (2) through (4) of section 51196
3746.12 of the Revised Code. 51197

Sec. 3746.20. (A) All of the following shall be submitted by affidavit:	51198 51199
(1) Any information, data, documents, or reports submitted by any of the following to another person for the purposes of a voluntary action conducted under this chapter and rules adopted under it:	51200 51201 51202 51203
(a) The person undertaking the voluntary action;	51204
(b) A certified professional;	51205
(c) Any other person who performed work that was conducted to support a request for a no further action letter as provided in division (B) (2) of section 3746.10 of the Revised Code;	51206 51207 51208
(d) A certified laboratory;	51209
<u>(e) An accredited laboratory.</u>	51210
(2) Any information submitted by an environmental professional to the director of environmental protection for the purposes of complying with rules adopted under division (B) (5) (a) or (c) of section 3746.04 of the Revised Code or with division (D) of section 3746.07 of the Revised Code;	51211 51212 51213 51214 51215
(3) Any information submitted by a laboratory for the purposes of complying with rules adopted under division (B) (6) (a) or (b) of section 3746.04 of the Revised Code;	51216 51217 51218
(4) The verification of eligible costs associated with a voluntary action submitted by a certified professional to the director of development pursuant to section 3746.121 of the Revised Code.	51219 51220 51221 51222
(B) No person shall materially falsify, tamper with, or render inaccurate any information, data, documents, or reports generated for the purposes of or used in documenting or preparing a no further action letter under this chapter or rules adopted	51223 51224 51225 51226

under it or verification of eligible costs under section 3746.121 51227
of the Revised Code. 51228

Violation of this division is not falsification under section 51229
2921.13 of the Revised Code. 51230

(C) In accordance with rules adopted under division (B) (5) (f) 51231
of section 3746.04 of the Revised Code, the director permanently 51232
shall revoke the certification of a certified professional who 51233
violates division (B) of this section. 51234

(D) No person, with purpose to deceive a certified 51235
professional, ~~certified~~ accredited laboratory, or a contractor 51236
thereof, or the environmental protection agency or a contractor 51237
thereof, shall withhold, conceal, or destroy any data, 51238
information, records, or documents relating to a voluntary action. 51239

Sec. 3746.21. (A) In addition to the authority established in 51240
sections 3746.18, 3746.19, and 3746.20 of the Revised Code, the 51241
director of environmental protection or ~~his~~ the director's 51242
authorized representative, upon proper identification and upon 51243
stating the necessity and purpose of an inspection, may enter at 51244
reasonable times upon any of the following: 51245

(1) Any public or private property at which a voluntary 51246
action has been or is being conducted under this chapter and rules 51247
adopted under it; ~~upon any~~ 51248

(2) Any public or private property, real or personal, that is 51249
owned or operated by a person who is participating or has 51250
participated in the voluntary action program under this chapter 51251
and rules adopted under it where data, information, records, or 51252
documents relating to the person's participation in the voluntary 51253
action program are kept; ~~or upon any~~ 51254

(3) Any public or private property, real or personal, upon 51255
which is located a certified laboratory, accredited laboratory, or 51256

the offices of a certified professional, ~~to inspect.~~ 51257

(B) The director or the director's authorized representative 51258
may enter upon any property described in division (A) of this 51259
section to do any of the following: 51260

(1) Inspect the credentials of the certified professional or 51261
the credentials and facilities of the certified laboratory or 51262
accredited laboratory; ~~to examine~~ 51263

To examine or copy data, information, records, or documents 51264
relating to the evaluation, investigation, or remediation of 51265
properties under this chapter and rules adopted under it or to 51266
compliance with a consolidated standards permit issued under 51267
section 3746.15 of the Revised Code; ~~or to obtain~~ 51268

(3) Obtain samples of soil, water, or other environmental 51269
media at properties where voluntary actions have been or are being 51270
conducted under this chapter and rules adopted under it. 51271

(C) The director or ~~his~~ the director's authorized 51272
representative may apply for and any judge of a court of record 51273
may issue an administrative inspection warrant under division (F) 51274
of section 2933.21 of the Revised Code, or other appropriate 51275
search warrant, necessary to achieve the purposes of this chapter 51276
within the court's territorial jurisdiction. 51277

Sec. 3746.31. Upon the written request of any person for 51278
information, documents, reports, or data described on a list 51279
submitted to the director of environmental protection pursuant to 51280
~~division (F) of section 3746.07 of the Revised Code or rules~~ 51281
adopted under division ~~(B) (7) (e)~~ (B) (6) (e) of section 3746.04 of 51282
the Revised Code, as applicable, the director, within a reasonable 51283
period of time after receipt of the request, shall provide copies 51284
of the requested materials to the person. If the requested 51285
materials are not on file in the offices of the environmental 51286

protection agency, the director, promptly after receipt of the 51287
request, shall send a written request to the certified 51288
professional who submitted the list pursuant to that division or 51289
those rules to submit the requested materials to the director 51290
within a specified reasonable period of time. The certified 51291
professional shall submit the requested materials to the director 51292
within the time specified in the director's request. Within a 51293
reasonable period of time after the director receives the 51294
requested materials from the certified professional, the director 51295
shall provide copies of them, at cost, to the person who requested 51296
them and shall retain the originals in the agency's files. 51297

Sec. 3746.35. (A) Not later than ~~September 1, 1996, and not~~ 51298
~~later than~~ the first day of September of each ~~subsequent~~ year, the 51299
director of environmental protection shall prepare and submit to 51300
the chairpersons of the respective standing committees of the 51301
senate and house of representatives primarily responsible for 51302
considering environmental and taxation matters a report regarding 51303
the voluntary action program established under this chapter and 51304
rules adopted under it and the tax abatements granted pursuant to 51305
sections 5709.87 and 5709.88 of the Revised Code for properties 51306
where voluntary actions were conducted. Each annual report shall 51307
include, without limitation, all of the following: 51308

(1) Both of the following for each property for which a 51309
covenant not to sue was issued under section 3746.12 of the 51310
Revised Code during the preceding calendar year: 51311

(a) The address of the property and name of the person who 51312
undertook the voluntary action at the property; 51313

(b) Whether the applicable standards governing the voluntary 51314
action were the ~~interim standards established in section 3746.07~~ 51315
~~of the Revised Code or the~~ generic numerical clean-up standards 51316
established in rules adopted under division (B)(1) of section 51317

3746.04 of the Revised Code or the interim standards that applied 51318
prior to the adoption of rules under that section, were 51319
established through the performance of a risk assessment pursuant 51320
to rules adopted under division (B) (2) of section 3746.04 of the 51321
Revised Code, or were set forth in a variance issued under section 51322
3746.09 of the Revised Code. 51323

(2) All of the following for each property for which a 51324
variance was issued under section 3746.09 of the Revised Code 51325
during the preceding calendar year: 51326

(a) The address of the property and the name of the person to 51327
whom the variance was issued; 51328

(b) A summary of the alternative standards and terms and 51329
conditions of the variance and brief description of the 51330
improvement in environmental conditions at the property that is 51331
anticipated to result from compliance with the alternative 51332
standards and terms and conditions set forth in the variance; 51333

(c) A brief description of the economic benefits to the 51334
person to whom the variance was issued and the community in which 51335
the property is located that are anticipated to result from the 51336
undertaking of the voluntary action in compliance with the 51337
alternative standards and terms and conditions set forth in the 51338
variance. 51339

(3) The number of audits performed under section 3746.17 of 51340
the Revised Code during the preceding calendar year and, in 51341
connection with each of them, at least the following information: 51342

(a) The address of the property in connection with which the 51343
audit was performed and the name of the person who undertook the 51344
voluntary action at the property; 51345

(b) An indication as to whether the audit was a random audit 51346
or was conducted in accordance with the priorities established in 51347
rules adopted under divisions (A) (9) (a) to (f) of section 3746.04 51348

of the Revised Code and, if the audit was conducted in accordance 51349
with those priorities, an indication as to which of them resulted 51350
in the selection of the voluntary action for an audit; 51351

(c) A brief summary of the findings of the audit and any 51352
action taken by the environmental protection agency as a result of 51353
those findings. 51354

(4) The number of covenants not to sue revoked during the 51355
preceding calendar year through the operation of divisions 51356
(A) (2) (c) and (B) of section 3746.12, division (B) (2) of section 51357
3746.18, and division (B) of section 3746.19 of the Revised Code 51358
and for each property for which a covenant was revoked, at least 51359
both of the following: 51360

(a) The address of the property affected by the revocation 51361
and name of the person who undertook the voluntary action at the 51362
property; 51363

(b) The reason for the revocation. 51364

(5) The amount of money credited to the voluntary action 51365
administration fund created in section 3746.16 of the Revised Code 51366
during the preceding fiscal year from the fees established in 51367
~~divisions (D) and (H) of section 3746.07~~ and division (C) of 51368
section 3746.13 of the Revised Code and from civil penalties 51369
imposed under section 3746.22 of the Revised Code. The report 51370
shall indicate the amount of money that arose from each of the 51371
fees and from the civil penalties. The report also shall include 51372
the amount of money expended from the fund during the preceding 51373
fiscal year by program category, including, without limitation, 51374
the amount expended for conducting audits under section 3746.17 of 51375
the Revised Code during the preceding fiscal year. 51376

(6) For each property that is receiving a tax abatement under 51377
section 5709.87 of the Revised Code for the preceding tax year, 51378
the amount of the valuation exempted from real property taxation 51379

for that tax year under that section. In order to comply with 51380
division (A) (6) of this section, the director shall include in the 51381
annual report the report required under division (B) (2) of this 51382
section. 51383

(7) For each property that is receiving a tax abatement 51384
pursuant to an agreement with a municipal corporation or county 51385
entered into under section 5709.88 of the Revised Code, the amount 51386
of the valuation exempted from real or personal property taxation. 51387
In order to comply with division (A) (7) of this section, the 51388
director shall include in the annual report the report required 51389
under division (C) of this section. 51390

(B) (1) Not later than the thirty-first day of March 31, 1996 51391
of each year, the county auditor of each county in which is 51392
located any property that ~~is receiving~~ received a tax abatement 51393
under section 5709.87 of the Revised Code for the preceding tax 51394
year shall report to the director of environmental protection for 51395
each such property both of the following as applicable ~~to tax year~~ 51396
~~1995~~: 51397

(a) The address of the property and the name of the owner as 51398
stated in the records of the county auditor of the county in which 51399
the property is located; 51400

(b) The amount of the valuation of the property that was 51401
exempted from real property taxation under that section. 51402

~~Not later than the thirty first day of March of each~~ 51403
~~subsequent year, each such county auditor shall report the~~ 51404
~~information described in those divisions to the director of~~ 51405
~~environmental protection for each property within the county that~~ 51406
~~is receiving a tax abatement under that section for the preceding~~ 51407
~~tax year.~~ 51408

(2) Not later than ~~July 1, 1996, and not later than~~ the first 51409
day of July of each ~~subsequent~~ year, the director of environmental 51410

protection shall compile the information provided to the director 51411
under division (B) (1) of this section applicable to the preceding 51412
tax year into a report covering all of the counties in the state 51413
in which are located properties receiving a tax abatement under 51414
section 5709.87 of the Revised Code for the preceding tax year. 51415

(C) Not later than ~~July 1, 1996, and not later than~~ the first 51416
day of July of each ~~subsequent~~ year, the director of environmental 51417
protection shall compile the information provided to the director 51418
by municipal corporations and counties under division (A) of 51419
section 5709.882 of the Revised Code applicable to the preceding 51420
calendar year into a report covering, by county, all of the 51421
municipal corporations and counties in this state in which are 51422
located properties receiving a tax abatement pursuant to an 51423
agreement entered into under section 5709.88 of the Revised Code. 51424

Sec. 3770.06. (A) There is hereby created the state lottery 51425
gross revenue fund, which shall be in the custody of the treasurer 51426
of state but shall not be part of the state treasury. All gross 51427
revenues received from sales of lottery tickets, fines, fees, and 51428
related proceeds in connection with the statewide lottery and all 51429
gross proceeds from statewide joint lottery games shall be 51430
deposited into the fund. The treasurer of state shall invest any 51431
portion of the fund not needed for immediate use in the same 51432
manner as, and subject to all provisions of law with respect to 51433
the investment of, state funds. The treasurer of state shall 51434
disburse money from the fund on order of the director of the state 51435
lottery commission or the director's designee. 51436

Except for gross proceeds from statewide joint lottery games, 51437
all revenues of the state lottery gross revenue fund that are not 51438
paid to holders of winning lottery tickets, that are not required 51439
to meet short-term prize liabilities, that are not credited to 51440
lottery sales agents in the form of bonuses, commissions, or 51441

reimbursements, that are not paid to financial institutions to 51442
reimburse those institutions for sales agent nonsufficient funds, 51443
and that are collected from sales agents for remittance to 51444
insurers under contract to provide sales agent bonding services 51445
shall be transferred to the state lottery fund, which is hereby 51446
created in the state treasury. In addition, all revenues of the 51447
state lottery gross revenue fund that represent the gross proceeds 51448
from the statewide joint lottery games and that are not paid to 51449
holders of winning lottery tickets, that are not required to meet 51450
short-term prize liabilities, that are not credited to lottery 51451
sales agents in the form of bonuses, commissions, or 51452
reimbursements, and that are not necessary to cover operating 51453
expenses associated with those games or to otherwise comply with 51454
the agreements signed by the governor that the director enters 51455
into under division (J) of section 3770.02 of the Revised Code or 51456
the rules the commission adopts under division (B)(5) of section 51457
3770.03 of the Revised Code shall be transferred to the state 51458
lottery fund. All investment earnings of the fund shall be 51459
credited to the fund. Moneys shall be disbursed from the fund 51460
pursuant to vouchers approved by the director. Total disbursements 51461
for monetary prize awards to holders of winning lottery tickets in 51462
connection with the statewide lottery and purchases of goods and 51463
services awarded as prizes to holders of winning lottery tickets 51464
shall be of an amount equal to at least fifty per cent of the 51465
total revenue accruing from the sale of lottery tickets. 51466

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 51467
there is hereby established in the state treasury the lottery 51468
profits education fund. Whenever, in the judgment of the director 51469
of the state lottery commission, the amount to the credit of the 51470
state lottery fund that does not represent proceeds from statewide 51471
joint lottery games is in excess of that needed to meet the 51472
maturing obligations of the commission and as working capital for 51473
its further operations, the director of the state lottery 51474

commission shall recommend the amount of the excess to be 51475
transferred to the lottery profits education fund, and the 51476
director of budget and management may transfer the excess to the 51477
lottery profits education fund in connection with the statewide 51478
lottery. In addition, whenever, in the judgment of the director of 51479
the state lottery commission, the amount to the credit of the 51480
state lottery fund that represents proceeds from statewide joint 51481
lottery games equals the entire net proceeds of those games as 51482
described in division (B)(5) of section 3770.03 of the Revised 51483
Code and the rules adopted under that division, the director of 51484
the state lottery commission shall recommend the amount of the 51485
proceeds to be transferred to the lottery profits education fund, 51486
and the director of budget and management may transfer those 51487
proceeds to the lottery profits education fund. Investment 51488
earnings of the lottery profits education fund shall be credited 51489
to the fund. 51490

The lottery profits education fund shall be used solely for 51491
the support of elementary, secondary, vocational, and special 51492
education programs as determined in appropriations made by the 51493
general assembly, or as provided in applicable bond proceedings 51494
for the payment of debt service on obligations issued to pay costs 51495
of capital facilities, including those for a system of common 51496
schools throughout the state pursuant to section 2n of Article 51497
VIII, Ohio Constitution. When determining the availability of 51498
money in the lottery profits education fund, the director of 51499
budget and management may consider all balances and estimated 51500
revenues of the fund. 51501

(C) There is hereby established in the state treasury the 51502
deferred prizes trust fund. With the approval of the director of 51503
budget and management, an amount sufficient to fund annuity prizes 51504
shall be transferred from the state lottery fund and credited to 51505
the trust fund. The treasurer of state shall credit all earnings 51506

arising from investments purchased under this division to the 51507
trust fund. Within sixty days after the end of each fiscal year, 51508
the treasurer of state shall certify to the director of budget and 51509
management whether the actuarial amount of the trust fund is 51510
sufficient over the fund's life for continued funding of all 51511
remaining deferred prize liabilities as of the last day of the 51512
fiscal year just ended. Also, within that sixty days, the director 51513
of budget and management shall certify the amount of investment 51514
earnings necessary to have been credited to the trust fund during 51515
the fiscal year just ending to provide for such continued funding 51516
of deferred prizes. Any earnings credited in excess of the latter 51517
certified amount shall be transferred to the lottery profits 51518
education fund. 51519

To provide all or a part of the amounts necessary to fund 51520
deferred prizes awarded by the commission in connection with the 51521
statewide lottery, the treasurer of state, in consultation with 51522
the commission, may invest moneys contained in the deferred prizes 51523
trust fund which represents proceeds from the statewide lottery in 51524
obligations of the type permitted for the investment of state 51525
funds but whose maturities are thirty years or less. 51526
Notwithstanding the requirements of any other section of the 51527
Revised Code, to provide all or part of the amounts necessary to 51528
fund deferred prizes awarded by the commission in connection with 51529
statewide joint lottery games, the treasurer of state, in 51530
consultation with the commission, may invest moneys in the trust 51531
fund which represent proceeds derived from the statewide joint 51532
lottery games in accordance with the rules the commission adopts 51533
under division (B) (5) of section 3770.03 of the Revised Code. 51534
Investments of the trust fund are not subject to the provisions of 51535
division (A) ~~(10)~~ (11) of section 135.143 of the Revised Code 51536
limiting to twenty-five per cent the amount of the state's total 51537
average portfolio that may be invested in debt interests other 51538
than commercial paper and limiting to five per cent the amount 51539

that may be invested in debt interests, including commercial 51540
paper, of a single issuer. 51541

All purchases made under this division shall be effected on a 51542
delivery versus payment method and shall be in the custody of the 51543
treasurer of state. 51544

The treasurer of state may retain an investment advisor, if 51545
necessary. The commission shall pay any costs incurred by the 51546
treasurer of state in retaining an investment advisor. 51547

(D) The auditor of state shall conduct annual audits of all 51548
funds and any other audits as the auditor of state or the general 51549
assembly considers necessary. The auditor of state may examine all 51550
records, files, and other documents of the commission, and records 51551
of lottery sales agents that pertain to their activities as 51552
agents, for purposes of conducting authorized audits. 51553

(E) The state lottery commission shall establish an internal 51554
audit plan before the beginning of each fiscal year, subject to 51555
the approval of the office of internal audit in the office of 51556
budget and management. At the end of each fiscal year, the 51557
commission shall prepare and submit an annual report to the office 51558
of internal audit for the office's review and approval, specifying 51559
the internal audit work completed by the end of that fiscal year 51560
and reporting on compliance with the annual internal audit plan. 51561

(F) Whenever, in the judgment of the director of budget and 51562
management, an amount of net state lottery proceeds is necessary 51563
to be applied to the payment of debt service on obligations, all 51564
as defined in sections 151.01 and 151.03 of the Revised Code, the 51565
director shall transfer that amount directly from the state 51566
lottery fund or from the lottery profits education fund to the 51567
bond service fund defined in those sections. The provisions of 51568
this division are subject to any prior pledges or obligation of 51569
those amounts to the payment of bond service charges as defined in 51570

division (C) of section 3318.21 of the Revised Code, as referred 51571
to in division (B) of this section. 51572

Sec. 3770.073. (A) If a person is entitled to a lottery prize 51573
award and is indebted to the state for the payment of any tax, 51574
workers' compensation premium, unemployment contribution, payment 51575
in lieu of unemployment contribution, certified claim under 51576
section 131.02 or 131.021 of the Revised Code, or is indebted to a 51577
political subdivision that has a certified claim under section 51578
131.02 of the Revised Code, lottery sales receipts held in trust 51579
on behalf of the state lottery commission as described in division 51580
(H) (4) of section 3770.05 of the Revised Code, or charge, penalty, 51581
or interest arising from these debts and if the amount of the 51582
prize money or the cost of goods or services awarded as a lottery 51583
prize award ~~is five thousand dollars or more~~ meets or exceeds the 51584
reportable winnings amount set by 26 U.S.C. 6041, the director of 51585
the state lottery commission, or the director's designee, shall do 51586
either of the following: 51587

(1) If the prize award will be paid in a lump sum, deduct 51588
from the prize award and pay to the attorney general an amount in 51589
satisfaction of the debt and pay any remainder to that person. If 51590
the amount of the prize award is less than the amount of the debt, 51591
the entire amount of the prize award shall be deducted and paid in 51592
partial satisfaction of the debt. 51593

(2) If the prize award will be paid in annual installments, 51594
on the date the initial installment payment is due, deduct from 51595
that installment and pay to the attorney general an amount in 51596
satisfaction of the debt and, if necessary to collect the full 51597
amount of the debt, do the same for any subsequent annual 51598
installments, at the time the installments become due and owing to 51599
the person, until the debt is fully satisfied. 51600

(B) If a person entitled to a lottery prize award owes more 51601

than one debt, any debt owed to the state shall be satisfied 51602
first, subject to both section 5739.33 and division (G) of section 51603
5747.07 of the Revised Code having first priority, and subject to 51604
division (C) of this section. 51605

(C) Any debt owed under section 3770.071 of the Revised Code 51606
shall be satisfied with first priority over debts owed under this 51607
section. 51608

(D) Except as provided in section 131.021 of the Revised 51609
Code, this section applies only to debts that have become final. 51610

Sec. 3772.01. As used in this chapter: 51611

(A) "Applicant" means any person who applies to the 51612
commission for a license under this chapter. 51613

(B) "Casino control commission fund" means the casino control 51614
commission fund described in Section 6(C)(3)(d) of Article XV, 51615
Ohio Constitution, the money in which shall be used to fund the 51616
commission and its related affairs. 51617

(C) "Casino facility" means a casino facility as defined in 51618
Section 6(C)(9) of Article XV, Ohio Constitution. 51619

(D) "Casino game" means any slot machine or table game as 51620
defined in this chapter. 51621

(E) "Casino gaming" means any type of slot machine or table 51622
game wagering, using money, casino credit, or any representative 51623
of value, authorized in any of the states of Indiana, Michigan, 51624
Pennsylvania, and West Virginia as of January 1, 2009, and 51625
includes slot machine and table game wagering subsequently 51626
authorized by, but shall not be limited by, subsequent 51627
restrictions placed on such wagering in such states. "Casino 51628
gaming" does not include bingo, as authorized in Section 6 of 51629
Article XV, Ohio Constitution and conducted as of January 1, 2009, 51630
or horse racing where the pari-mutuel system of wagering is 51631

conducted, as authorized under the laws of this state as of 51632
January 1, 2009. 51633

(F) "Casino gaming employee" means any employee of a casino 51634
operator or management company, but not a key employee, and as 51635
further defined in section 3772.131 of the Revised Code. 51636

(G) "Casino operator" means any person, trust, corporation, 51637
partnership, limited partnership, association, limited liability 51638
company, or other business enterprise that directly or indirectly 51639
holds an ownership or leasehold interest in a casino facility. 51640
"Casino operator" does not include an agency of the state, any 51641
political subdivision of the state, any person, trust, 51642
corporation, partnership, limited partnership, association, 51643
limited liability company, or other business enterprise that may 51644
have an interest in a casino facility, but who is legally or 51645
contractually restricted from conducting casino gaming. 51646

(H) "Central system" means a computer system that provides 51647
the following functions related to casino gaming equipment used in 51648
connection with casino gaming authorized under this chapter: 51649
security, auditing, data and information retrieval, and other 51650
purposes deemed necessary and authorized by the commission. 51651

(I) "Cheat" means to alter the result of a casino game, the 51652
element of chance, the operation of a machine used in a casino 51653
game, or the method of selection of criteria that determines (a) 51654
the result of the casino game, (b) the amount or frequency of 51655
payment in a casino game, (c) the value of a wagering instrument, 51656
or (d) the value of a wagering credit. "Cheat" does not include an 51657
individual who, without the assistance of another individual or 51658
without the use of a physical aid or device of any kind, uses the 51659
individual's own ability to keep track of the value of cards 51660
played and uses predictions formed as a result of the tracking 51661
information in the individual's playing and betting strategy. 51662

(J) "Commission" means the Ohio casino control commission. 51663

(K) "Gaming agent" means a peace officer employed by the 51664
commission that is vested with duties to enforce this chapter and 51665
conduct other investigations into the conduct of the casino gaming 51666
and the maintenance of the equipment that the commission considers 51667
necessary and proper and is in compliance with section 109.77 of 51668
the Revised Code. 51669

(L) "Gaming-related vendor" means any individual, 51670
partnership, corporation, association, trust, or any other group 51671
of individuals, however organized, who supplies gaming-related 51672
equipment, goods, or services to a casino operator or management 51673
company, that are directly related to or affect casino gaming 51674
authorized under this chapter, including, but not limited to, the 51675
manufacture, sale, distribution, or repair of slot machines and 51676
table game equipment. 51677

(M) "Holding company" means any corporation, firm, 51678
partnership, limited partnership, limited liability company, 51679
trust, or other form of business organization not a natural person 51680
which directly or indirectly does any of the following: 51681

(1) Has the power or right to control a casino operator, 51682
management company, or gaming-related vendor license applicant or 51683
licensee; 51684

(2) Holds an ownership interest of five per cent or more, as 51685
determined by the commission, in a casino operator, management 51686
company, or gaming-related vendor license applicant or licensee; 51687

(3) Holds voting rights with the power to vote five per cent 51688
or more of the outstanding voting rights of a casino operator, 51689
management company, or gaming-related vendor applicant or 51690
licensee. 51691

(N) "Initial investment" includes costs related to 51692
demolition, engineering, architecture, design, site preparation, 51693

construction, infrastructure improvements, land acquisition, 51694
fixtures and equipment, insurance related to construction, and 51695
leasehold improvements. 51696

(O) "Institutional investor" means any of the following 51697
entities owning five per cent or more, but less than fifteen per 51698
cent, of an ownership interest in a casino facility, casino 51699
operator, management company, or holding company: a corporation, 51700
bank, insurance company, pension fund or pension fund trust, 51701
retirement fund, including funds administered by a public agency, 51702
employees' profit-sharing fund or employees' profit-sharing trust, 51703
any association engaged, as a substantial part of its business or 51704
operations, in purchasing or holding securities, including a hedge 51705
fund, mutual fund, or private equity fund, or any trust in respect 51706
of which a bank is trustee or cotrustee, investment company 51707
registered under the "Investment Company Act of 1940," 15 U.S.C. 51708
80a-1 et seq., collective investment trust organized by banks 51709
under Part Nine of the Rules of the Comptroller of the Currency, 51710
closed-end investment trust, chartered or licensed life insurance 51711
company or property and casualty insurance company, investment 51712
advisor registered under the "Investment Advisors Act of 1940," 15 51713
U.S.C. 80 b-1 et seq., and such other persons as the commission 51714
may reasonably determine to qualify as an institutional investor 51715
for reasons consistent with this chapter, and that does not 51716
exercise control over the affairs of a licensee and its ownership 51717
interest in a licensee is for investment purposes only, as set 51718
forth in division (F) of section 3772.10 of the Revised Code. 51719

(P) "Key employee" means any executive, employee, agent, or 51720
other individual who has the power to exercise significant 51721
influence over decisions concerning any part of the operation of a 51722
person that has applied for or holds a casino operator, management 51723
company, or gaming-related vendor license or the operation of a 51724
holding company of a person that has applied for or holds a casino 51725

operator, management company, or gaming-related vendor license,	51726
including:	51727
(1) An officer, director, trustee, partner, or an equivalent	51728
fiduciary;	51729
(2) An individual who holds a direct or indirect ownership	51730
interest of five per cent or more;	51731
(3) An individual who performs the function of a principal	51732
executive officer, principal operating officer, principal	51733
accounting officer, or an equivalent officer;	51734
(4) Any other individual the commission determines to have	51735
the power to exercise significant influence over decisions	51736
concerning any part of the operation.	51737
(Q) "Licensed casino operator" means a casino operator that	51738
has been issued a license by the commission and that has been	51739
certified annually by the commission to have paid all applicable	51740
fees, taxes, and debts to the state.	51741
(R) "Majority ownership interest" in a license or in a casino	51742
facility, as the case may be, means ownership of more than fifty	51743
per cent of such license or casino facility, as the case may be.	51744
For purposes of the foregoing, whether a majority ownership	51745
interest is held in a license or in a casino facility, as the case	51746
may be, shall be determined under the rules for constructive	51747
ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as	51748
in effect on January 1, 2009.	51749
(S) "Management company" means an organization retained by a	51750
casino operator to manage a casino facility and provide services	51751
such as accounting, general administration, maintenance,	51752
recruitment, and other operational services.	51753
(T) "Ohio law enforcement training fund" means the state law	51754
enforcement training fund described in Section 6(C)(3)(f) of	51755

Article XV, Ohio Constitution, the money in which shall be used to 51756
enhance public safety by providing ~~additional~~ training 51757
opportunities to the law enforcement community. 51758

(U) "Person" includes, but is not limited to, an individual 51759
or a combination of individuals; a sole proprietorship, a firm, a 51760
company, a joint venture, a partnership of any type, a joint-stock 51761
company, a corporation of any type, a corporate subsidiary of any 51762
type, a limited liability company, a business trust, or any other 51763
business entity or organization; an assignee; a receiver; a 51764
trustee in bankruptcy; an unincorporated association, club, 51765
society, or other unincorporated entity or organization; entities 51766
that are disregarded for federal income tax purposes; and any 51767
other nongovernmental, artificial, legal entity that is capable of 51768
engaging in business. 51769

(V) "Problem casino gambling and addictions fund" means the 51770
state problem gambling and addictions fund described in Section 51771
6(C)(3)(g) of Article XV, Ohio Constitution, the money in which 51772
shall be used for treatment of problem gambling and substance 51773
abuse, and for related research. 51774

(W) "Promotional gaming credit" means a slot machine or table 51775
game credit, discount, or other similar item issued to a patron to 51776
enable the placement of, or increase in, a wager at a slot machine 51777
or table game. 51778

(X) "Slot machine" means any mechanical, electrical, or other 51779
device or machine which, upon insertion of a coin, token, ticket, 51780
or similar object, or upon payment of any consideration, is 51781
available to play or operate, the play or operation of which, 51782
whether by reason of the skill of the operator or application of 51783
the element of chance, or both, makes individual prize 51784
determinations for individual participants in cash, premiums, 51785
merchandise, tokens, or any thing of value, whether the payoff is 51786
made automatically from the machine or in any other manner, but 51787

does not include any device that is a skill-based amusement machine, as defined in section 2915.01 of the Revised Code. 51788
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(Y) "Table game" means any game played with cards, dice, or any mechanical, electromechanical, or electronic device or machine for money, casino credit, or any representative of value. "Table game" does not include slot machines. 51790
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(Z) "Upfront license" means the first plenary license issued to a casino operator. 51794
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(AA) "Voluntary exclusion program" means a program provided by the commission that allows persons to voluntarily exclude themselves from the gaming areas of facilities under the jurisdiction of the commission by placing their name on a voluntary exclusion list and following the procedures set forth by the commission. 51796
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Sec. 3772.37. (A) Pursuant to section 131.02 of the Revised Code, the attorney general shall develop and implement a real time data match program and make it available to each casino operator and management company to identify patrons who owe amounts to the state or a political subdivision. 51802
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(B) (1) Before disbursing any casino winnings to a patron that meet or exceed the reportable winnings amount set by 26 U.S.C. 6041, a casino operator or management company shall consult the data match program to determine whether the patron owes any amounts to the state or a political subdivision. If the data match program indicates that the patron owes any amounts to the state or a political subdivision, the casino operator or management company shall withhold from the patron's winnings an amount sufficient to satisfy those amounts, up to the amount of the winnings. 51807
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(2) If the data match program described in section 3123.90 of the Revised Code indicates that the patron also is in default 51816
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under a support order, the casino operator or management company 51818
shall transmit to the department of job and family services an 51819
amount sufficient to satisfy any past due support owed by the 51820
patron, up to the amount of the winnings, before transmitting any 51821
remaining amount to the attorney general under division (C) of 51822
this section. 51823

(C) (1) Not later than seven days after withholding an amount 51824
under division (B) of this section, the casino operator or 51825
management company shall transmit to the attorney general any 51826
amount withheld and not already disbursed to the department of job 51827
and family services under section 3123.90 of the Revised Code as 51828
payment on the amount owed. 51829

(2) If the patron owes more than one amount to the state or a 51830
political subdivision as identified by the data match program 51831
described in this section, the amount owed to the state shall be 51832
satisfied first, except that any amounts owed under section 51833
5739.33 and division (G) of section 5747.07 of the Revised Code 51834
shall have first priority. 51835

(D) Except as otherwise provided in section 131.021 of the 51836
Revised Code, this section applies only to amounts owed that have 51837
become final. 51838

(E) The attorney general, in consultation with the 51839
commission, may adopt rules under Chapter 119. of the Revised Code 51840
as necessary to implement this section. 51841

Sec. 3794.01. Definitions. 51842

As used in this chapter: 51843

(A) "Smoking" means inhaling, exhaling, burning, or carrying 51844
any lighted cigar, cigarette, pipe, or other lighted smoking 51845
device for burning tobacco or any other plant or heated tobacco 51846
product or plant product intended for inhalation in any manner or 51847

in any form. "Smoking" includes the use of an electronic smoking device and a vapor product. "Smoking" does not include the burning of incense in a religious ceremony.

(B) "Public place" means an enclosed area to which the public is invited or in which the public is permitted and that is not a private residence.

(C) "Place of employment" means an enclosed area under the direct or indirect control of an employer that the employer's employees use for work or any other purpose, including but not limited to, offices, meeting rooms, sales, production and storage areas, restrooms, stairways, hallways, warehouses, garages, and vehicles. An enclosed area as described herein is a place of employment without regard to the time of day or the presence of employees.

(D) "Employee" means a person who is employed by an employer, or who contracts with an employer or third person to perform services for an employer, or who otherwise performs services for an employer for compensation or for no compensation.

(E) "Employer" means the state or any individual, business, association, political subdivision, or other public or private entity, including a nonprofit entity, that employs or contracts for or accepts the provision of services from one or more employees.

(F) "Enclosed Area" means an area with a roof or other overhead covering of any kind and walls or side coverings of any kind, regardless of the presence of openings for ingress and egress, on all sides or on all sides but one.

(G) "Proprietor" means an employer, owner, manager, operator, liquor permit holder, or person in charge or control of a public place or place of employment.

(H) "Retail tobacco store" means a retail establishment that

derives more than eighty ~~percent~~ per cent of its gross revenue 51879
from the sale of ~~eigars, cigarettes, pipes, or other smoking~~ 51880
~~devices for burning tobacco~~ lighted or heated tobacco products and 51881
related smoking accessories and in which the sale of other 51882
products is merely incidental. "Retail tobacco store" does not 51883
include a tobacco department or section of a larger commercial 51884
establishment or of any establishment with a liquor permit or of 51885
any restaurant. 51886

(I) "Retail vapor store" means a retail establishment that 51887
derives more than eighty per cent of its gross revenue from the 51888
sale of vapor products, electronic smoking devices, or other 51889
electronic smoking product accessories and for which the sale of 51890
other products is merely incidental. "Retail vapor store" does not 51891
include a section of a larger commercial establishment or of an 51892
establishment with a liquor license or that is a restaurant. 51893

(J) "Outdoor patio" means an area that is either: enclosed by 51894
a roof or other overhead covering and walls or side coverings on 51895
not more than two sides; or has no roof or other overhead covering 51896
regardless of the number of walls or other side coverings. 51897

(K) "Vapor product" and "electronic smoking device" have the 51898
same meanings as in section 2927.02 of the Revised Code. 51899

Sec. 3794.03. Areas where smoking is not regulated by this 51900
chapter. 51901

The following shall be exempt from the provisions of this 51902
chapter: 51903

(A) Private residences, except during the hours of operation 51904
as a child care or adult care facility for compensation, during 51905
the hours of operation as a business by a person other than a 51906
person residing in the private residence, or during the hours of 51907
operation as a business, when employees of the business, who are 51908

not residents of the private residence or are not related to the owner, are present.

(B) Rooms for sleeping in hotels, motels and other lodging facilities designated as smoking rooms; provided, however, that not more than twenty per cent of sleeping rooms may be so designated.

(C) Family-owned and operated places of employment in which all employees are related to the owner, but only if the enclosed areas of the place of employment are not open to the public, are in a freestanding structure occupied solely by the place of employment, and smoke from the place of employment does not migrate into an enclosed area where smoking is prohibited under the provisions of this chapter.

(D) Any nursing home, as defined in division (A) of section 3721.10 of the Revised Code, but only to the extent necessary to comply with division (A)(18) of section 3721.13 of the Revised Code. If indoor smoking area is provided by a nursing home for residents of the nursing home, the designated indoor smoking area shall be separately enclosed and separately ventilated so that tobacco smoke does not enter, through entrances, windows, ventilation systems, or other means, any areas where smoking is otherwise prohibited under this chapter. Only residents of the nursing home may utilize the designated indoor smoking area for smoking. A nursing home may designate specific times when the indoor smoking area may be used for such purpose. No employee of a nursing home shall be required to accompany a resident into a designated indoor smoking area or perform services in such area when being used for smoking.

(E) Retail tobacco stores in operation prior to December 7, 2006. The retail tobacco store shall annually file with the department of health by the thirty-first day of January an affidavit stating the percentage of its gross income during the

prior calendar year that was derived from the sale of cigars, 51941
cigarettes, pipes, or other smoking devices for smoking tobacco 51942
and related smoking accessories. Any retail tobacco store that 51943
begins operation after December 7, 2006, or any existing retail 51944
tobacco store that relocates to another location after December 7, 51945
2006, may only qualify for this exemption if located in a 51946
freestanding structure occupied solely by the business and smoke 51947
from the business does not migrate into an enclosed area where 51948
smoking is prohibited under the provisions of this chapter. 51949

(F) Outdoor patios. All outdoor patios shall be physically 51950
separated from an enclosed area. If windows or doors form any part 51951
of the partition between an enclosed area and the outdoor patio, 51952
the openings shall be closed to prevent the migration of smoke 51953
into the enclosed area. If windows or doors do not prevent the 51954
migration of smoke into the enclosed area, the outdoor patio shall 51955
be considered an extension of the enclosed area and subject to the 51956
prohibitions of this chapter. 51957

(G) Private clubs as defined in division (B)(13) of section 51958
4301.01 of the Revised Code, provided all of the following apply: 51959
the club has no employees; the club is organized as a 51960
not-for-profit entity; only members of the club are present in the 51961
club's building; no persons under the age of eighteen are present 51962
in the club's building; the club is located in a freestanding 51963
structure occupied solely by the club; smoke from the club does 51964
not migrate into an enclosed area where smoking is prohibited 51965
under the provisions of this chapter; and, if the club serves 51966
alcohol, it holds a valid D4 liquor permit. 51967

(H) An enclosed space in a laboratory facility at an 51968
accredited college or university, when used solely and exclusively 51969
for clinical research activities by a person, organization, or 51970
other entity conducting institutional review board-approved 51971
scientific or medical research related to the health effects of 51972

smoking or the use of tobacco products. The enclosed space shall 51973
not be open to the public and shall be designed to minimize 51974
exposure of nonsmokers to smoke. The program administrator shall 51975
annually file a notice of new research with the department of 51976
health on a form prescribed by the department. 51977

(I) A retail vapor store, insofar as the provisions of this 51978
chapter apply to smoking via vapor products and electronic smoking 51979
devices. The provisions of this chapter apply to retail vapor 51980
stores with regard to all other forms of smoking. The retail vapor 51981
store shall annually file with the department of health by the 51982
thirty-first day of January an affidavit stating the percentage of 51983
its gross income during the prior calendar year that was derived 51984
from the sale of vapor products, electronic smoking devices, or 51985
other electronic smoking product accessories. 51986

Sec. 3796.28. (A) Nothing in this chapter does any of the 51987
following: 51988

(1) Requires an employer to permit or accommodate an 51989
employee's use, possession, or distribution of medical marijuana; 51990

(2) Prohibits an employer from refusing to hire, discharging, 51991
disciplining, or otherwise taking an adverse employment action 51992
against a person with respect to hire, tenure, terms, conditions, 51993
or privileges of employment because of that person's use, 51994
possession, or distribution of medical marijuana; 51995

(3) Prohibits an employer from establishing and enforcing a 51996
drug testing policy, drug-free workplace policy, or zero-tolerance 51997
drug policy; 51998

(4) Interferes with any federal restrictions on employment, 51999
including the regulations adopted by the United States department 52000
of transportation in Title 49 of the Code of Federal Regulations, 52001
as amended; 52002

(5) Permits a person to commence a cause of action against an employer for refusing to hire, discharging, disciplining, discriminating, retaliating, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment related to medical marijuana;

(6) Affects the authority of the administrator of workers' compensation to grant rebates or discounts on premium rates to employers that participate in a drug-free workplace program established in accordance with rules adopted by the administrator under Chapter 4123. of the Revised Code.

(B) A person who is discharged from employment because of that person's use of medical marijuana shall be considered to have been discharged for just cause for purposes of division (D) of section 4141.29 of the Revised Code if the person's use of medical marijuana was in violation of an employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of medical marijuana.

(C) It is not a violation of division (A), (D), or (E) of section 4112.02 of the Revised Code if an employer discharges, refuses to hire, or otherwise discriminates against a person because of that person's use of medical marijuana if the person's use of medical marijuana is in violation of the employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of medical marijuana.

Sec. 3796.31. Except as otherwise authorized in the Revised Code, no political subdivision shall levy any tax or fee on cultivators, processors, or dispensaries that is based on those businesses' gross receipts or that is the same as or similar to any tax or fee imposed by the state.

Sec. 3902.50. As used in sections 3902.50 to ~~3902.54~~ 3902.72 52033
of the Revised Code: 52034

(A) "Ambulance" has the same meaning as in section 4765.01 of 52035
the Revised Code. 52036

(B) "Clinical laboratory services" has the same meaning as in 52037
section 4731.65 of the Revised Code. 52038

(C) "Cost sharing" means the cost to a covered person under a 52039
health benefit plan according to any copayment, coinsurance, 52040
deductible, or other out-of-pocket expense requirement. 52041

(D) "Covered" or "coverage" means the provision of benefits 52042
related to health care services to a covered person in accordance 52043
with a health benefit plan. 52044

(E) "Covered person," "health benefit plan," "health care 52045
services," and "health plan issuer" have the same meanings as in 52046
section 3922.01 of the Revised Code. 52047

~~(E)~~(F) "Drug" has the same meaning as in section 4729.01 of 52048
the Revised Code. 52049

(G) "Emergency facility" has the same meaning as in section 52050
3701.74 of the Revised Code. 52051

~~(F)~~(H) "Emergency services" means all of the following as 52052
described in 42 U.S.C. 1395dd: 52053

(1) Medical screening examinations undertaken to determine 52054
whether an emergency medical condition exists; 52055

(2) Treatment necessary to stabilize an emergency medical 52056
condition; 52057

(3) Appropriate transfers undertaken prior to an emergency 52058
medical condition being stabilized. 52059

~~(G)~~(I) "Health care practitioner" has the same meaning as in 52060
section 3701.74 of the Revised Code. 52061

(J) "Pharmacy benefit manager" has the same meaning as in section 3959.01 of the Revised Code. 52062
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(K) "Prior authorization requirement" means any practice implemented by a health plan issuer in which coverage of a health care service, device, or drug is dependent upon a covered person or a provider obtaining approval from the health plan issuer prior to the service, device, or drug being performed, received, or prescribed, as applicable. "Prior authorization requirement" includes prospective or utilization review procedures conducted prior to providing a health care service, device, or drug. 52064
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(L) "Unanticipated out-of-network care" means health care services, including clinical laboratory services, that are covered under a health benefit plan and that are provided by an out-of-network provider when either of the following conditions applies: 52072
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(1) The covered person did not have the ability to request such services from an in-network provider. 52077
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(2) The services provided were emergency services. 52079

Sec. 3902.60. As used in sections 3902.60 and 3902.61 of the Revised Code: 52080
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(A) "Associated conditions" means the symptoms or side effects of stage four advanced metastatic cancer, or the treatment thereof, which would, in the judgment of the health care practitioner in question, jeopardize the health of a covered individual if left untreated. 52082
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~~(B) "Covered person," "health benefit plan," and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code.~~ 52087
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~~(C) "Stage four advanced metastatic cancer" means a cancer that has spread from the primary or original site of the cancer to~~ 52090
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nearby tissues, lymph nodes, or other areas or parts of the body. 52092

Sec. 3902.70. As used in this section and section 3902.71 of 52093
the Revised Code: 52094

(A) "340B covered entity" and "third-party administrator" 52095
have the same meanings as in section 5167.01 of the Revised Code. 52096

~~(B) "Health plan issuer" has the same meaning as in section 52097
3922.01 of the Revised Code. 52098~~

~~(C) "Terminal distributor of dangerous drugs" has the same 52099
meaning as in section 4729.01 of the Revised Code. 52100~~

Sec. 3902.72. (A) As used in this section, "health care 52101
provider" has the same meaning as in section 3701.74 of the 52102
Revised Code. 52103

(B) A health plan issuer, including a pharmacy benefit 52104
manager, shall, upon request of a covered person, the covered 52105
person's health care provider, or the third-party representative, 52106
furnish the following data for any and all drugs covered under a 52107
related health benefit plan: 52108

(1) The covered person's eligibility information for any and 52109
all covered drugs; 52110

(2) Cost-sharing information for any and all covered drugs, 52111
including a description of any variance in cost-sharing based on 52112
pharmacy, whether retail or mail order, or health care provider 52113
dispensing or administering the drugs; 52114

(3) Any applicable utilization management requirements for 52115
any and all covered drugs, including prior authorization 52116
requirements, step therapy, quantity limits, and site-of-service 52117
restrictions. 52118

(C) A health plan issuer, including a pharmacy benefit 52119
manager, providing the data required under division (B) of this 52120

section shall ensure that the data meets all of the following: 52121

(1) It is current not later than one business day after any change is made. 52122
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(2) It is provided in real time. 52124

(3) It is provided in the same format that the request is made by the covered person, the covered person's health care provider, or the third-party representative. 52125
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(D) The format in which a health plan issuer, including a pharmacy benefit manager, replies to a request made under division (B) of this section shall use established industry content and transport standards published by either of the following: 52128
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(1) A standards developing organization accredited by the American national standards institute, including the national council for prescription drug programs, ASC X12, health level 7; 52130
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(2) A relevant federal or state governing body, including the centers for medicare and medicaid services or the office of the national coordinator for health information technology. 52135
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(E) A health plan issuer, including a pharmacy benefit manager, shall furnish the data required under division (B) of this section regardless of whether the request is made using the drug's unique billing code, such as a national drug code or health care common procedure coding system code, or a descriptive term, such as the brand or generic name of the drug. 52138
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(F) A health plan issuer, including a pharmacy benefit manager, shall not deny or delay a request as a method of blocking the data required under division (B) of this section from being shared based on how the drug was requested. 52144
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(G) A health plan issuer, including a pharmacy benefit manager, furnishing the data required under division (B) of this section shall not do any of the following: 52148
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(1) Restrict, prohibit, or otherwise hinder, in any way, a health care provider from communicating or sharing any of the following: 52151
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(a) Any of the data required under division (B) of this section; 52154
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(b) Additional information on any lower-cost or clinically appropriate alternatives, whether or not they are covered under the covered person's health benefit plan; 52156
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(c) Additional payment or cost-sharing information that may reduce the covered person's out-of-pocket costs, such as cash price or patient assistance and support programs whether sponsored by a manufacturer, foundation, or other entity. 52159
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(2) Except as may be required by law, interfere with, prevent, or materially discourage access, exchange, or use of the data required under division (B) of this section, including any of the following: 52163
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(a) Charging fees; 52167

(b) Not responding to a request at the time the request is made, if such a response is reasonably possible; 52168
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(c) Implementing technology in nonstandard ways; 52170

(d) Instituting covered person consent requirements, processes, policies, procedures, or renewals that are likely to substantially increase the complexity or burden of accessing, exchanging, or using such data. 52171
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(3) Penalize a health care provider for disclosing such data to a covered person or for prescribing, administering, or ordering a clinically appropriate or lower-cost alternative. 52175
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(H) (1) A health plan issuer, including a pharmacy benefit manager, shall treat a personal representative of a covered person as the covered person for purposes of this section. 52178
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(2) If under applicable law a person has authority to act on behalf of a covered person in making decisions related to health care, a health plan issuer, including a pharmacy benefit manager, or its affiliates or entities acting on its behalf, shall treat such person as a personal representative under this section.

(I) Divisions (A) to (H) of this section take effect January 1, 2022.

Sec. 3905.04. (A) Except as otherwise provided in this section or in section 3905.041 of the Revised Code, a resident individual applying for an insurance agent license for any of the lines of authority described in division (B) of this section shall take and pass a written examination prior to application for licensure. The examination shall test the knowledge of the individual with respect to the lines of authority for which application will be made, the duties and responsibilities of an insurance agent, and the insurance laws of this state. Before admission to the examination, each individual shall pay the nonrefundable examination fee.

(B) The examination described in division (A) of this section shall be required for the following lines of authority:

(1) Any of the lines of authority set forth in divisions (B) (1) to (5) of section 3905.06 of the Revised Code;

(2) Title insurance;

(3) Surety bail bonds as provided in sections 3905.83 to 3905.95 of the Revised Code;

(4) Any other line of authority designated by the superintendent of insurance.

(C) (1) An individual shall not be permitted to take the examination described in division (A) of this section unless one of the following applies:

(1) (a) The individual has earned a bachelor's or associate's degree in insurance from an accredited institution.	52211 52212
(2) (b) The individual has earned a professional designation approved by the superintendent.	52213 52214
(3) (c) The individual has completed, for each line of authority for which the individual has applied, twenty hours of study in a program of insurance education approved by the superintendent, under criteria established by the superintendent, <u>which may include the option for all of the following types of courses and programs or combination thereof:</u>	52215 52216 52217 52218 52219 52220
<u>(i) Classroom;</u>	52221
<u>(ii) Online;</u>	52222
<u>(iii) Self-study.</u>	52223
<u>(2)</u> Division (C) of this section does not apply with respect to title insurance or any other line of authority designated by the superintendent.	52224 52225 52226
(D) An individual who fails to appear for an examination as scheduled, or fails to pass an examination, may reapply for the examination if the individual pays the required fee and submits any necessary forms prior to being rescheduled for the examination.	52227 52228 52229 52230 52231
(E) (1) The superintendent may, in accordance with Chapter 119. of the Revised Code, adopt any rule necessary for the implementation of this section.	52232 52233 52234
(2) The superintendent may make any necessary arrangements, including contracting with an outside testing service, for the administration of the examinations and the collection of the fees required by this section.	52235 52236 52237 52238
Sec. 3929.87. Within ninety days of the occurrence of a fire	52239

loss in excess of five thousand dollars to real or personal 52240
property, the state fire marshal or any other person authorized to 52241
make an investigation pursuant to section 3737.24 of the Revised 52242
Code shall determine, to the extent practicable and in a manner 52243
consistent with accepted standards of investigation, whether such 52244
loss was caused by arson. 52245

Sec. 4117.103. Notwithstanding any provision of section 52246
4117.08 or 4117.10 of the Revised Code to the contrary, no 52247
agreement entered into under this chapter on or after September 52248
29, 2005, shall prohibit a school district board of education from 52249
utilizing volunteers to assist the district and its schools in 52250
performing any of their functions, other than functions for which 52251
a license, permit, ~~or~~ certificate, or registration issued by the 52252
state board of education under section 3301.074 or Chapter 3319. 52253
of the Revised Code or a certificate issued under division (A) or 52254
(B) of section 3327.10 of the Revised Code is required. 52255

Sec. 4141.01. As used in this chapter, unless the context 52256
otherwise requires: 52257

(A) (1) "Employer" means the state, its instrumentalities, its 52258
political subdivisions and their instrumentalities, Indian tribes, 52259
and any individual or type of organization including any 52260
partnership, limited liability company, association, trust, 52261
estate, joint-stock company, insurance company, or corporation, 52262
whether domestic or foreign, or the receiver, trustee in 52263
bankruptcy, trustee, or the successor thereof, or the legal 52264
representative of a deceased person who subsequent to December 31, 52265
1971, or in the case of political subdivisions or their 52266
instrumentalities, subsequent to December 31, 1973: 52267

(a) Had in employment at least one individual, or in the case 52268
of a nonprofit organization, subsequent to December 31, 1973, had 52269

not less than four individuals in employment for some portion of a 52270
day in each of twenty different calendar weeks, in either the 52271
current or the preceding calendar year whether or not the same 52272
individual was in employment in each such day; or 52273

(b) Except for a nonprofit organization, had paid for service 52274
in employment wages of fifteen hundred dollars or more in any 52275
calendar quarter in either the current or preceding calendar year; 52276
or 52277

(c) Had paid, subsequent to December 31, 1977, for employment 52278
in domestic service in a local college club, or local chapter of a 52279
college fraternity or sorority, cash remuneration of one thousand 52280
dollars or more in any calendar quarter in the current calendar 52281
year or the preceding calendar year, or had paid subsequent to 52282
December 31, 1977, for employment in domestic service in a private 52283
home cash remuneration of one thousand dollars in any calendar 52284
quarter in the current calendar year or the preceding calendar 52285
year: 52286

(i) For the purposes of divisions (A) (1) (a) and (b) of this 52287
section, there shall not be taken into account any wages paid to, 52288
or employment of, an individual performing domestic service as 52289
described in this division. 52290

(ii) An employer under this division shall not be an employer 52291
with respect to wages paid for any services other than domestic 52292
service unless the employer is also found to be an employer under 52293
division (A) (1) (a), (b), or (d) of this section. 52294

(d) As a farm operator or a crew leader subsequent to 52295
December 31, 1977, had in employment individuals in agricultural 52296
labor; and 52297

(i) During any calendar quarter in the current calendar year 52298
or the preceding calendar year, paid cash remuneration of twenty 52299
thousand dollars or more for the agricultural labor; or 52300

(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day; or

(e) Is not otherwise an employer as defined under division (A) (1) (a) or (b) of this section; and

(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A) (1) (c) of this section, is or was performed with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund;

(ii) Which, as a condition for approval of this chapter for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required, pursuant to such act to be an employer under this chapter; or

(iii) Who became an employer by election under division (A) (4) or (5) of this section and for the duration of such election; or

(f) In the case of the state, its instrumentalities, its political subdivisions, and their instrumentalities, and Indian tribes, had in employment, as defined in divisions (B) (2) (a) and (B) (2) (1) of this section, at least one individual;

(g) For the purposes of division (A) (1) (a) of this section, if any week includes both the thirty-first day of December and the

first day of January, the days of that week before the first day 52332
of January shall be considered one calendar week and the days 52333
beginning the first day of January another week. 52334

(2) Each individual employed to perform or to assist in 52335
performing the work of any agent or employee of an employer is 52336
employed by such employer for all the purposes of this chapter, 52337
whether such individual was hired or paid directly by such 52338
employer or by such agent or employee, provided the employer had 52339
actual or constructive knowledge of the work. All individuals 52340
performing services for an employer of any person in this state 52341
who maintains two or more establishments within this state are 52342
employed by a single employer for the purposes of this chapter. 52343

(3) An employer subject to this chapter within any calendar 52344
year is subject to this chapter during the whole of such year and 52345
during the next succeeding calendar year. 52346

(4) An employer not otherwise subject to this chapter who 52347
files with the director of job and family services a written 52348
election to become an employer subject to this chapter for not 52349
less than two calendar years shall, with the written approval of 52350
such election by the director, become an employer subject to this 52351
chapter to the same extent as all other employers as of the date 52352
stated in such approval, and shall cease to be subject to this 52353
chapter as of the first day of January of any calendar year 52354
subsequent to such two calendar years only if at least thirty days 52355
prior to such first day of January the employer has filed with the 52356
director a written notice to that effect. 52357

(5) Any employer for whom services that do not constitute 52358
employment are performed may file with the director a written 52359
election that all such services performed by individuals in the 52360
employer's employ in one or more distinct establishments or places 52361
of business shall be deemed to constitute employment for all the 52362
purposes of this chapter, for not less than two calendar years. 52363

Upon written approval of the election by the director, such 52364
services shall be deemed to constitute employment subject to this 52365
chapter from and after the date stated in such approval. Such 52366
services shall cease to be employment subject to this chapter as 52367
of the first day of January of any calendar year subsequent to 52368
such two calendar years only if at least thirty days prior to such 52369
first day of January such employer has filed with the director a 52370
written notice to that effect. 52371

(6) "Employer" does not include a franchisor with respect to 52372
the franchisor's relationship with a franchisee or an employee of 52373
a franchisee, unless the franchisor agrees to assume that role in 52374
writing or a court of competent jurisdiction determines that the 52375
franchisor exercises a type or degree of control over the 52376
franchisee or the franchisee's employees that is not customarily 52377
exercised by a franchisor for the purpose of protecting the 52378
franchisor's trademark, brand, or both. For purposes of this 52379
division, "franchisor" and "franchisee" have the same meanings as 52380
in 16 C.F.R. 436.1. 52381

(B) (1) "Employment" means service performed by an individual 52382
for remuneration under any contract of hire, written or oral, 52383
express or implied, including service performed in interstate 52384
commerce and service performed by an officer of a corporation, 52385
without regard to whether such service is executive, managerial, 52386
or manual in nature, and without regard to whether such officer is 52387
a stockholder or a member of the board of directors of the 52388
corporation, unless it is shown to the satisfaction of the 52389
director that such individual has been and will continue to be 52390
free from direction or control over the performance of such 52391
service, both under a contract of service and in fact. The 52392
director shall adopt rules to define "direction or control." 52393

(2) "Employment" includes: 52394

(a) Service performed after December 31, 1977, by an 52395

individual in the employ of the state or any of its 52396
instrumentalities, or any political subdivision thereof or any of 52397
its instrumentalities or any instrumentality of more than one of 52398
the foregoing or any instrumentality of any of the foregoing and 52399
one or more other states or political subdivisions and without 52400
regard to divisions (A) (1) (a) and (b) of this section, provided 52401
that such service is excluded from employment as defined in the 52402
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 52403
3306(c) (7) and is not excluded under division (B) (3) of this 52404
section; or the services of employees covered by voluntary 52405
election, as provided under divisions (A) (4) and (5) of this 52406
section; 52407

(b) Service performed after December 31, 1971, by an 52408
individual in the employ of a religious, charitable, educational, 52409
or other organization which is excluded from the term "employment" 52410
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 52411
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 52412
3306(c) (8) of that act and is not excluded under division (B) (3) 52413
of this section; 52414

(c) Domestic service performed after December 31, 1977, for 52415
an employer, as provided in division (A) (1) (c) of this section; 52416

(d) Agricultural labor performed after December 31, 1977, for 52417
a farm operator or a crew leader, as provided in division 52418
(A) (1) (d) of this section; 52419

(e) Subject to division (B) (2) (m) of this section, service 52420
not covered under division (B) (1) of this section which is 52421
performed after December 31, 1971: 52422

(i) As an agent-driver or commission-driver engaged in 52423
distributing meat products, vegetable products, fruit products, 52424
bakery products, beverages other than milk, laundry, or 52425
dry-cleaning services, for the individual's employer or principal; 52426

(ii) As a traveling or city salesperson, other than as an agent-driver or commission-driver, engaged on a full-time basis in the solicitation on behalf of and in the transmission to the salesperson's employer or principal except for sideline sales activities on behalf of some other person of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale, or supplies for use in their business operations, provided that for the purposes of division (B) (2) (e) (ii) of this section, the services shall be deemed employment if the contract of service contemplates that substantially all of the services are to be performed personally by the individual and that the individual does not have a substantial investment in facilities used in connection with the performance of the services other than in facilities for transportation, and the services are not in the nature of a single transaction that is not a part of a continuing relationship with the person for whom the services are performed.

(f) An individual's entire service performed within or both within and without the state if:

(i) The service is localized in this state.

(ii) The service is not localized in any state, but some of the service is performed in this state and either the base of operations, or if there is no base of operations then the place from which such service is directed or controlled, is in this state or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state.

(g) Service not covered under division (B) (2) (f) (ii) of this section and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state, the Virgin

Islands, Canada, or of the United States, if the individual 52459
performing such service is a resident of this state and the 52460
director approves the election of the employer for whom such 52461
services are performed; or, if the individual is not a resident of 52462
this state but the place from which the service is directed or 52463
controlled is in this state, the entire services of such 52464
individual shall be deemed to be employment subject to this 52465
chapter, provided service is deemed to be localized within this 52466
state if the service is performed entirely within this state or if 52467
the service is performed both within and without this state but 52468
the service performed without this state is incidental to the 52469
individual's service within the state, for example, is temporary 52470
or transitory in nature or consists of isolated transactions; 52471

(h) Service of an individual who is a citizen of the United 52472
States, performed outside the United States except in Canada after 52473
December 31, 1971, or the Virgin Islands, after December 31, 1971, 52474
and before the first day of January of the year following that in 52475
which the United States secretary of labor approves the Virgin 52476
Islands law for the first time, in the employ of an American 52477
employer, other than service which is "employment" under divisions 52478
(B) (2) (f) and (g) of this section or similar provisions of another 52479
state's law, if: 52480

(i) The employer's principal place of business in the United 52481
States is located in this state; 52482

(ii) The employer has no place of business in the United 52483
States, but the employer is an individual who is a resident of 52484
this state; or the employer is a corporation which is organized 52485
under the laws of this state, or the employer is a partnership or 52486
a trust and the number of partners or trustees who are residents 52487
of this state is greater than the number who are residents of any 52488
other state; or 52489

(iii) None of the criteria of divisions (B) (2) (f) (i) and (ii) 52490

of this section is met but the employer has elected coverage in 52491
this state or the employer having failed to elect coverage in any 52492
state, the individual has filed a claim for benefits, based on 52493
such service, under this chapter. 52494

(i) For the purposes of division (B) (2) (h) of this section, 52495
the term "American employer" means an employer who is an 52496
individual who is a resident of the United States; or a 52497
partnership, if two-thirds or more of the partners are residents 52498
of the United States; or a trust, if all of the trustees are 52499
residents of the United States; or a corporation organized under 52500
the laws of the United States or of any state, provided the term 52501
"United States" includes the states, the District of Columbia, the 52502
Commonwealth of Puerto Rico, and the Virgin Islands. 52503

(j) Notwithstanding any other provisions of divisions (B) (1) 52504
and (2) of this section, service, except for domestic service in a 52505
private home not covered under division (A) (1) (c) of this section, 52506
with respect to which a tax is required to be paid under any 52507
federal law imposing a tax against which credit may be taken for 52508
contributions required to be paid into a state unemployment fund, 52509
or service, except for domestic service in a private home not 52510
covered under division (A) (1) (c) of this section, which, as a 52511
condition for full tax credit against the tax imposed by the 52512
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 52513
3311, is required to be covered under this chapter. 52514

(k) Construction services performed by any individual under a 52515
construction contract, as defined in section 4141.39 of the 52516
Revised Code, if the director determines that the employer for 52517
whom services are performed has the right to direct or control the 52518
performance of the services and that the individuals who perform 52519
the services receive remuneration for the services performed. The 52520
director shall presume that the employer for whom services are 52521
performed has the right to direct or control the performance of 52522

the services if ten or more of the following criteria apply:	52523
(i) The employer directs or controls the manner or method by which instructions are given to the individual performing services;	52524 52525 52526
(ii) The employer requires particular training for the individual performing services;	52527 52528
(iii) Services performed by the individual are integrated into the regular functioning of the employer;	52529 52530
(iv) The employer requires that services be provided by a particular individual;	52531 52532
(v) The employer hires, supervises, or pays the wages of the individual performing services;	52533 52534
(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;	52535 52536 52537
(vii) The employer requires the individual to perform services during established hours;	52538 52539
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	52540 52541 52542
(ix) The employer requires the individual to perform services on the employer's premises;	52543 52544
(x) The employer requires the individual performing services to follow the order of work established by the employer;	52545 52546
(xi) The employer requires the individual performing services to make oral or written reports of progress;	52547 52548
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	52549 52550
(xiii) The employer pays expenses for the individual	52551

performing services; 52552

(xiv) The employer furnishes the tools and materials for use 52553
by the individual to perform services; 52554

(xv) The individual performing services has not invested in 52555
the facilities used to perform services; 52556

(xvi) The individual performing services does not realize a 52557
profit or suffer a loss as a result of the performance of the 52558
services; 52559

(xvii) The individual performing services is not performing 52560
services for more than two employers simultaneously; 52561

(xviii) The individual performing services does not make the 52562
services available to the general public; 52563

(xix) The employer has a right to discharge the individual 52564
performing services; 52565

(xx) The individual performing services has the right to end 52566
the individual's relationship with the employer without incurring 52567
liability pursuant to an employment contract or agreement. 52568

(1) Service performed by an individual in the employ of an 52569
Indian tribe as defined by section 4(e) of the "Indian 52570
Self-Determination and Education Assistance Act," 88 Stat. 2204 52571
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 52572
subsidiary, or business enterprise wholly owned by an Indian tribe 52573
provided that the service is excluded from employment as defined 52574
in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 52575
U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division 52576
(B)(3) of this section. 52577

(m) Service performed by an individual for or on behalf of a 52578
motor carrier transporting property as an operator of a vehicle or 52579
vessel, unless all of the following factors apply to the 52580
individual and the motor carrier has not elected to consider the 52581

individual's service as employment: 52582

(i) The individual owns the vehicle or vessel that is used in 52583
performing the services for or on behalf of the carrier, or the 52584
individual leases the vehicle or vessel under a bona fide lease 52585
agreement that is not a temporary replacement lease agreement. For 52586
purposes of this division, a bona fide lease agreement does not 52587
include an agreement between the individual and the motor carrier 52588
transporting property for which, or on whose behalf, the 52589
individual provides services. 52590

(ii) The individual is responsible for supplying the 52591
necessary personal services to operate the vehicle or vessel used 52592
to provide the service. 52593

(iii) The compensation paid to the individual is based on 52594
factors related to work performed, including on a mileage-based 52595
rate or a percentage of any schedule of rates, and not solely on 52596
the basis of the hours or time expended. 52597

(iv) The individual substantially controls the means and 52598
manner of performing the services, in conformance with regulatory 52599
requirements and specifications of the shipper. 52600

(v) The individual enters into a written contract with the 52601
carrier for whom the individual is performing the services that 52602
describes the relationship between the individual and the carrier 52603
to be that of an independent contractor and not that of an 52604
employee. 52605

(vi) The individual is responsible for substantially all of 52606
the principal operating costs of the vehicle or vessel and 52607
equipment used to provide the services, including maintenance, 52608
fuel, repairs, supplies, vehicle or vessel insurance, and personal 52609
expenses, except that the individual may be paid by the carrier 52610
the carrier's fuel surcharge and incidental costs, including 52611
tolls, permits, and lumper fees. 52612

(vii) The individual is responsible for any economic loss or 52613
economic gain from the arrangement with the carrier. 52614

(viii) The individual is not performing services described in 52615
26 U.S.C. 3306(c)(7) or (8). 52616

(3) "Employment" does not include the following services if 52617
they are found not subject to the "Federal Unemployment Tax Act," 52618
84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services 52619
are not required to be included under division (B)(2)(j) of this 52620
section: 52621

(a) Service performed after December 31, 1977, in 52622
agricultural labor, except as provided in division (A)(1)(d) of 52623
this section; 52624

(b) Domestic service performed after December 31, 1977, in a 52625
private home, local college club, or local chapter of a college 52626
fraternity or sorority except as provided in division (A)(1)(c) of 52627
this section; 52628

(c) Service performed after December 31, 1977, for this state 52629
or a political subdivision as described in division (B)(2)(a) of 52630
this section when performed: 52631

(i) As a publicly elected official; 52632

(ii) As a member of a legislative body, or a member of the 52633
judiciary; 52634

(iii) As a military member of the Ohio national guard; 52635

(iv) As an employee, not in the classified service as defined 52636
in section 124.11 of the Revised Code, serving on a temporary 52637
basis in case of fire, storm, snow, earthquake, flood, or similar 52638
emergency; 52639

(v) In a position which, under or pursuant to law, is 52640
designated as a major nontenured policymaking or advisory 52641
position, not in the classified service of the state, or a 52642

policymaking or advisory position the performance of the duties of 52643
which ordinarily does not require more than eight hours per week. 52644

(d) In the employ of any governmental unit or instrumentality 52645
of the United States; 52646

(e) Service performed after December 31, 1971: 52647

(i) Service in the employ of an educational institution or 52648
institution of higher education, including those operated by the 52649
state or a political subdivision, if such service is performed by 52650
a student who is enrolled and is regularly attending classes at 52651
the educational institution or institution of higher education; or 52652

(ii) By an individual who is enrolled at a nonprofit or 52653
public educational institution which normally maintains a regular 52654
faculty and curriculum and normally has a regularly organized body 52655
of students in attendance at the place where its educational 52656
activities are carried on as a student in a full-time program, 52657
taken for credit at the institution, which combines academic 52658
instruction with work experience, if the service is an integral 52659
part of the program, and the institution has so certified to the 52660
employer, provided that this subdivision shall not apply to 52661
service performed in a program established for or on behalf of an 52662
employer or group of employers. 52663

(f) Service performed by an individual in the employ of the 52664
individual's son, daughter, or spouse and service performed by a 52665
child under the age of eighteen in the employ of the child's 52666
father or mother; 52667

(g) Service performed for one or more principals by an 52668
individual who is compensated on a commission basis, who in the 52669
performance of the work is master of the individual's own time and 52670
efforts, and whose remuneration is wholly dependent on the amount 52671
of effort the individual chooses to expend, and which service is 52672
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 52673

(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971: 52674
52675

(i) By an individual for an employer as an insurance agent or as an insurance solicitor, if all this service is performed for remuneration solely by way of commission; 52676
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(ii) As a home worker performing work, according to specifications furnished by the employer for whom the services are performed, on materials or goods furnished by such employer which are required to be returned to the employer or to a person designated for that purpose. 52679
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(h) Service performed after December 31, 1971: 52684

(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; 52685
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(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or 52690
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(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work. 52694
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(i) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the "Railroad Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 52701
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(j) Service performed by an individual in the employ of any organization exempt from income tax under section 501 of the "Internal Revenue Code of 1954," if the remuneration for such service does not exceed fifty dollars in any calendar quarter, or if such service is in connection with the collection of dues or premiums for a fraternal beneficial society, order, or association and is performed away from the home office or is ritualistic service in connection with any such society, order, or association;

(k) Casual labor not in the course of an employer's trade or business; incidental service performed by an officer, appraiser, or member of a finance committee of a bank, building and loan association, savings and loan association, or savings association when the remuneration for such incidental service exclusive of the amount paid or allotted for directors' fees does not exceed sixty dollars per calendar quarter is casual labor;

(l) Service performed in the employ of a voluntary employees' beneficial association providing for the payment of life, sickness, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if admission to a membership in such association is limited to individuals who are officers or employees of a municipal or public corporation, of a political subdivision of the state, or of the United States and no part of the net earnings of such association inures, other than through such payments, to the benefit of any private shareholder or individual;

(m) Service performed by an individual in the employ of a foreign government, including service as a consular or other officer or employee or of a nondiplomatic representative;

(n) Service performed in the employ of an instrumentality wholly owned by a foreign government if the service is of a character similar to that performed in foreign countries by

employees of the United States or of an instrumentality thereof 52736
and if the director finds that the secretary of state of the 52737
United States has certified to the secretary of the treasury of 52738
the United States that the foreign government, with respect to 52739
whose instrumentality exemption is claimed, grants an equivalent 52740
exemption with respect to similar service performed in the foreign 52741
country by employees of the United States and of instrumentalities 52742
thereof; 52743

(o) Service with respect to which unemployment compensation 52744
is payable under an unemployment compensation system established 52745
by an act of congress; 52746

(p) Service performed as a student nurse in the employ of a 52747
hospital or a nurses' training school by an individual who is 52748
enrolled and is regularly attending classes in a nurses' training 52749
school chartered or approved pursuant to state law, and service 52750
performed as an intern in the employ of a hospital by an 52751
individual who has completed a four years' course in a medical 52752
school chartered or approved pursuant to state law; 52753

(q) Service performed by an individual under the age of 52754
eighteen in the delivery or distribution of newspapers or shopping 52755
news, not including delivery or distribution to any point for 52756
subsequent delivery or distribution; 52757

(r) Service performed in the employ of the United States or 52758
an instrumentality of the United States immune under the 52759
Constitution of the United States from the contributions imposed 52760
by this chapter, except that to the extent that congress permits 52761
states to require any instrumentalities of the United States to 52762
make payments into an unemployment fund under a state unemployment 52763
compensation act, this chapter shall be applicable to such 52764
instrumentalities and to services performed for such 52765
instrumentalities in the same manner, to the same extent, and on 52766
the same terms as to all other employers, individuals, and 52767

services, provided that if this state is not certified for any 52768
year by the proper agency of the United States under section 3304 52769
of the "Internal Revenue Code of 1954," the payments required of 52770
such instrumentalities with respect to such year shall be refunded 52771
by the director from the fund in the same manner and within the 52772
same period as is provided in division (E) of section 4141.09 of 52773
the Revised Code with respect to contributions erroneously 52774
collected; 52775

(s) Service performed by an individual as a member of a band 52776
or orchestra, provided such service does not represent the 52777
principal occupation of such individual, and which service is not 52778
subject to or required to be covered for full tax credit against 52779
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 52780
183 (1939), 26 U.S.C.A. 3301 to 3311. 52781

(t) Service performed in the employ of a day camp whose 52782
camping season does not exceed twelve weeks in any calendar year, 52783
and which service is not subject to the "Federal Unemployment Tax 52784
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 52785
performed after December 31, 1971: 52786

(i) In the employ of a hospital, if the service is performed 52787
by a patient of the hospital, as defined in division (W) of this 52788
section; 52789

(ii) For a prison or other correctional institution by an 52790
inmate of the prison or correctional institution; 52791

(iii) Service performed after December 31, 1977, by an inmate 52792
of a custodial institution operated by the state, a political 52793
subdivision, or a nonprofit organization. 52794

(u) Service that is performed by a nonresident alien 52795
individual for the period the individual temporarily is present in 52796
the United States as a nonimmigrant under division (F), (J), (M), 52797
or (Q) of section 101(a)(15) of the "Immigration and Nationality 52798

Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded 52799
under section 3306(c)(19) of the "Federal Unemployment Tax Act," 52800
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 52801

(v) Notwithstanding any other provisions of division (B)(3) 52802
of this section, services that are excluded under divisions 52803
(B)(3)(g), (j), (k), and (l) of this section shall not be excluded 52804
from employment when performed for a nonprofit organization, as 52805
defined in division (X) of this section, or for this state or its 52806
instrumentalities, or for a political subdivision or its 52807
instrumentalities or for Indian tribes; 52808

(w) Service that is performed by an individual working as an 52809
election official or election worker if the amount of remuneration 52810
received by the individual during the calendar year for services 52811
as an election official or election worker is less than one 52812
thousand dollars; 52813

(x) Service performed for an elementary or secondary school 52814
that is operated primarily for religious purposes, that is 52815
described in subsection 501(c)(3) and exempt from federal income 52816
taxation under subsection 501(a) of the Internal Revenue Code, 26 52817
U.S.C.A. 501; 52818

(y) Service performed by a person committed to a penal 52819
institution. 52820

(z) Service performed for an Indian tribe as described in 52821
division (B)(2)(1) of this section when performed in any of the 52822
following manners: 52823

(i) As a publicly elected official; 52824

(ii) As a member of an Indian tribal council; 52825

(iii) As a member of a legislative or judiciary body; 52826

(iv) In a position which, pursuant to Indian tribal law, is 52827
designated as a major nontenured policymaking or advisory 52828

position, or a policymaking or advisory position where the 52829
performance of the duties ordinarily does not require more than 52830
eight hours of time per week; 52831

(v) As an employee serving on a temporary basis in the case 52832
of a fire, storm, snow, earthquake, flood, or similar emergency. 52833

(aa) Service performed after December 31, 1971, for a 52834
nonprofit organization, this state or its instrumentalities, a 52835
political subdivision or its instrumentalities, or an Indian tribe 52836
as part of an unemployment work-relief or work-training program 52837
assisted or financed in whole or in part by any federal agency or 52838
an agency of a state or political subdivision, thereof, by an 52839
individual receiving the work-relief or work-training. 52840

(bb) Participation in a learn to earn program as defined in 52841
section 4141.293 of the Revised Code. 52842

(4) If the services performed during one half or more of any 52843
pay period by an employee for the person employing that employee 52844
constitute employment, all the services of such employee for such 52845
period shall be deemed to be employment; but if the services 52846
performed during more than one half of any such pay period by an 52847
employee for the person employing that employee do not constitute 52848
employment, then none of the services of such employee for such 52849
period shall be deemed to be employment. As used in division 52850
(B) (4) of this section, "pay period" means a period, of not more 52851
than thirty-one consecutive days, for which payment of 52852
remuneration is ordinarily made to the employee by the person 52853
employing that employee. Division (B) (4) of this section does not 52854
apply to services performed in a pay period by an employee for the 52855
person employing that employee, if any of such service is excepted 52856
by division (B) (3) (o) of this section. 52857

(C) "Benefits" means money payments payable to an individual 52858
who has established benefit rights, as provided in this chapter, 52859

for loss of remuneration due to the individual's unemployment. 52860

(D) "Benefit rights" means the weekly benefit amount and the 52861
maximum benefit amount that may become payable to an individual 52862
within the individual's benefit year as determined by the 52863
director. 52864

(E) "Claim for benefits" means a claim for waiting period or 52865
benefits for a designated week. 52866

(F) "Additional claim" means the first claim for benefits 52867
filed following any separation from employment during a benefit 52868
year; "continued claim" means any claim other than the first claim 52869
for benefits and other than an additional claim. 52870

(G) "Wages" means remuneration paid to an employee by each of 52871
the employee's employers with respect to employment; except that 52872
wages shall not include that part of remuneration paid during any 52873
calendar year to an individual by an employer or such employer's 52874
predecessor in interest in the same business or enterprise, which 52875
in any calendar year is in excess of nine thousand dollars on and 52876
after January 1, 1995; nine thousand five hundred dollars on and 52877
after January 1, 2018; and nine thousand dollars on and after 52878
January 1, 2020. Remuneration in excess of such amounts shall be 52879
deemed wages subject to contribution to the same extent that such 52880
remuneration is defined as wages under the "Federal Unemployment 52881
Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as 52882
amended. The remuneration paid an employee by an employer with 52883
respect to employment in another state, upon which contributions 52884
were required and paid by such employer under the unemployment 52885
compensation act of such other state, shall be included as a part 52886
of remuneration in computing the amount specified in this 52887
division. 52888

(H) (1) "Remuneration" means all compensation for personal 52889
services, including commissions and bonuses and the cash value of 52890

all compensation in any medium other than cash, except that in the case of agricultural or domestic service, "remuneration" includes only cash remuneration. Gratuities customarily received by an individual in the course of the individual's employment from persons other than the individual's employer and which are accounted for by such individual to the individual's employer are taxable wages.

The reasonable cash value of compensation paid in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the director, provided that "remuneration" does not include:

(a) Payments as provided in divisions (b) (2) to (b) (20) of section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, as amended;

(b) The payment by an employer, without deduction from the remuneration of the individual in the employer's employ, of the tax imposed upon an individual in the employer's employ under section 3101 of the "Internal Revenue Code of 1954," with respect to services performed after October 1, 1941.

(2) "Cash remuneration" means all remuneration paid in cash, including commissions and bonuses, but not including the cash value of all compensation in any medium other than cash.

(I) "Interested party" means the director and any party to whom notice of a determination of an application for benefit rights or a claim for benefits is required to be given under section 4141.28 of the Revised Code.

(J) "Annual payroll" means the total amount of wages subject to contributions during a twelve-month period ending with the last day of the second calendar quarter of any calendar year.

(K) "Average annual payroll" means the average of the last three annual payrolls of an employer, provided that if, as of any

computation date, the employer has had less than three annual 52922
payrolls in such three-year period, such average shall be based on 52923
the annual payrolls which the employer has had as of such date. 52924

(L) (1) "Contributions" means the money payments to the state 52925
unemployment compensation fund required of employers by section 52926
4141.25 of the Revised Code and of the state and any of its 52927
political subdivisions electing to pay contributions under section 52928
4141.242 of the Revised Code. Employers paying contributions shall 52929
be described as "contributory employers." 52930

(2) "Payments in lieu of contributions" means the money 52931
payments to the state unemployment compensation fund required of 52932
reimbursing employers under sections 4141.241 and 4141.242 of the 52933
Revised Code. 52934

(M) An individual is "totally unemployed" in any week during 52935
which the individual performs no services and with respect to such 52936
week no remuneration is payable to the individual. 52937

(N) An individual is "partially unemployed" in any week if, 52938
due to involuntary loss of work, the total remuneration payable to 52939
the individual for such week is less than the individual's weekly 52940
benefit amount. 52941

(O) "Week" means the calendar week ending at midnight 52942
Saturday unless an equivalent week of seven consecutive calendar 52943
days is prescribed by the director. 52944

(1) "Qualifying week" means any calendar week in an 52945
individual's base period with respect to which the individual 52946
earns or is paid remuneration in employment subject to this 52947
chapter. A calendar week with respect to which an individual earns 52948
remuneration but for which payment was not made within the base 52949
period, when necessary to qualify for benefit rights, may be 52950
considered to be a qualifying week. The number of qualifying weeks 52951
which may be established in a calendar quarter shall not exceed 52952

the number of calendar weeks in the quarter. 52953

(2) "Average weekly wage" means the amount obtained by 52954
dividing an individual's total remuneration for all qualifying 52955
weeks during the base period by the number of such qualifying 52956
weeks, provided that if the computation results in an amount that 52957
is not a multiple of one dollar, such amount shall be rounded to 52958
the next lower multiple of one dollar. 52959

(P) "Weekly benefit amount" means the amount of benefits an 52960
individual would be entitled to receive for one week of total 52961
unemployment. 52962

(Q) (1) "Base period" means the first four of the last five 52963
completed calendar quarters immediately preceding the first day of 52964
an individual's benefit year, except as provided in division 52965
(Q) (2) of this section. 52966

(2) If an individual does not have sufficient qualifying 52967
weeks and wages in the base period to qualify for benefit rights, 52968
the individual's base period shall be the four most recently 52969
completed calendar quarters preceding the first day of the 52970
individual's benefit year. Such base period shall be known as the 52971
"alternate base period." If information as to weeks and wages for 52972
the most recent quarter of the alternate base period is not 52973
available to the director from the regular quarterly reports of 52974
wage information, which are systematically accessible, the 52975
director may, consistent with the provisions of section 4141.28 of 52976
the Revised Code, base the determination of eligibility for 52977
benefits on the affidavit of the claimant with respect to weeks 52978
and wages for that calendar quarter. The claimant shall furnish 52979
payroll documentation, where available, in support of the 52980
affidavit. The determination based upon the alternate base period 52981
as it relates to the claimant's benefit rights, shall be amended 52982
when the quarterly report of wage information from the employer is 52983
timely received and that information causes a change in the 52984

determination. As provided in division (B) of section 4141.28 of 52985
the Revised Code, any benefits paid and charged to an employer's 52986
account, based upon a claimant's affidavit, shall be adjusted 52987
effective as of the beginning of the claimant's benefit year. No 52988
calendar quarter in a base period or alternate base period shall 52989
be used to establish a subsequent benefit year. 52990

(3) The "base period" of a combined wage claim, as described 52991
in division (H) of section 4141.43 of the Revised Code, shall be 52992
the base period prescribed by the law of the state in which the 52993
claim is allowed. 52994

(4) For purposes of determining the weeks that comprise a 52995
completed calendar quarter under this division, only those weeks 52996
ending at midnight Saturday within the calendar quarter shall be 52997
utilized. 52998

(R)(1) "Benefit year" with respect to an individual means the 52999
fifty-two week period beginning with the first day of that week 53000
with respect to which the individual first files a valid 53001
application for determination of benefit rights, and thereafter 53002
the fifty-two week period beginning with the first day of that 53003
week with respect to which the individual next files a valid 53004
application for determination of benefit rights after the 53005
termination of the individual's last preceding benefit year, 53006
except that the application shall not be considered valid unless 53007
the individual has had employment in six weeks that is subject to 53008
this chapter or the unemployment compensation act of another 53009
state, or the United States, and has, since the beginning of the 53010
individual's previous benefit year, in the employment earned three 53011
times the average weekly wage determined for the previous benefit 53012
year. The "benefit year" of a combined wage claim, as described in 53013
division (H) of section 4141.43 of the Revised Code, shall be the 53014
benefit year prescribed by the law of the state in which the claim 53015
is allowed. Any application for determination of benefit rights 53016

made in accordance with section 4141.28 of the Revised Code is 53017
valid if the individual filing such application is unemployed, has 53018
been employed by an employer or employers subject to this chapter 53019
in at least twenty qualifying weeks within the individual's base 53020
period, and has earned or been paid remuneration at an average 53021
weekly wage of not less than twenty-seven and one-half per cent of 53022
the statewide average weekly wage for such weeks. For purposes of 53023
determining whether an individual has had sufficient employment 53024
since the beginning of the individual's previous benefit year to 53025
file a valid application, "employment" means the performance of 53026
services for which remuneration is payable. 53027

(2) Effective for benefit years beginning on and after 53028
December 26, 2004, but before July 1, 2022, any application for 53029
determination of benefit rights made in accordance with section 53030
4141.28 of the Revised Code is valid if the individual satisfies 53031
the criteria described in division (R)(1) of this section, and if 53032
the reason for the individual's separation from employment is not 53033
disqualifying pursuant to division (D)(2) of section 4141.29 or 53034
section 4141.291 of the Revised Code. A disqualification imposed 53035
pursuant to division (D)(2) of section 4141.29 or section 4141.291 53036
of the Revised Code must be removed as provided in those sections 53037
as a requirement of establishing a valid application for benefit 53038
years beginning on and after December 26, 2004, but before July 1, 53039
2022. Effective for benefit years beginning on and after July 1, 53040
2022, any application for determination of benefit rights made in 53041
accordance with section 4141.28 of the Revised Code is valid if 53042
the individual satisfies the criteria described in division (R)(1) 53043
of this section. A disqualification imposed pursuant to division 53044
(D)(2) of section 4141.29 or section 4141.291 of the Revised Code 53045
does not affect the validity of an application. 53046

(3) The statewide average weekly wage shall be calculated by 53047
the director once a year based on the twelve-month period ending 53048

the thirtieth day of June, as set forth in division (B)(3) of 53049
section 4141.30 of the Revised Code, rounded down to the nearest 53050
dollar. Increases or decreases in the amount of remuneration 53051
required to have been earned or paid in order for individuals to 53052
have filed valid applications shall become effective on Sunday of 53053
the calendar week in which the first day of January occurs that 53054
follows the twelve-month period ending the thirtieth day of June 53055
upon which the calculation of the statewide average weekly wage 53056
was based. 53057

(4) As used in this division, an individual is "unemployed" 53058
if, with respect to the calendar week in which such application is 53059
filed, the individual is "partially unemployed" or "totally 53060
unemployed" as defined in this section or if, prior to filing the 53061
application, the individual was separated from the individual's 53062
most recent work for any reason which terminated the individual's 53063
employee-employer relationship, or was laid off indefinitely or 53064
for a definite period of seven or more days. 53065

(S) "Calendar quarter" means the period of three consecutive 53066
calendar months ending on the thirty-first day of March, the 53067
thirtieth day of June, the thirtieth day of September, and the 53068
thirty-first day of December, or the equivalent thereof as the 53069
director prescribes by rule. 53070

(T) "Computation date" means the first day of the third 53071
calendar quarter of any calendar year. 53072

(U) "Contribution period" means the calendar year beginning 53073
on the first day of January of any year. 53074

(V) "Agricultural labor," for the purpose of this division, 53075
means any service performed prior to January 1, 1972, which was 53076
agricultural labor as defined in this division prior to that date, 53077
and service performed after December 31, 1971: 53078

(1) On a farm, in the employ of any person, in connection 53079

with cultivating the soil, or in connection with raising or 53080
harvesting any agricultural or horticultural commodity, including 53081
the raising, shearing, feeding, caring for, training, and 53082
management of livestock, bees, poultry, and fur-bearing animals 53083
and wildlife; 53084

(2) In the employ of the owner or tenant or other operator of 53085
a farm in connection with the operation, management, conservation, 53086
improvement, or maintenance of such farm and its tools and 53087
equipment, or in salvaging timber or clearing land of brush and 53088
other debris left by hurricane, if the major part of such service 53089
is performed on a farm; 53090

(3) In connection with the production or harvesting of any 53091
commodity defined as an agricultural commodity in section 15 (g) 53092
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 53093
U.S.C. 1141j, as amended, or in connection with the ginning of 53094
cotton, or in connection with the operation or maintenance of 53095
ditches, canals, reservoirs, or waterways, not owned or operated 53096
for profit, used exclusively for supplying and storing water for 53097
farming purposes; 53098

(4) In the employ of the operator of a farm in handling, 53099
planting, drying, packing, packaging, processing, freezing, 53100
grading, storing, or delivering to storage or to market or to a 53101
carrier for transportation to market, in its unmanufactured state, 53102
any agricultural or horticultural commodity, but only if the 53103
operator produced more than one half of the commodity with respect 53104
to which such service is performed; 53105

(5) In the employ of a group of operators of farms, or a 53106
cooperative organization of which the operators are members, in 53107
the performance of service described in division (V) (4) of this 53108
section, but only if the operators produced more than one-half of 53109
the commodity with respect to which the service is performed; 53110

(6) Divisions (V) (4) and (5) of this section shall not be 53111
deemed to be applicable with respect to service performed: 53112

(a) In connection with commercial canning or commercial 53113
freezing or in connection with any agricultural or horticultural 53114
commodity after its delivery to a terminal market for distribution 53115
for consumption; or 53116

(b) On a farm operated for profit if the service is not in 53117
the course of the employer's trade or business. 53118

As used in division (V) of this section, "farm" includes 53119
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 53120
plantations, ranches, nurseries, ranges, greenhouses, or other 53121
similar structures used primarily for the raising of agricultural 53122
or horticultural commodities and orchards. 53123

(W) "Hospital" means an institution which has been registered 53124
or licensed by the Ohio department of health as a hospital. 53125

(X) "Nonprofit organization" means an organization, or group 53126
of organizations, described in section 501(c) (3) of the "Internal 53127
Revenue Code of 1954," and exempt from income tax under section 53128
501(a) of that code. 53129

(Y) "Institution of higher education" means a public or 53130
nonprofit educational institution, including an educational 53131
institution operated by an Indian tribe, which: 53132

(1) Admits as regular students only individuals having a 53133
certificate of graduation from a high school, or the recognized 53134
equivalent; 53135

(2) Is legally authorized in this state or by the Indian 53136
tribe to provide a program of education beyond high school; and 53137

(3) Provides an educational program for which it awards a 53138
bachelor's or higher degree, or provides a program which is 53139
acceptable for full credit toward such a degree, a program of 53140

post-graduate or post-doctoral studies, or a program of training 53141
to prepare students for gainful employment in a recognized 53142
occupation. 53143

For the purposes of this division, all colleges and 53144
universities in this state are institutions of higher education. 53145

(Z) For the purposes of this chapter, "states" includes the 53146
District of Columbia, the Commonwealth of Puerto Rico, and the 53147
Virgin Islands. 53148

(AA) "Alien" means, for the purposes of division (A) (1) (d) of 53149
this section, an individual who is an alien admitted to the United 53150
States to perform service in agricultural labor pursuant to 53151
sections 214 (c) and 101 (a) (15) (H) of the "Immigration and 53152
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 53153

(BB) (1) "Crew leader" means an individual who furnishes 53154
individuals to perform agricultural labor for any other employer 53155
or farm operator, and: 53156

(a) Pays, either on the individual's own behalf or on behalf 53157
of the other employer or farm operator, the individuals so 53158
furnished by the individual for the service in agricultural labor 53159
performed by them; 53160

(b) Has not entered into a written agreement with the other 53161
employer or farm operator under which the agricultural worker is 53162
designated as in the employ of the other employer or farm 53163
operator. 53164

(2) For the purposes of this chapter, any individual who is a 53165
member of a crew furnished by a crew leader to perform service in 53166
agricultural labor for any other employer or farm operator shall 53167
be treated as an employee of the crew leader if: 53168

(a) The crew leader holds a valid certificate of registration 53169
under the "Farm Labor Contractor Registration Act of 1963," 90 53170

Stat. 2668, 7 U.S.C. 2041; or 53171

(b) Substantially all the members of the crew operate or 53172
maintain tractors, mechanized harvesting or crop-dusting 53173
equipment, or any other mechanized equipment, which is provided by 53174
the crew leader; and 53175

(c) If the individual is not in the employment of the other 53176
employer or farm operator within the meaning of division (B)(1) of 53177
this section. 53178

(3) For the purposes of this division, any individual who is 53179
furnished by a crew leader to perform service in agricultural 53180
labor for any other employer or farm operator and who is not 53181
treated as in the employment of the crew leader under division 53182
(BB)(2) of this section shall be treated as the employee of the 53183
other employer or farm operator and not of the crew leader. The 53184
other employer or farm operator shall be treated as having paid 53185
cash remuneration to the individual in an amount equal to the 53186
amount of cash remuneration paid to the individual by the crew 53187
leader, either on the crew leader's own behalf or on behalf of the 53188
other employer or farm operator, for the service in agricultural 53189
labor performed for the other employer or farm operator. 53190

(CC) "Educational institution" means an institution other 53191
than an institution of higher education as defined in division (Y) 53192
of this section, including an educational institution operated by 53193
an Indian tribe, which: 53194

(1) Offers participants, trainees, or students an organized 53195
course of study or training designed to transfer to them 53196
knowledge, skills, information, doctrines, attitudes, or abilities 53197
from, by, or under the guidance of an instructor or teacher; and 53198

(2) Is approved, chartered, or issued a permit to operate as 53199
a school by the state board of education, other government agency, 53200
or Indian tribe that is authorized within the state to approve, 53201

charter, or issue a permit for the operation of a school. 53202

For the purposes of this division, the courses of study or 53203
training which the institution offers may be academic, technical, 53204
trade, or preparation for gainful employment in a recognized 53205
occupation. 53206

(DD) "Cost savings day" means any unpaid day off from work in 53207
which employees continue to accrue employee benefits which have a 53208
determinable value including, but not limited to, vacation, 53209
pension contribution, sick time, and life and health insurance. 53210

(EE) "Motor carrier" has the same meaning as in section 53211
4923.01 of the Revised Code. 53212

Sec. 4141.131. The director of job and family services may 53213
enter into contracts for the sale of real property no longer 53214
needed by the director of job and family services for the 53215
operations of the director of job and family services under this 53216
title. Any costs attributable to the director of job and family 53217
services that are associated with the sale of real property under 53218
this section shall be paid out of the unemployment compensation 53219
special administrative fund established pursuant to section 53220
4141.11 of the Revised Code. The director of job and family 53221
services shall submit a report summarizing the use of that fund 53222
for the purpose of this section at least annually to the 53223
unemployment compensation advisory council as prescribed by the 53224
council. 53225

The ~~auditor of state~~ director of administrative services, 53226
with the assistance of the attorney general, shall prepare a deed 53227
to the real property being sold upon notice from the director of 53228
job and family services that a contract for the sale of that 53229
property has been executed in accordance with this section. The 53230
deed shall state the consideration and any conditions placed upon 53231
the sale. The deed shall be executed by the governor in the name 53232

of the state, countersigned by the secretary of state, sealed with 53233
the great seal of the state, presented in the office of the 53234
~~auditor of state~~ director of administrative services for 53235
recording, and delivered to the buyer upon payment of the balance 53236
of the purchase price. 53237

The buyer shall present the deed for recording in the county 53238
recorder's office of the county in which the real property is 53239
located. 53240

Sec. 4141.21. Except as provided in section 4141.162 of the 53241
Revised Code, and subject to section 4141.43 of the Revised Code, 53242
the information maintained by the director of job and family 53243
services or the unemployment compensation review commission or 53244
furnished to the director or commission by employers or employees 53245
pursuant to this chapter is for the exclusive use and information 53246
of the department of job and family services and the commission in 53247
the discharge of ~~its~~ their duties and shall not be open to the 53248
public or be used in any court in any action or proceeding pending 53249
therein, or be admissible in evidence in any action, other than 53250
one arising under this chapter or section 5733.42 of the Revised 53251
Code. All of the information and records necessary or useful in 53252
the determination of any particular claim for benefits or 53253
necessary in verifying any charge to an employer's account under 53254
sections 4141.23 to 4141.26 of the Revised Code shall be available 53255
for examination and use by the employer and the employee involved 53256
or their authorized representatives in the hearing of such cases, 53257
and that information may be tabulated and published in statistical 53258
form for the use and information of the state departments and the 53259
public. 53260

Sec. 4141.22. (A) No person shall disclose any information 53261
that was maintained by the director of job and family services or 53262
the unemployment compensation review commission or that was 53263

furnished to the director or the commission by employers or 53264
employees pursuant to this chapter, unless such disclosure is 53265
permitted under section 4141.21 of the Revised Code. 53266

(B) No person in the employ of the director ~~of job and family~~ 53267
~~services or~~, a county family services agency ~~or~~, a workforce 53268
development agency, or the commission, or who has been in the 53269
employ of the director ~~or~~, those agencies, or the commission, at 53270
any time, shall divulge any information maintained by or furnished 53271
to the director or the commission under this chapter and secured 53272
by the person while so employed, in respect to the transactions, 53273
property, business, or mechanical, chemical, or other industrial 53274
process of any person, firm, corporation, association, or 53275
partnership to any person other than the director or other 53276
employees of the department of job and family services or, a 53277
county family services agency ~~or~~, workforce development agency, or 53278
the commission, as required by the person's duties, or to other 53279
persons as authorized by the director under section 4141.43 of the 53280
Revised Code. 53281

Whoever violates this section shall be disqualified from 53282
holding any appointment or employment by the director ~~or~~, a county 53283
family services agency ~~or~~, a workforce development agency, or the 53284
commission. 53285

Sec. 4141.286. When determining whether an application for 53286
determination of benefit rights is valid or determining whether a 53287
first claim or additional claim for benefits allows a claimant to 53288
qualify for benefits, in addition to other information available, 53289
the director of job and family services shall do all of the 53290
following: 53291

(A) Check the new hires directory maintained by the 53292
department of job and family services under section 3121.894 of 53293
the Revised Code for a new hire report applicable to the claimant; 53294

(B) Check the information in the national directory of new hires that is made available to the director under section 453 of the "Social Security Act," 42 U.S.C. 653, for the purpose of administering this chapter; 53295
53296
53297
53298

(C) Check the integrity data hub maintained by the national association of state workforce agencies or a similar database maintained by a successor organization. 53299
53300
53301

Sec. 4141.51. (A) An employer who wishes to participate in the SharedWork Ohio program shall submit a plan to the director of job and family services in which the employer does all of the following: 53302
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53305

(1) Identifies the participating employees by name, social security number, affected unit, and normal weekly hours of work; 53306
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(2) Describes the manner in which the employer will implement the requirements of the SharedWork Ohio program, including the proposed reduction percentage, which shall be between ten per cent and ~~fifty~~ sixty per cent, and any temporary closure of the participating employer's business for equipment maintenance or other similar circumstances that the employer knows may occur during the effective period of an approved plan; 53308
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(3) Includes a plan for giving advance notice, if feasible, to an employee whose normal weekly hours of work are to be reduced and, if advance notice is not feasible, an explanation of why that notice is not feasible; 53315
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(4) Includes a certification by the employer that the aggregate reduction in the number of hours worked by the employees of the employer is in lieu of layoffs and includes an estimate of the number of layoffs that would have occurred absent the ability to participate in the SharedWork Ohio program; 53319
53320
53321
53322
53323

(5) Includes a certification by the employer that if the 53324

employer provides health benefits and retirement benefits under a 53325
defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, 53326
or contributions under a defined contribution plan as defined in 53327
26 U.S.C. 414(i), as amended, to any employee whose normal weekly 53328
hours of work are reduced under the program that such benefits 53329
will continue to be provided to an employee participating in the 53330
SharedWork Ohio program under the same terms and conditions as 53331
though the normal weekly hours of work of the employee had not 53332
been reduced or to the same extent as other employees not 53333
participating in the program; 53334

(6) Permits eligible employees to participate, as 53335
appropriate, in training to enhance job skills approved by the 53336
director, including employer-sponsored training or worker training 53337
funded under the federal "Workforce Innovation and Opportunity 53338
Act," 29 U.S.C. 3101 et seq.; 53339

(7) Includes any other information as required by the United 53340
States secretary of labor or the director under the rules the 53341
director adopts under section 4141.50 of the Revised Code; 53342

(8) Includes an attestation by the employer that the terms of 53343
the written plan submitted by the employer and implementation of 53344
that plan are consistent with obligations of the employer under 53345
the applicable federal and state laws; 53346

(9) Includes a certification by the employer that the 53347
employer will promptly notify the director of any change in the 53348
business that includes the sale or transfer of all or part of the 53349
business, and that the employer will notify any successor in 53350
interest to the employer's business prior to the transfer of all 53351
or part of the business, of the existence of any approved shared 53352
work plan; 53353

(10) Includes a certification by the employer that, as of the 53354
date the employer submits the plan, the employer is current on all 53355

reports and has paid all contributions, reimbursements, interest, 53356
and penalties due under this chapter; 53357

(11) Includes an assurance from the employer that the 53358
employer will remain current on all employer reporting and 53359
payments of contributions, reimbursements, interest, and penalties 53360
as required by this chapter; 53361

(12) Includes a certification by the employer that none of 53362
the participating employees are employed on a seasonal, temporary, 53363
or intermittent basis; 53364

(13) Includes an assurance from the employer that the 53365
employer will not reduce a participating employee's normal weekly 53366
hours of work by more than the reduction percentage, except in the 53367
event of a temporary closure of the employer's business for 53368
equipment maintenance, or when the employee takes approved time 53369
off during the week with pay, and the combined work hours and paid 53370
leave hours equal the number of hours the employee would have 53371
worked under the plan. 53372

(B) The director shall approve a shared work plan if an 53373
employer includes in the plan all of the information, 53374
certifications, and assurances required under division (A) of this 53375
section. 53376

(C) The director shall approve or deny a shared work plan and 53377
shall send a written notice to the employer stating whether the 53378
director approved or denied the plan not later than ~~thirty~~ ten 53379
days after the director receives the plan. If the director denies 53380
approval of a shared work plan, the director shall state the 53381
reasons for denying approval in the written notice sent to the 53382
employer. 53383

(D) The director shall enforce the requirements of the 53384
SharedWork Ohio program in the same manner as the director 53385
enforces the requirements of this chapter, including under section 53386

4141.40 of the Revised Code. 53387

Sec. 4141.53. (A) An individual is eligible to receive shared 53388
work compensation for a week in which the individual satisfies all 53389
of the following: 53390

(1) The individual is employed by a participating employer 53391
and is subject to a shared work plan that was approved before that 53392
week and is in effect for that week. 53393

(2) The individual is available for work and is actively 53394
seeking work by being available for the individual's normal weekly 53395
hours of work. 53396

(3) The individual's normal weekly hours of work with the 53397
participating employer have been reduced by at least ten per cent 53398
but not more than ~~fifty~~ sixty per cent. 53399

(4) The individual has been employed by an employer or 53400
employers subject to this chapter in at least twenty qualifying 53401
weeks within the individual's base period and has earned or been 53402
paid remuneration at an average weekly wage of not less than 53403
twenty-seven and one-half per cent of the statewide average weekly 53404
wage for those weeks. 53405

(5) The individual has been subject to a shared work plan for 53406
at least one week prior to the week for which the compensation is 53407
to be paid, or otherwise satisfies the waiting period requirement 53408
of division (B) of section 4141.29 of the Revised Code for the 53409
individual's benefit year. 53410

(6) The individual otherwise satisfies the requirements of 53411
this chapter and is not otherwise disqualified from receiving 53412
unemployment compensation benefits. 53413

(B) For purposes of division (A) (2) of this section, an 53414
individual is available for the individual's normal weekly hours 53415
of work with the participating employer if the individual does any 53416

of the following: 53417

(1) Works the number of weekly hours assigned to the 53418
individual under an approved shared work plan; 53419

(2) Works fewer hours than the number of weekly hours 53420
assigned to the individual under an approved shared work plan and 53421
either of the following apply: 53422

(a) The individual takes approved time off during the week 53423
with pay, and the combined work hours and paid leave hours equal 53424
the number of hours the employee would have worked under the plan; 53425

(b) The individual does not take approved time off with pay 53426
during that week and the reduction in hours was not the fault of 53427
the individual and was not more than ~~fifty~~ sixty per cent of the 53428
individual's normal weekly hours of work. 53429

(C) (1) Except as provided in division (C) (2) or (D) of this 53430
section, the director of job and family services shall pay a 53431
participating employee who is eligible for weekly shared work 53432
compensation in an amount equal to the participating employee's 53433
weekly benefit amount as described in division (B) of section 53434
4141.30 of the Revised Code for a period of total unemployment, 53435
multiplied by the reduction percentage specified in the approved 53436
shared work plan applicable to the participating employee. 53437

(2) The director shall pay a participating employee who is 53438
eligible for weekly shared work compensation in an amount equal to 53439
the participating employee's weekly benefit amount as described in 53440
division (B) of section 4141.30 of the Revised Code for a period 53441
of total unemployment, multiplied by the percentage by which the 53442
participating employee's normal weekly hours of work were actually 53443
reduced during the workweek, if all of the following apply: 53444

(a) The participating employee did not take approved paid 53445
leave during the week. 53446

(b) The participating employee's normal weekly hours of work 53447
were actually reduced by not less than ten per cent and not 53448
greater than ~~fifty~~ sixty per cent. 53449

(c) The increase or decrease in the participating employee's 53450
hours above or below the number of hours assigned to the employee 53451
in the approved shared work plan was not the fault of the 53452
employee. 53453

(3) The director shall determine fault for purposes of 53454
divisions (B) (2) (b) and (C) (2) (c) of this section in the same 53455
manner that the director makes determinations for benefit rights 53456
and determines claims for unemployment compensation benefits under 53457
sections 4141.28 and 4141.281 of the Revised Code. 53458

(4) The director shall round the amount of a shared work 53459
compensation payment that is not a multiple of one dollar to the 53460
next lower multiple of one dollar. 53461

(5) No shared work compensation shall be payable during the 53462
one-week period described in division (A) (5) of this section. 53463

(D) If an individual works for a participating employer and 53464
another employer during the weeks the individual is covered by an 53465
approved shared work plan, eligibility for shared work 53466
compensation is determined as follows: 53467

(1) If the combined number of hours the individual works for 53468
both the participating employer and the other employer in a week 53469
exceeds the amount of the individual's normal weekly hours of work 53470
reduced by ten per cent, the individual is not eligible for shared 53471
work compensation. 53472

(2) If the combined number of hours the individual works in a 53473
week for both employers equals the amount of the individual's 53474
normal weekly hours of work reduced between ten and ~~fifty~~ sixty 53475
per cent, the director shall pay the individual, if the individual 53476
is otherwise eligible, shared work compensation in an amount equal 53477

to the individual's weekly benefit amount as described in division 53478
(B) of section 4141.30 of the Revised Code for a period of total 53479
unemployment, multiplied by the percentage by which the 53480
individual's normal weekly hours of work were reduced during the 53481
week when factoring in both the amount of hours worked for the 53482
other employer and the amount of hours worked for the 53483
participating employer. 53484

(E) A participating employee is not entitled to receive 53485
shared work compensation and unemployment compensation benefits 53486
that, when combined, exceed the maximum total benefits payable to 53487
the participating employee in a benefit year under section 4141.30 53488
of the Revised Code. No participating employee shall be paid 53489
shared work compensation during the employee's benefit year in an 53490
amount that exceeds twenty-six times the amount of the employee's 53491
weekly benefit amount for a period of total unemployment under 53492
section 4141.30 of the Revised Code. 53493

(F) An individual who has received all of the shared work 53494
compensation and unemployment compensation benefits available in a 53495
benefit year is an individual who has exhausted regular benefits 53496
under section 4141.30 of the Revised Code and is entitled to 53497
receive extended benefits under section 4141.301 of the Revised 53498
Code if the individual is otherwise eligible to receive benefits 53499
under that section. 53500

(G) Except as provided in division (C) (2) of this section, 53501
the director shall not pay shared work compensation to an 53502
individual for a week during which the individual performs paid 53503
work for the individual's participating employer that exceeds or 53504
falls below the reduced hours established under an approved shared 53505
work plan that covers the individual. 53506

(H) (1) Except as provided in divisions (H) (2) and (3) of this 53507
section, a participating employee is not eligible to receive 53508
benefits for being partially unemployed for any week during which 53509

the individual works as a participating employee. 53510

(2) A participating employee who performs no services during 53511
a week for the participating employer and who is otherwise 53512
eligible may be paid benefits for being totally or partially 53513
unemployed for that week. 53514

(3) A participating employee whose normal weekly hours of 53515
work are reduced by more than ~~fifty~~ sixty per cent and who is 53516
otherwise eligible may be paid benefits for partial unemployment 53517
for that week. 53518

(I) Any payment of total or partial unemployment compensation 53519
benefits under this section is not a payment of shared work 53520
compensation under an approved plan but shall be calculated 53521
against the maximum total benefits payable to the participating 53522
employee in a benefit year under section 4141.30 of the Revised 53523
Code. 53524

(J) For purposes of this section and unless another benefit 53525
year applies to the individual, notwithstanding division (R)(1) of 53526
section 4141.01 of the Revised Code, a participating employee's 53527
"benefit year" is the fifty-two week period beginning with the 53528
first day of that week with respect to which the employee's 53529
participating employer first files a claim on behalf of the 53530
participating employee pursuant to division (B) of section 4141.54 53531
of the Revised Code. 53532

Sec. 4141.55. (A) If the state is eligible for and receives 53533
reimbursement for shared work compensation paid under the 53534
SharedWork Ohio program from the federal government pursuant to 53535
the federal "Layoff Prevention Act of 2012," Pub. L. No. 112-96, 53536
126 Stat. 156, or any other federal law, notwithstanding section 53537
4141.24 of the Revised Code and if permitted under that act or 53538
other federal law, during the time period in which the state is 53539
fully or partially reimbursed the account of an employer shall not 53540

be charged for the portion of any shared work compensation paid to 53541
a participating employer's participating employees for which the 53542
state receives reimbursement. If the federal government does not 53543
provide full reimbursement for shared work compensation paid to an 53544
individual under section 4141.53 of the Revised Code, the portion 53545
of shared work compensation paid to that individual that is not 53546
reimbursed shall be charged in accordance with division (C) of 53547
this section. 53548

(B) Beginning with the week for which the federal government 53549
no longer provides reimbursement, or if the state does not receive 53550
reimbursement or the federal government requires an employer's 53551
account to be charged, any shared work compensation paid to an 53552
individual shall be charged in accordance with division (C) of 53553
this section. 53554

(C) Except as provided in divisions (A) and (B) of this 53555
section, any shared work compensation paid to an individual under 53556
section 4141.53 of the Revised Code shall be charged in accordance 53557
with division (D) of section 4141.24 of the Revised Code. 53558

Sec. 4301.03. The liquor control commission may adopt and 53559
promulgate, repeal, rescind, and amend, in the manner required by 53560
this section, rules, standards, requirements, and orders necessary 53561
to carry out this chapter and Chapter 4303. of the Revised Code, 53562
but all rules of the board of liquor control that were in effect 53563
immediately prior to April 17, 1963, shall remain in full force 53564
and effect as rules of the liquor control commission until and 53565
unless amended or repealed by the liquor control commission. The 53566
rules of the commission may include the following: 53567

(A) Rules with reference to applications for and the issuance 53568
of permits for the manufacture, distribution, transportation, and 53569
sale of beer and intoxicating liquor, and the sale of alcohol; and 53570

rules governing the procedure of the division of liquor control in 53571
the suspension, revocation, and cancellation of those permits; 53572

(B) Rules and orders providing in detail for the conduct of 53573
any retail business authorized under permits issued pursuant to 53574
this chapter and Chapter 4303. of the Revised Code, with a view to 53575
ensuring compliance with those chapters and laws relative to them, 53576
and the maintenance of public decency, sobriety, and good order in 53577
any place licensed under the permits. No rule or order shall 53578
prohibit the operation of video lottery terminal games at a 53579
commercial race track where live horse racing and simulcasting are 53580
conducted in accordance with Chapter 3769. of the Revised Code or 53581
the sale of lottery tickets issued pursuant to Chapter 3770. of 53582
the Revised Code by any retail business authorized under permits 53583
issued pursuant to that chapter. 53584

No rule or order shall prohibit pari-mutuel wagering on 53585
simulcast horse races at a satellite facility that has been issued 53586
a D liquor permit under Chapter 4303. of the Revised Code. No rule 53587
or order shall prohibit a charitable organization that holds a D-4 53588
permit from selling or serving beer or intoxicating liquor under 53589
its permit in a portion of its premises merely because that 53590
portion of its premises is used ~~at other times~~ for the conduct of 53591
a bingo game, as described in division (O) of section 2915.01 of 53592
the Revised Code. ~~However, such an organization shall not sell or~~ 53593
~~serve beer or intoxicating liquor or permit beer or intoxicating~~ 53594
~~liquor to be consumed or seen in the same location in its premises~~ 53595
~~where a bingo game, as described in division (O)(1) of section~~ 53596
~~2915.01 of the Revised Code, is being conducted while the game is~~ 53597
~~being conducted.~~ As used in this division, "charitable 53598
organization" has the same meaning as in division (H) of section 53599
2915.01 of the Revised Code. No rule or order pertaining to 53600
visibility into the premises of a permit holder after the legal 53601
hours of sale shall be adopted or maintained by the commission. 53602

(C) Standards, not in conflict with those prescribed by any 53603
law of this state or the United States, to secure the use of 53604
proper ingredients and methods in the manufacture of beer, mixed 53605
beverages, and wine to be sold within this state; 53606

(D) Rules determining the nature, form, and capacity of all 53607
packages and bottles to be used for containing beer or 53608
intoxicating liquor, except for spirituous liquor to be kept or 53609
sold, governing the form of all seals and labels to be used on 53610
those packages and bottles; 53611

(E) Rules requiring the label on every package, bottle, and 53612
container to state all of the following, as applicable: 53613

(1) The ingredients in the contents; 53614

(2) Except for beer, the terms of weight, volume, or proof 53615
spirits; 53616

(3) Except for spirituous liquor, whether the product is 53617
beer, wine, alcohol, or any intoxicating liquor; 53618

(4) Regarding beer that contains more than twelve per cent of 53619
alcohol by volume, the percentage of alcohol by volume and that 53620
the beer is a "high alcohol beer." 53621

(F) Uniform rules governing all advertising with reference to 53622
the sale of beer and intoxicating liquor throughout the state and 53623
advertising upon and in the premises licensed for the sale of beer 53624
or intoxicating liquor; 53625

(G) Rules restricting and placing conditions upon the 53626
transfer of permits; 53627

(H) Rules and orders limiting the number of permits of any 53628
class within the state or within any political subdivision of the 53629
state; and, for that purpose, adopting reasonable classifications 53630
of persons or establishments to which any authorized class of 53631
permits may be issued within any political subdivision; 53632

(I) Rules and orders with reference to sales of beer and 53633
intoxicating liquor on Sundays and holidays and with reference to 53634
the hours of the day during which and the persons to whom 53635
intoxicating liquor of any class may be sold, and rules with 53636
reference to the manner of sale; 53637

(J) Rules requiring permit holders buying beer to pay and 53638
permit holders selling beer to collect minimum cash deposits for 53639
kegs, cases, bottles, or other returnable containers of the beer; 53640
requiring the repayment, or credit, of the minimum cash deposit 53641
charges upon the return of the empty containers; and requiring the 53642
posting of such form of indemnity or such other conditions with 53643
respect to the charging, collection, and repayment of minimum cash 53644
deposit charges for returnable containers of beer as are necessary 53645
to ensure the return of the empty containers or the repayment upon 53646
that return of the minimum cash deposits paid; 53647

(K) Rules establishing the method by which alcohol products 53648
may be imported for sale by wholesale distributors and the method 53649
by which manufacturers and suppliers may sell alcohol products to 53650
wholesale distributors. 53651

Every rule, standard, requirement, or order of the commission 53652
and every repeal, amendment, or rescission of them shall be posted 53653
for public inspection in the principal office of the commission 53654
and the principal office of the division of liquor control, and a 53655
certified copy of them shall be filed in the office of the 53656
secretary of state. An order applying only to persons named in it 53657
shall be served on the persons affected by personal delivery of a 53658
certified copy, or by mailing a certified copy to each person 53659
affected by it or, in the case of a corporation, to any officer or 53660
agent of the corporation upon whom a service of summons may be 53661
served in a civil action. The posting and filing required by this 53662
section constitutes sufficient notice to all persons affected by 53663
such rule or order which is not required to be served. General 53664

rules of the commission promulgated pursuant to this section shall 53665
be published in the manner the commission determines. 53666

Sec. 4301.10. (A) The division of liquor control shall do all 53667
of the following: 53668

(1) Control the traffic in beer and intoxicating liquor in 53669
this state, including the manufacture, importation, and sale of 53670
beer and intoxicating liquor; 53671

(2) Grant or refuse permits for the manufacture, 53672
distribution, transportation, and sale of beer and intoxicating 53673
liquor and the sale of alcohol, as authorized or required by this 53674
chapter and Chapter 4303. of the Revised Code. A certificate, 53675
signed by the superintendent of liquor control and to which is 53676
affixed the official seal of the division, stating that it appears 53677
from the records of the division that no permit has been issued to 53678
the person specified in the certificate, or that a permit, if 53679
issued, has been revoked, canceled, or suspended, shall be 53680
received as prima-facie evidence of the facts recited in the 53681
certificate in any court or before any officer of this state. 53682

(3) Put into operation, manage, and control a system of state 53683
liquor stores for the sale of spirituous liquor at retail and to 53684
holders of permits authorizing the sale of spirituous liquor; 53685
however, the division shall not establish any drive-in state 53686
liquor stores; and by means of those types of stores, and any 53687
manufacturing plants, distributing and bottling plants, 53688
warehouses, and other facilities that it considers expedient, 53689
establish and maintain a state monopoly of the distribution of 53690
spirituous liquor and its sale in packages or containers; and for 53691
that purpose, manufacture, buy, import, possess, and sell 53692
spirituous liquors as provided in this chapter and Chapter 4303. 53693
of the Revised Code, and in the rules promulgated by the 53694
superintendent of liquor control pursuant to those chapters; lease 53695

or in any manner acquire the use of any land or building required 53696
for any of those purposes; purchase any equipment that is 53697
required; and borrow money to carry on its business, and issue, 53698
sign, endorse, and accept notes, checks, and bills of exchange; 53699
but all obligations of the division created under authority of 53700
this division shall be a charge only upon the moneys received by 53701
the division from the sale of spirituous liquor and its other 53702
business transactions in connection with the sale of spirituous 53703
liquor, and shall not be general obligations of the state; 53704

(4) Enforce the administrative provisions of this chapter and 53705
Chapter 4303. of the Revised Code, and the rules and orders of the 53706
liquor control commission and the superintendent relating to the 53707
manufacture, importation, transportation, distribution, and sale 53708
of beer or intoxicating liquor. The attorney general, any 53709
prosecuting attorney, and any prosecuting officer of a municipal 53710
corporation or a municipal court shall, at the request of the 53711
division of liquor control or the department of public safety, 53712
prosecute any person charged with the violation of any provision 53713
in those chapters or of any section of the Revised Code relating 53714
to the manufacture, importation, transportation, distribution, and 53715
sale of beer or intoxicating liquor. 53716

(5) Determine the locations of all state liquor stores and 53717
manufacturing, distributing, and bottling plants required in 53718
connection with those stores, subject to this chapter and Chapter 53719
4303. of the Revised Code; 53720

(6) Conduct inspections of liquor permit premises to 53721
determine compliance with the administrative provisions of this 53722
chapter and Chapter 4303. of the Revised Code and the rules 53723
adopted under those provisions by the liquor control commission. 53724

Except as otherwise provided in division (A) (6) of this 53725
section, those inspections may be conducted only during those 53726
hours in which the permit holder is open for business and only by 53727

authorized agents or employees of the division or by any peace officer, as defined in section 2935.01 of the Revised Code. Inspections may be conducted at other hours only to determine compliance with laws or commission rules that regulate the hours of sale of beer or intoxicating liquor and only if the investigator has reasonable cause to believe that those laws or rules are being violated. Any inspection conducted pursuant to division (A) (6) of this section is subject to all of the following requirements:

(a) The only property that may be confiscated is contraband, as defined in section 2901.01 of the Revised Code, or property that is otherwise necessary for evidentiary purposes.

(b) A complete inventory of all property confiscated from the premises shall be given to the permit holder or the permit holder's agent or employee by the confiscating agent or officer at the conclusion of the inspection. At that time, the inventory shall be signed by the confiscating agent or officer, and the agent or officer shall give the permit holder or the permit holder's agent or employee the opportunity to sign the inventory.

(c) Inspections conducted pursuant to division (A) (6) of this section shall be conducted in a reasonable manner. A finding by any court of competent jurisdiction that an inspection was not conducted in a reasonable manner in accordance with this section or any rules adopted by the commission may be considered grounds for suppression of evidence. A finding by the commission that an inspection was not conducted in a reasonable manner in accordance with this section or any rules adopted by it may be considered grounds for dismissal of the commission case.

If any court of competent jurisdiction finds that property confiscated as the result of an administrative inspection is not necessary for evidentiary purposes and is not contraband, as defined in section 2901.01 of the Revised Code, the court shall

order the immediate return of the confiscated property, provided 53760
that property is not otherwise subject to forfeiture, to the 53761
permit holder. However, the return of this property is not grounds 53762
for dismissal of the case. The commission likewise may order the 53763
return of confiscated property if no criminal prosecution is 53764
pending or anticipated. 53765

(7) Delegate to any of its agents or employees any power of 53766
investigation that the division possesses with respect to the 53767
enforcement of any of the administrative laws relating to beer or 53768
intoxicating liquor, provided that this division does not 53769
authorize the division to designate any agent or employee to serve 53770
as an enforcement agent. The employment and designation of 53771
enforcement agents shall be within the exclusive authority of the 53772
director of public safety pursuant to sections 5502.13 to 5502.19 53773
of the Revised Code. 53774

(8) Collect the following fees: 53775

(a) A biennial fifty-dollar registration fee for each agent, 53776
solicitor, trade marketing professional, or salesperson, 53777
registered pursuant to section 4303.25 of the Revised Code, of a 53778
beer or intoxicating liquor manufacturer, supplier, broker, trade 53779
marketing company, or wholesale distributor doing business in this 53780
state; 53781

(b) A fifty-dollar product registration fee for each new beer 53782
or intoxicating liquor product sold in this state. The product 53783
registration fee also applies to products sold in this state by 53784
B-2a, S-1, and S-2 permit holders. The product registration fee 53785
shall be accompanied by a copy of the federal label and product 53786
approval for the new product. 53787

(c) An annual three-hundred-dollar supplier registration fee 53788
from each manufacturer or supplier that produces and ships into 53789
this state, or ships into this state, intoxicating liquor or beer, 53790

in addition to an initial application fee of one hundred dollars. 53791
A manufacturer that produces and ships beer or wine into this 53792
state and that holds only an § S-1 or S-2 permit, as applicable, 53793
is exempt from the supplier registration fee. A manufacturer that 53794
produces and ships beer or wine into this state and that holds a 53795
B-2a permit shall pay an annual seventy-six-dollar supplier 53796
registration fee. A manufacturer that produces and ships wine into 53797
this state and that does not hold either an § S-1 or a B-2a 53798
permit, but that produces less than two hundred fifty thousand 53799
gallons of wine per year ~~and that is entitled to a tax credit~~ 53800
~~under 27 C.F.R. 24.278~~ shall pay an annual seventy-six-dollar 53801
supplier registration fee. A B-2a, S-1, or § S-2 permit holder 53802
that does not sell its wine to wholesale distributors of wine in 53803
this state and an § S-1 permit holder that does not sell its beer 53804
to wholesale distributors of beer in this state shall not be 53805
required to submit to the division territory designation forms. 53806

Each supplier, agent, solicitor, trade marketing 53807
professional, or salesperson registration issued under this 53808
division shall authorize the person named to carry on the activity 53809
specified in the registration. Each agent, solicitor, trade 53810
marketing professional, or salesperson registration is valid for 53811
two years or for the unexpired portion of a two-year registration 53812
period. Each supplier registration is valid for one year or for 53813
the unexpired portion of a one-year registration period. 53814
Registrations shall end on their respective uniform expiration 53815
date, which shall be designated by the division, and are subject 53816
to suspension, revocation, cancellation, or fine as authorized by 53817
this chapter and Chapter 4303. of the Revised Code. 53818

As used in this division, "trade marketing company" and 53819
"trade marketing professional" have the same meanings as in 53820
section 4301.171 of the Revised Code. 53821

(9) Establish a system of electronic data interchange within 53822

the division and regulate the electronic transfer of information 53823
and funds among persons and governmental entities engaged in the 53824
manufacture, distribution, and retail sale of alcoholic beverages; 53825

(10) Notify all holders of retail permits of the forms of 53826
permissible identification for purposes of division (A) of section 53827
4301.639 of the Revised Code; 53828

(11) Exercise all other powers expressly or by necessary 53829
implication conferred upon the division by this chapter and 53830
Chapter 4303. of the Revised Code, and all powers necessary for 53831
the exercise or discharge of any power, duty, or function 53832
expressly conferred or imposed upon the division by those 53833
chapters. 53834

(B) The division may do all of the following: 53835

(1) Sue, but may be sued only in connection with the 53836
execution of leases of real estate and the purchases and contracts 53837
necessary for the operation of the state liquor stores that are 53838
made under this chapter and Chapter 4303. of the Revised Code; 53839

(2) Enter into leases and contracts of all descriptions and 53840
acquire and transfer title to personal property with regard to the 53841
sale, distribution, and storage of spirituous liquor within the 53842
state; 53843

(3) Terminate at will any lease entered into pursuant to 53844
division (B)(2) of this section upon first giving ninety days' 53845
notice in writing to the lessor of its intention to do so; 53846

(4) Fix the wholesale and retail prices at which the various 53847
classes, varieties, and brands of spirituous liquor shall be sold 53848
by the division. Those retail prices shall be the same at all 53849
state liquor stores, except to the extent that a price 53850
differential is required to collect a county sales tax levied 53851
pursuant to section 5739.021 of the Revised Code and for which tax 53852
the tax commissioner has authorized prepayment pursuant to section 53853

5739.05 of the Revised Code. In fixing selling prices, the 53854
division shall compute an anticipated gross profit at least 53855
sufficient to provide in each calendar year all costs and expenses 53856
of the division and also an adequate working capital reserve for 53857
the division. The gross profit shall not exceed forty per cent of 53858
the retail selling price based on costs of the division, and in 53859
addition the sum required by section 4301.12 of the Revised Code 53860
to be paid into the state treasury. An amount equal to one and 53861
one-half per cent of that gross profit shall be paid into the 53862
statewide treatment and prevention fund created by section 4301.30 53863
of the Revised Code and be appropriated by the general assembly 53864
from the fund to the department of mental health and addiction 53865
services as provided in section 4301.30 of the Revised Code. 53866

On spirituous liquor manufactured in this state from the 53867
juice of grapes or fruits grown in this state, the division shall 53868
compute an anticipated gross profit of not to exceed ten per cent. 53869

The wholesale prices fixed under this division shall be at a 53870
discount of not less than six per cent of the retail selling 53871
prices as determined by the division in accordance with this 53872
section. 53873

(C) The division may approve the expansion or diminution of a 53874
premises to which a liquor permit has been issued and may adopt 53875
standards governing such an expansion or diminution. 53876

Sec. 4301.12. The division of liquor control shall provide 53877
for the custody, safekeeping, and deposit of all moneys, checks, 53878
and drafts received by it or any of its employees or agents prior 53879
to paying them to the treasurer of state as provided by section 53880
113.08 of the Revised Code. 53881

A sum equal to three dollars and thirty-eight cents for each 53882
gallon of spirituous liquor sold by the division, JobsOhio, or a 53883
designee of JobsOhio during the period covered by the payment 53884

shall be paid into the state treasury to the credit of the general 53885
revenue fund. All moneys received from permit fees, except B-2a, 53886
S-1, and § S-2 permit fees from B-2a, S-1, and § S-2 permit 53887
holders who do not also hold A-2 or A-2f permits, shall be paid to 53888
the credit of the undivided liquor permit fund established by 53889
section 4301.30 of the Revised Code. 53890

Except as otherwise provided by law, the division shall 53891
deposit all moneys collected under Chapters 4301. and 4303. of the 53892
Revised Code into the state treasury to the credit of the state 53893
liquor regulatory fund created in section 4301.30 of the Revised 53894
Code. In addition, revenue resulting from any contracts with the 53895
department of commerce pertaining to the responsibilities and 53896
operations described in this chapter may be credited to the fund. 53897

Whenever, in the judgment of the director of budget and 53898
management, the amount in the liquor control fund is in excess of 53899
that needed to meet the maturing obligations of the division, as 53900
working capital for its further operations, to pay the operating 53901
expenses of the commission, and for the alcohol testing program 53902
under section 3701.143 of the Revised Code, the director shall 53903
transfer the excess to the credit of the general revenue fund. If 53904
the director determines that the amount in the liquor control fund 53905
is insufficient, the director may transfer money from the general 53906
revenue fund to the liquor control fund. 53907

Sec. 4301.30. (A) All fees collected by the division of 53908
liquor control shall be deposited in the state treasury to the 53909
credit of the undivided liquor permit fund, which is hereby 53910
created, at the time prescribed under section 4301.12 of the 53911
Revised Code. Each payment shall be accompanied by a statement 53912
showing separately the amount collected for each class of permits 53913
in each municipal corporation and in each township outside the 53914
limits of any municipal corporation in such township. 53915

(B) (1) An amount equal to forty-five per cent of the fund 53916
shall be paid from the fund into the state liquor regulatory fund, 53917
which is hereby created in the state treasury. The state liquor 53918
regulatory fund shall be used to pay the operating expenses of the 53919
division of liquor control in administering and enforcing Title 53920
XLIII of the Revised Code and the operating expenses of the liquor 53921
control commission. Investment earnings of the fund shall be 53922
credited to the fund. 53923

(2) Whenever, in the judgment of the director of budget and 53924
management, the amount of money that is in the state liquor 53925
regulatory fund is in excess of the amount that is needed to pay 53926
the operating expenses of the division in administering and 53927
enforcing Title XLIII of the Revised Code and the operating 53928
expenses of the commission, the director shall credit the excess 53929
amount to the general revenue fund. 53930

(C) Twenty per cent of the undivided liquor permit fund shall 53931
be paid into the statewide treatment and prevention fund, which is 53932
hereby created in the state treasury. This amount shall be 53933
appropriated by the general assembly, together with an amount 53934
equal to one and one-half per cent of the gross profit of the 53935
division of liquor control derived under division (B) (4) of 53936
section 4301.10 of the Revised Code, to the department of mental 53937
health and addiction services. In planning for the allocation of 53938
and in allocating these amounts for the purposes of Chapter 5119. 53939
of the Revised Code, the department shall comply with the 53940
nondiscrimination provisions of Title VI of the Civil Rights Act 53941
of 1964, and any rules adopted under that act. 53942

(D) Thirty-five per cent of the undivided liquor permit fund 53943
shall be distributed by the superintendent of liquor control at 53944
quarterly calendar periods as follows: 53945

(1) To each municipal corporation, the aggregate amount shown 53946
by the statements to have been collected from permits in the 53947

municipal corporation, for the use of the general fund of the 53948
municipal corporation; 53949

(2) To each township, the aggregate amount shown by the 53950
statements to have been collected from permits in its territory, 53951
outside the limits of any municipal corporation located in the 53952
township, for the use of the general fund of the township, or for 53953
fire protection purposes, including buildings and equipment in the 53954
township or in an established fire district within the township, 53955
to the extent that the funds are derived from liquor permits 53956
within the territory comprising such fire district. 53957

(E) For the purpose of the distribution required by this 53958
section, E, H, and D permits covering boats or vessels are deemed 53959
to have been issued in the municipal corporation or township 53960
wherein the owner or operator of the vehicle, boat, vessel, or 53961
dining car equipment to which the permit relates has the owner's 53962
or operator's principal office or place of business within the 53963
state. 53964

(F) If the liquor control commission determines that the 53965
police or other officers of any municipal corporation or township 53966
entitled to share in distributions under this section are refusing 53967
or culpably neglecting to enforce this chapter and Chapter 4303. 53968
of the Revised Code, or the penal laws of this state relating to 53969
the manufacture, importation, transportation, distribution, and 53970
sale of beer and intoxicating liquors, or if the prosecuting 53971
officer of a municipal corporation or a municipal court fails to 53972
comply with the request of the commission authorized by division 53973
(A) (4) of section 4301.10 of the Revised Code, the commission, by 53974
certified mail, may notify the chief executive officer of the 53975
municipal corporation or the board of township trustees of the 53976
township of the failure and require the immediate cooperation of 53977
the responsible officers of the municipal corporation or township 53978
with the division of liquor control in the enforcement of those 53979

chapters and penal laws. Within thirty days after the notice is 53980
served, the commission shall determine whether the requirement has 53981
been complied with. If the commission determines that the 53982
requirement has not been complied with, it may issue an order to 53983
the superintendent to withhold the distributive share of the 53984
municipal corporation or township until further order of the 53985
commission. This action of the commission is reviewable within 53986
thirty days thereafter in the court of common pleas of Franklin 53987
county. 53988

(G) All fees collected by the division of liquor control from 53989
the issuance or renewal of B-2a, S-1, and § S-2 permits, and paid 53990
by B-2a, S-1, and § S-2 permit holders who do not also hold A-1 or 53991
A-1c permits or A-2 or A-2f permits, shall be deposited in the 53992
state treasury to the credit of the state liquor regulatory fund. 53993
Once during each fiscal year, an amount equal to fifty per cent of 53994
the fees collected shall be paid from the state liquor regulatory 53995
fund into the general revenue fund. 53996

Sec. 4301.42. For the purpose of providing revenue for the 53997
support of the state, a tax is hereby levied on the sale of beer 53998
in sealed bottles and cans having twelve ounces or less of liquid 53999
content, at the rate of fourteen one-hundredths of one cent on 54000
each ounce of liquid content or fractional part of each ounce of 54001
liquid content, and on such containers in excess of twelve ounces, 54002
at the rate of eighty-four one-hundredths of one cent on each six 54003
ounces of liquid content or fractional part of each six ounces of 54004
liquid content. Sections 4307.01 to 4307.12 of the Revised Code 54005
apply in the administration of that tax. Manufacturers, bottlers, 54006
and canners of beer, wholesale dealers in beer, and § S-1 permit 54007
holders have the duty to pay the tax imposed by this section and 54008
are entitled to the privileges in the manner provided in section 54009
4303.33 of the Revised Code. 54010

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 54011
the Revised Code: 54012

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 54013
fluid ounces. 54014

(2) "Sale" or "sell" includes exchange, barter, gift, 54015
distribution, and, except with respect to A-4 permit holders, 54016
offer for sale. 54017

(B) For the purposes of providing revenues for the support of 54018
the state and encouraging the grape industries in the state, a tax 54019
is hereby levied on the sale or distribution of wine in Ohio, 54020
except for known sacramental purposes, at the rate of thirty cents 54021
per wine gallon for wine containing not less than four per cent of 54022
alcohol by volume and not more than fourteen per cent of alcohol 54023
by volume, ninety-eight cents per wine gallon for wine containing 54024
more than fourteen per cent but not more than twenty-one per cent 54025
of alcohol by volume, one dollar and eight cents per wine gallon 54026
for vermouth, and one dollar and forty-eight cents per wine gallon 54027
for sparkling and carbonated wine and champagne, the tax to be 54028
paid by the holders of A-2, A-2f, ~~and~~ B-5, S-1, and S-2 permits or 54029
by any other person selling or distributing wine upon which no tax 54030
has been paid. From the tax paid under this section on wine, 54031
vermouth, and sparkling and carbonated wine and champagne, the 54032
treasurer of state shall credit to the Ohio grape industries fund 54033
created under section 924.54 of the Revised Code a sum equal to 54034
one cent per gallon for each gallon upon which the tax is paid. 54035

(C) For the purpose of providing revenues for the support of 54036
the state, there is hereby levied a tax on prepared and bottled 54037
highballs, cocktails, cordials, and other mixed beverages at the 54038
rate of one dollar and twenty cents per wine gallon to be paid by 54039
holders of A-4 permits or by any other person selling or 54040
distributing those products upon which no tax has been paid. Only 54041

one sale of the same article shall be used in computing the amount 54042
of tax due. The tax on mixed beverages to be paid by holders of 54043
A-4 permits under this section shall not attach until the 54044
ownership of the mixed beverage is transferred for valuable 54045
consideration to a wholesaler or retailer, and no payment of the 54046
tax shall be required prior to that time. 54047

(D) ~~During the period of July 1, 2019, through June 30, 2021,~~ 54048
~~from~~ From the tax paid under this section on wine, vermouth, and 54049
sparkling and carbonated wine and champagne, the treasurer of 54050
state shall credit to the Ohio grape industries fund created under 54051
section 924.54 of the Revised Code a sum equal to two cents per 54052
gallon upon which the tax is paid. The amount credited under this 54053
division is in addition to the amount credited to the Ohio grape 54054
industries fund under division (B) of this section. 54055

(E) For the purpose of providing revenues for the support of 54056
the state, there is hereby levied a tax on cider at the rate of 54057
twenty-four cents per wine gallon to be paid by the holders of 54058
A-2, A-2f, and B-5 permits or by any other person selling or 54059
distributing cider upon which no tax has been paid. Only one sale 54060
of the same article shall be used in computing the amount of the 54061
tax due. 54062

Sec. 4301.432. For the purpose of encouraging the grape 54063
industries of the state, a tax is hereby levied on the sale or 54064
distribution of vermouth, sparkling and carbonated wine and 54065
champagne, and other wine, except for known sacramental purposes, 54066
at the rate of two cents per wine gallon, the tax to be paid by 54067
the holders of A-2, A-2f, B-2a, B-5, S-1 and S-2 permits or by 54068
any other person selling or distributing wine upon which no such 54069
tax has been paid. The treasurer of state shall credit to the Ohio 54070
grape industries fund created under section 924.54 of the Revised 54071
Code the moneys the treasurer of state receives from this tax." 54072

Sec. 4301.62. (A) As used in this section:	54073
(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.	54074 54075
(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.	54076 54077
(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:	54078 54079 54080
(1) Except as provided in division (C)(1)(e) of this section, in an agency store;	54081 54082
(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control;	54083 54084 54085
(3) In any other public place;	54086
(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;	54087 54088 54089 54090 54091
(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.	54092 54093 54094 54095
(C)(1) A person may have in the person's possession an opened container of any of the following:	54096 54097
(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i,	54098 54099 54100 54101

D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, 54102
or F-8 permit; 54103

(b) Beer, wine, or mixed beverages served for consumption on 54104
the premises by the holder of an F-3 permit, wine served as a 54105
tasting sample by an A-2, S-1, or S-2 permit holder ~~or S permit~~ 54106
~~holder~~ for consumption on the premises of a farmers market for 54107
which an F-10 permit has been issued, or wine served for 54108
consumption on the premises by the holder of an F-4 or F-6 permit; 54109

(c) Beer or intoxicating liquor consumed on the premises of a 54110
convention facility as provided in section 4303.201 of the Revised 54111
Code; 54112

(d) Beer or intoxicating liquor to be consumed during 54113
tastings and samplings approved by rule of the liquor control 54114
commission; 54115

(e) Spirituous liquor to be consumed for purposes of a 54116
tasting sample, as defined in section 4301.171 of the Revised 54117
Code. 54118

(2) A person may have in the person's possession on an F 54119
liquor permit premises an opened container of beer or intoxicating 54120
liquor that was not purchased from the holder of the F permit if 54121
the premises for which the F permit is issued is a music festival 54122
and the holder of the F permit grants permission for that 54123
possession on the premises during the period for which the F 54124
permit is issued. As used in this division, "music festival" means 54125
a series of outdoor live musical performances, extending for a 54126
period of at least three consecutive days and located on an area 54127
of land of at least forty acres. 54128

(3) (a) A person may have in the person's possession on a D-2 54129
liquor permit premises an opened or unopened container of wine 54130
that was not purchased from the holder of the D-2 permit if the 54131
premises for which the D-2 permit is issued is an outdoor 54132

performing arts center, the person is attending an orchestral 54133
performance, and the holder of the D-2 permit grants permission 54134
for the possession and consumption of wine in certain 54135
predesignated areas of the premises during the period for which 54136
the D-2 permit is issued. 54137

(b) As used in division (C) (3) (a) of this section: 54138

(i) "Orchestral performance" means a concert comprised of a 54139
group of not fewer than forty musicians playing various musical 54140
instruments. 54141

(ii) "Outdoor performing arts center" means an outdoor 54142
performing arts center that is located on not less than one 54143
hundred fifty acres of land and that is open for performances from 54144
the first day of April to the last day of October of each year. 54145

(4) A person may have in the person's possession an opened or 54146
unopened container of beer or intoxicating liquor at an outdoor 54147
location at which the person is attending an orchestral 54148
performance as defined in division (C) (3) (b) (i) of this section if 54149
the person with supervision and control over the performance 54150
grants permission for the possession and consumption of beer or 54151
intoxicating liquor in certain predesignated areas of that outdoor 54152
location. 54153

(5) A person may have in the person's possession on an F-9 54154
liquor permit premises an opened or unopened container of beer or 54155
intoxicating liquor that was not purchased from the holder of the 54156
F-9 permit if the person is attending either of the following: 54157

(a) An orchestral performance and the F-9 permit holder 54158
grants permission for the possession and consumption of beer or 54159
intoxicating liquor in certain predesignated areas of the premises 54160
during the period for which the F-9 permit is issued; 54161

(b) An outdoor performing arts event or orchestral 54162
performance that is free of charge and the F-9 permit holder 54163

annually hosts not less than twenty-five other events or 54164
performances that are free of charge on the permit premises. 54165

As used in division (C) (5) of this section, "orchestral 54166
performance" has the same meaning as in division (C) (3) (b) of this 54167
section. 54168

(6) (a) A person may have in the person's possession on the 54169
property of an outdoor motorsports facility an opened or unopened 54170
container of beer or intoxicating liquor that was not purchased 54171
from the owner of the facility if both of the following apply: 54172

(i) The person is attending a racing event at the facility; 54173
and 54174

(ii) The owner of the facility grants permission for the 54175
possession and consumption of beer or intoxicating liquor on the 54176
property of the facility. 54177

(b) As used in division (C) (6) (a) of this section: 54178

(i) "Racing event" means a motor vehicle racing event 54179
sanctioned by one or more motor racing sanctioning organizations. 54180

(ii) "Outdoor motorsports facility" means an outdoor 54181
racetrack to which all of the following apply: 54182

(I) It is two and four-tenths miles or more in length. 54183

(II) It is located on two hundred acres or more of land. 54184

(III) The primary business of the owner of the facility is 54185
the hosting and promoting of racing events. 54186

(IV) The holder of a D-1, D-2, or D-3 permit is located on 54187
the property of the facility. 54188

(7) (a) A person may have in the person's possession an opened 54189
container of beer or intoxicating liquor at an outdoor location 54190
within an outdoor refreshment area created under section 4301.82 54191
of the Revised Code if the opened container of beer or 54192

intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, 54193
A-2f, D class, or F class permit holder to which both of the 54194
following apply: 54195

(i) The permit holder's premises is located within the 54196
outdoor refreshment area. 54197

(ii) The permit held by the permit holder has an outdoor 54198
refreshment area designation. 54199

(b) Division (C) (7) of this section does not authorize a 54200
person to do either of the following: 54201

(i) Enter the premises of an establishment within an outdoor 54202
refreshment area while possessing an opened container of beer or 54203
intoxicating liquor acquired elsewhere; 54204

(ii) Possess an opened container of beer or intoxicating 54205
liquor while being in or on a motor vehicle within an outdoor 54206
refreshment area, unless the possession is otherwise authorized 54207
under division (D) or (E) of this section. 54208

(c) As used in division (C) (7) of this section, "D class 54209
permit holder" does not include a D-6 or D-8 permit holder. 54210

(8) (a) A person may have in the person's possession on the 54211
property of a market, within a defined F-8 permit premises, an 54212
opened container of beer or intoxicating liquor that was purchased 54213
from a D permit premises that is located immediately adjacent to 54214
the market if both of the following apply: 54215

(i) The market grants permission for the possession and 54216
consumption of beer and intoxicating liquor within the defined F-8 54217
permit premises; 54218

(ii) The market is hosting an event pursuant to an F-8 permit 54219
and the market has notified the division of liquor control about 54220
the event in accordance with division (A) (3) of section 4303.208 54221
of the Revised Code. 54222

(b) As used in division (C) (8) of this section, "market" 54223
means a market, for which an F-8 permit is held, that has been in 54224
operation since 1860. 54225

(D) This section does not apply to a person who pays all or a 54226
portion of the fee imposed for the use of a chauffeured limousine 54227
pursuant to a prearranged contract, or the guest of the person, 54228
when all of the following apply: 54229

(1) The person or guest is a passenger in the limousine. 54230

(2) The person or guest is located in the limousine, but is 54231
not occupying a seat in the front compartment of the limousine 54232
where the operator of the limousine is located. 54233

(3) The limousine is located on any street, highway, or other 54234
public or private property open to the public for purposes of 54235
vehicular travel or parking. 54236

(E) An opened bottle of wine that was purchased from the 54237
holder of a permit that authorizes the sale of wine for 54238
consumption on the premises where sold is not an opened container 54239
for the purposes of this section if both of the following apply: 54240

(1) The opened bottle of wine is securely resealed by the 54241
permit holder or an employee of the permit holder before the 54242
bottle is removed from the premises. The bottle shall be secured 54243
in such a manner that it is visibly apparent if the bottle has 54244
been subsequently opened or tampered with. 54245

(2) The opened bottle of wine that is resealed in accordance 54246
with division (E) (1) of this section is stored in the trunk of a 54247
motor vehicle or, if the motor vehicle does not have a trunk, 54248
behind the last upright seat or in an area not normally occupied 54249
by the driver or passengers and not easily accessible by the 54250
driver. 54251

(F) (1) Except if an ordinance or resolution is enacted or 54252

adopted under division (F) (2) of this section, this section does 54253
not apply to a person who, pursuant to a prearranged contract, is 54254
a passenger riding on a commercial quadricycle when all of the 54255
following apply: 54256

(a) The person is not occupying a seat in the front of the 54257
commercial quadricycle where the operator is steering or braking. 54258

(b) The commercial quadricycle is being operated on a street, 54259
highway, or other public or private property open to the public 54260
for purposes of vehicular travel or parking. 54261

(c) The person has in their possession on the commercial 54262
quadricycle an opened container of beer or wine. 54263

(d) The person has in their possession on the commercial 54264
quadricycle not more than either thirty-six ounces of beer or 54265
eighteen ounces of wine. 54266

(2) The legislative authority of a municipal corporation or 54267
township may enact an ordinance or adopt a resolution, as 54268
applicable, that prohibits a passenger riding on a commercial 54269
quadricycle from possessing an opened container of beer or wine. 54270

(3) As used in this section, "commercial quadricycle" means a 54271
vehicle that has fully-operative pedals for propulsion entirely by 54272
human power and that meets all of the following requirements: 54273

(a) It has four wheels and is operated in a manner similar to 54274
a bicycle. 54275

(b) It has at least five seats for passengers. 54276

(c) It is designed to be powered by the pedaling of the 54277
operator and the passengers. 54278

(d) It is used for commercial purposes. 54279

(e) It is operated by the vehicle owner or an employee of the 54280
owner. 54281

(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.

As used in division (G) of this section, "market" means an establishment that:

(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code;

(2) Has an indoor sales floor area of not less than twenty-two thousand square feet;

(3) Hosts a farmer's market on each Saturday from April through December.

(H) (1) As used in this section, "alcoholic beverage" has the same meaning as in section 4303.185 of the Revised Code.

(2) An alcoholic beverage in a closed container being transported under section 4303.185 of the Revised Code to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing.

(I) This section does not apply to a person who has in the person's possession an opened container of beer or intoxicating liquor in a public-use airport, as described in division (D) (2) (a) (iii) of section 4303.181 of the Revised Code, when both of the following apply:

(1) Consumption of the opened container of beer or intoxicating liquor occurs in the area of the airport terminal

that is restricted to persons taking flights to and from the 54312
airport; and 54313

(2) The consumption is authorized under division (D) (2) (a) of 54314
section 4303.181 of the Revised Code. 54315

Sec. 4301.82. (A) As used in this section: 54316

(1) "Qualified permit holder" means the holder of an A-1, 54317
A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 54318
4303. of the Revised Code. 54319

(2) "D class permit" does not include a D-6 or D-8 permit. 54320

(B) The executive officer of a municipal corporation or the 54321
fiscal officer of a township may file an application with the 54322
legislative authority of the municipal corporation or township to 54323
have property within the municipal corporation or township 54324
designated as an outdoor refreshment area or to expand an existing 54325
outdoor refreshment area to include additional property within the 54326
municipal corporation or township. The executive officer or fiscal 54327
officer shall ensure that the application contains all of the 54328
following: 54329

(1) A map or survey of the proposed outdoor refreshment area 54330
in sufficient detail to identify the boundaries of the area, which 54331
shall not exceed either of the following, as applicable: 54332

(a) Three hundred twenty contiguous acres or one-half square 54333
mile if the municipal corporation or township has a population of 54334
more than thirty-five thousand as specified in division (D) of 54335
this section; 54336

(b) One hundred fifty contiguous acres if the municipal 54337
corporation or township has a population of thirty-five thousand 54338
or less as specified in division (D) of this section. 54339

(2) A general statement of the nature and types of 54340
establishments that will be located within the proposed outdoor 54341

refreshment area; 54342

(3) A statement that the proposed outdoor refreshment area 54343
will encompass not fewer than four qualified permit holders; 54344

(4) Evidence that the uses of land within the proposed 54345
outdoor refreshment area are in accord with the master zoning plan 54346
or map of the municipal corporation or township; 54347

(5) Proposed requirements for the purpose of ensuring public 54348
health and safety within the proposed outdoor refreshment area. 54349

(C) Within forty-five days after the date the application is 54350
filed with the legislative authority of a municipal corporation or 54351
township, the legislative authority shall publish public notice of 54352
the application in one newspaper of general circulation in the 54353
municipal corporation or township or as provided in section 7.16 54354
of the Revised Code. The legislative authority shall ensure that 54355
the notice states that the application is on file in the office of 54356
the clerk of the municipal corporation or township and is 54357
available for inspection by the public during regular business 54358
hours. The legislative authority also shall indicate in the notice 54359
the date and time of any public hearing to be held regarding the 54360
application by the legislative authority. 54361

Not earlier than thirty but not later than sixty days after 54362
the initial publication of notice, the legislative authority shall 54363
approve or disapprove the application by either ordinance or 54364
resolution, as applicable. Approval of an application requires an 54365
affirmative vote of a majority of the legislative authority. Upon 54366
approval of the application by the legislative authority, the 54367
territory described in the application constitutes an outdoor 54368
refreshment area. The legislative authority shall provide to the 54369
division of liquor control and the investigative unit of the 54370
department of public safety notice of the approval of the 54371
application and a description of the area specified in the 54372

application. If the legislative authority disapproves the 54373
application, the executive officer of a municipal corporation or 54374
fiscal officer of a township may make changes in the application 54375
to secure its approval by the legislative authority. 54376

(D) The creation of outdoor refreshment areas is limited as 54377
follows: 54378

(1) A municipal corporation or township with a population of 54379
more than fifty thousand shall not create more than four outdoor 54380
refreshment areas. 54381

(2) A municipal corporation or township with a population of 54382
more than thirty-five thousand but less than or equal to fifty 54383
thousand shall not create more than two outdoor refreshment areas. 54384

(3) (a) Except as provided in division (D) (3) (b) of this 54385
section, a municipal corporation or township with a population of 54386
thirty-five thousand or less shall not create an outdoor 54387
refreshment area. 54388

(b) A municipal corporation or township with a population of 54389
thirty-five thousand or less may create one outdoor refreshment 54390
area if the proposed area will include at least four qualified 54391
permit holders and be composed of one hundred fifty or fewer 54392
contiguous acres. 54393

For purposes of this section, the population of a municipal 54394
corporation or township is deemed to be the population shown by 54395
the most recent regular federal decennial census. 54396

(E) As soon as possible after receiving notice that an 54397
outdoor refreshment area has been approved, the division of liquor 54398
control, for purposes of section 4301.62 of the Revised Code, 54399
shall issue an outdoor refreshment area designation to each 54400
qualified permit holder located within the refreshment area that 54401
is in compliance with all applicable requirements under Chapters 54402
4301. and 4303. of the Revised Code. The division shall not charge 54403

any fee for the issuance of the designation. Any permit holder 54404
that receives such a designation shall comply with all laws, 54405
rules, and regulations that govern its license type, and the 54406
applicable public health and safety requirements established for 54407
the area under division (F) of this section. 54408

(F) (1) At the time of the creation of an outdoor refreshment 54409
area, the legislative authority of a municipal corporation or 54410
township in which such an area is located shall adopt an ordinance 54411
or resolution, as applicable, that establishes requirements the 54412
legislative authority determines necessary to ensure public health 54413
and safety within the area. The legislative authority shall 54414
include in the ordinance or resolution all of the following: 54415

(a) The specific boundaries of the area, including street 54416
addresses; 54417

(b) The number, spacing, and type of signage designating the 54418
area; 54419

(c) The hours of operation for the area; 54420

(d) The number of personnel needed to ensure public safety in 54421
the area; 54422

(e) A sanitation plan that will help maintain the appearance 54423
and public health of the area; 54424

(f) The number of personnel needed to execute the sanitation 54425
plan; 54426

(g) A requirement that beer and intoxicating liquor be served 54427
solely in plastic bottles or other ~~plastic~~non-glass containers in 54428
the area. 54429

The legislative authority may, but is not required to, 54430
include in the ordinance or resolution any public health and 54431
safety requirements proposed in an application under division (B) 54432
of this section to designate or expand the outdoor refreshment 54433

area. The legislative authority may subsequently modify the public health and safety requirements as determined necessary by the legislative authority.

(2) Prior to adopting an ordinance or resolution under this division, the legislative authority shall give notice of its proposed action by publication in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code.

(3) The legislative authority shall provide to the division of liquor control and the investigative unit of the department of public safety notice of the public health and safety requirements established or modified under this division.

(G) If an outdoor refreshment area has been created in accordance with this section, the holder of an F class permit that sponsors an event located in the outdoor refreshment area may apply to the division for issuance of an outdoor refreshment area designation. The division shall issue such a designation if the division determines that the permit holder is in compliance with all applicable requirements established under this chapter and Chapter 4303. of the Revised Code. An F class permit holder that receives a designation under this division shall do both of the following:

(1) Comply with all laws, rules, and regulations that govern its type of permit, and the applicable public health and safety requirements established for the outdoor refreshment area under division (F) of this section;

(2) Not block ingress or egress to the outdoor refreshment area or any other liquor permit premises located within the area.

(H) Section 4399.18 of the Revised Code applies to a liquor permit holder located within an outdoor refreshment area in the same manner as if the liquor permit holder were not located in an

outdoor refreshment area. 54465

(I) (1) Five years after the date of creation of an outdoor 54466
refreshment area, the legislative authority of the municipal 54467
corporation or township that created the area under this section 54468
shall review the operation of the area and shall, by ordinance or 54469
resolution, either approve the continued operation of the area or 54470
dissolve the area. Prior to adopting the ordinance or resolution, 54471
the legislative authority shall give notice of its proposed action 54472
by publication in one newspaper of general circulation in the 54473
municipal corporation or township or as provided in section 7.16 54474
of the Revised Code. 54475

If the legislative authority dissolves the outdoor 54476
refreshment area, the outdoor refreshment area ceases to exist. 54477
The legislative authority then shall provide notice of its action 54478
to the division of liquor control and the investigative unit of 54479
the department of public safety. Upon receipt of the notice, the 54480
division shall revoke all outdoor refreshment area designations 54481
issued to qualified permit holders within the dissolved area. If 54482
the legislative authority approves the continued operation of the 54483
outdoor refreshment area, the area continues in operation. 54484

(2) Five years after the approval of the continued operation 54485
of an outdoor refreshment area under division (I) (1) of this 54486
section, the legislative authority shall conduct a review in the 54487
same manner as provided in division (I) (1) of this section. The 54488
legislative authority also shall conduct such a review five years 54489
after any subsequent approval of continued operation under 54490
division (I) (2) of this section. 54491

(J) At any time, the legislative authority of a municipal 54492
corporation or township in which an outdoor refreshment area is 54493
located may, by ordinance or resolution, dissolve all or a part of 54494
the outdoor refreshment area. Prior to adopting the resolution or 54495
ordinance, the legislative authority shall give notice of its 54496

proposed action by publication in one newspaper of general 54497
circulation in the municipal corporation or township or as 54498
provided in section 7.16 of the Revised Code. If the legislative 54499
authority dissolves all or part of an outdoor refreshment area, 54500
the area designated in the ordinance or resolution no longer 54501
constitutes an outdoor refreshment area. The legislative authority 54502
shall provide notice of its actions to the division of liquor 54503
control and the investigative unit of the department of public 54504
safety. Upon receipt of the notice, the division shall revoke all 54505
outdoor refreshment area designations issued to qualified permit 54506
holders or the holder of an F class permit within the dissolved 54507
area or portion of the area. 54508

Sec. 4303.03. (A) Subject to division (B) of this section, 54509
permit A-2 may be issued to a manufacturer to manufacture wine 54510
from grapes, fruits, or other agricultural products; to import and 54511
purchase wine in bond for blending purposes, the total amount of 54512
wine so imported during the year covered by the permit not to 54513
exceed forty per cent of all the wine manufactured and imported; 54514
to manufacture, purchase, and import brandy for fortifying 54515
purposes; and to sell those products either in glass or container 54516
for consumption on the premises where manufactured, in sealed 54517
containers for consumption off the premises where manufactured, 54518
and to wholesale permit holders under the rules adopted by the 54519
division of liquor control. 54520

(B) (1) The holder of an A-2 permit shall not sell directly to 54521
a retailer. In order to make sales to a retailer, the manufacturer 54522
shall obtain a B-2a permit or make the sale directly to a B-2 or 54523
B-5 permit holder for subsequent resale to a retailer. 54524

(2) The holder of an A-2 permit shall not sell directly to a 54525
consumer unless the product is sold on the premises in accordance 54526
with division (A) of this section. In order to make sales to a 54527

consumer off the premises where the wine is manufactured, the 54528
manufacturer shall obtain an § S-1 or S-2 permit. 54529

(3) Nothing in this chapter prohibits an A-2 permit holder 54530
from also holding a B-2a, S-1, or § S-2 permit. 54531

(C) The fee for this permit is seventy-six dollars for each 54532
plant to which this permit is issued. 54533

Sec. 4303.031. (A) Subject to divisions (B) and (C) of this 54534
section, permit A-2f may be issued to a manufacturer to do all of 54535
the following: 54536

(1) Manufacture wine from grapes, fruits, or other 54537
agricultural products; 54538

(2) Import and purchase wine in bond for blending purposes. 54539
The total amount of wine imported for blending purposes during any 54540
year covered by the permit shall not exceed forty per cent of all 54541
the wine manufactured and imported. 54542

(3) Manufacture, purchase, and import brandy for fortifying 54543
purposes; 54544

(4) Sell products produced under divisions (A) (1) to (3) of 54545
this section either in glass or container for consumption on the 54546
premises where manufactured, in sealed containers for consumption 54547
off the premises where manufactured, and to wholesale permit 54548
holders under the rules adopted by the division of liquor control. 54549

(B) The division may issue permit A-2f to a manufacturer only 54550
if both of the following apply: 54551

(1) The manufacturer grows grapes, fruits, or other 54552
agricultural products on property owned by the manufacturer that 54553
is classified as land devoted exclusively to agricultural use in 54554
accordance with section 5713.31 of the Revised Code. 54555

(2) The manufacturer processes the grapes, fruits, or other 54556

agricultural products specified in division (B)(1) of this section 54557
into wine and sells the wine as authorized in this section. 54558

(C)(1) The holder of an A-2f permit shall not sell directly 54559
to a retailer. In order to make sales to a retailer, the 54560
manufacturer shall obtain a B-2a permit or make the sale directly 54561
to a B-2 or B-5 permit holder for subsequent resale to a retailer. 54562

(2) The holder of an A-2f permit shall not sell directly to a 54563
consumer unless the product is sold on the premises in accordance 54564
with division (A) of this section. In order to make sales to a 54565
consumer off the premises where the wine is manufactured, the 54566
manufacturer shall obtain an ~~§~~ S-1 or S-2 permit. 54567

(3) Nothing in this chapter prohibits an A-2f permit holder 54568
from also holding a B-2a, S-1, or ~~§~~ S-2 permit. 54569

(D) The fee for this permit is seventy-six dollars for each 54570
plant to which this permit is issued. 54571

(E) The A-2f permit shall be known as the "Ohio Farm Winery 54572
Permit." 54573

Sec. 4303.071. (A)(1) ~~Permit~~ The division of liquor control 54574
may issue a B-2a ~~may be issued~~ permit to a person that ~~is the~~ 54575
~~brand owner or United States importer of wine, is the designated~~ 54576
~~agent of a brand owner or importer for all wine sold in this state~~ 54577
~~for that owner or importer, or manufactures wine if such~~ 54578
~~manufacturer is entitled to a tax credit under 27 C.F.R. 24.278~~ 54579
~~and produces less than two hundred fifty thousand gallons of wine~~ 54580
~~per year.~~ If the person resides outside this state, the person 54581
shall comply with the requirements governing the issuance of 54582
licenses or permits that authorize the sale of intoxicating liquor 54583
by the appropriate authority of the state in which the person 54584
resides ~~or~~ and by the alcohol and tobacco tax and trade bureau in 54585
the United States department of the treasury. 54586

(2) The fee for the B-2a permit is twenty-five dollars. 54587

(3) The holder of a B-2a permit may sell wine to a retail 54588
permit holder, ~~but.~~ However, a B-2a permit holder that is a wine 54589
manufacturer may sell to a retail permit holder only wine that the 54590
B-2a permit holder has manufactured and for which a territory 54591
designation has not been filed in this state. 54592

(4) The holder of a B-2a permit shall renew the permit in 54593
accordance with section 4303.271 of the Revised Code, except that 54594
renewal shall not be subject to the notice and hearing 54595
requirements established in division (B) of that section. 54596

(B) The holder of a B-2a permit shall collect and pay the 54597
taxes relating to the delivery of wine to a retailer that are 54598
levied under sections 4301.421 and 4301.432 and Chapters 5739. and 54599
5741. of the Revised Code. 54600

(C) The holder of a B-2a permit shall comply with this 54601
chapter, Chapter 4301. of the Revised Code, and any rules adopted 54602
by the liquor control commission under section 4301.03 of the 54603
Revised Code. 54604

Sec. 4303.17. (A) (1) Permit D-4 may be issued to a club that 54605
has been in existence for three years or more prior to the 54606
issuance of the permit to sell beer and any intoxicating liquor to 54607
its members only, in glass or container, for consumption on the 54608
premises where sold. The fee for this permit is four hundred 54609
sixty-nine dollars. 54610

No D-4 permit shall be granted or retained until all elected 54611
officers of the organization controlling the club have filed with 54612
the division of liquor control a statement, ~~signed under oath,~~ 54613
certifying that the club is operated in the interest of the 54614
membership of a reputable organization, which is maintained by a 54615
dues paying membership, and setting forth the amount of initiation 54616

fee and yearly dues. 54617

The roster of membership of a D-4 permit holder shall be 54618
submitted ~~under oath or~~ at the request of the superintendent of 54619
liquor control. Any information acquired by the superintendent or 54620
the division with respect to that membership shall not be open to 54621
public inspection or examination and may be divulged by the 54622
superintendent and the division only in hearings before the liquor 54623
control commission or in a court action in which the division or 54624
the superintendent is named a party. 54625

(2) The requirement that a club shall have been in existence 54626
for three years in order to qualify for a D-4 permit does not 54627
apply to units of organizations chartered by congress or to a 54628
subsidiary unit of a national fraternal organization if the parent 54629
organization has been in existence for three years or more at the 54630
time application for a permit is made by that unit. 54631

(B) No rule or order of the division or commission shall 54632
prohibit a charitable organization that holds a D-4 permit from 54633
selling or serving beer or intoxicating liquor under its permit in 54634
a portion of its premises merely because that portion of its 54635
premises is used ~~at other times~~ for the conduct of a bingo game as 54636
described in division (O)(1) of section 2915.01 of the Revised 54637
Code. ~~However, such an organization shall not sell or serve beer~~ 54638
~~or intoxicating liquor or permit beer or intoxicating liquor to be~~ 54639
~~consumed or seen in the same location in its premises where a~~ 54640
~~bingo game as described in division (O)(1) of section 2915.01 of~~ 54641
~~the Revised Code is being conducted while the game is being~~ 54642
~~conducted.~~ As used in this division, "charitable organization" has 54643
the same meaning as in division (H) of section 2915.01 of the 54644
Revised Code. 54645

(C) Notwithstanding any contrary provision of sections 54646
4301.32 to 4301.41, division (C)(1) of section 4303.29, and 54647
section 4305.14 of the Revised Code, the holder of a D-4 permit 54648

may transfer the location of the permit and sell beer and wine at 54649
the new location if that location is in an election precinct in 54650
which the sale of beer and wine, but not spirituous liquor, 54651
otherwise is permitted by law. 54652

Sec. 4303.2010. (A) As used in this section: 54653

(1) "Farmers market" means a farmers market registered with 54654
the director of agriculture under section 3717.221 of the Revised 54655
Code. "Farmers market" does not include a for-profit farmers 54656
market, a farmers market located at a rest area within the limits 54657
of the right-of-way of an interstate highway, a farmers market 54658
located at a service facility as defined in Chapter 5537. of the 54659
Revised Code that is along the Ohio turnpike, or a farmers market 54660
with fewer than five farmers market participants. 54661

(2) "A-2 permit holder" means an A-2 permit holder that 54662
produces less than two hundred and fifty thousand gallons of wine 54663
per year. 54664

(B) The division of liquor control may issue an F-10 permit 54665
to a person who organizes a farmers market. Pursuant to the 54666
permit, the F-10 permit holder may allow a farmers market 54667
participant that is an A-2, S-1, or S-2 permit holder ~~or S permit~~ 54668
~~holder~~ to do the following at the location of the farmers market: 54669

(1) Sell tasting samples of wine manufactured by the A-2, 54670
S-1, or S-2 permit holder ~~or S permit holder~~ for consumption on 54671
the premises where the farmers market is located; 54672

(2) Sell wine manufactured by the A-2, S-1, or S-2 permit 54673
holder ~~or S permit holder~~ in sealed containers for consumption off 54674
the premises where the farmers market is located. 54675

(C) An applicant for an F-10 permit shall submit an 54676
application for the permit to the division of liquor control. The 54677
application shall include the location of the farmers market that 54678

is the subject of the application. 54679

(D) The premises of the farmers market for which the F-10 54680
permit is issued shall be clearly defined and sufficiently 54681
restricted to allow proper enforcement of the permit by state and 54682
local law enforcement officers. If an F-10 permit is issued for 54683
all or a portion of the same premises for which another class of 54684
permit is issued, the division of liquor control shall suspend 54685
that permit holder's privileges in that portion of the premises in 54686
which the F-10 permit is in effect. 54687

(E) No A-2, S-1, or S-2 permit holder ~~or S permit holder~~ 54688
shall do any of the following at a farmers market for which an 54689
F-10 permit has been issued: 54690

(1) Sell a tasting sample in an amount that exceeds one 54691
ounce; 54692

(2) Sell more than one sample of each wine offered for sale 54693
to any one person; 54694

(3) Sell more than five varieties of wine as tasting samples 54695
per day; 54696

(4) Sell a variety of wine that is offered for distribution 54697
by a wholesale distributor in any state. Division (E)(4) of this 54698
section does not apply to a variety of wine solely distributed by 54699
the A-2, S-1, or S-2 permit holder ~~or S permit holder~~. 54700

(5) Sell more than four and one-half liters of wine per 54701
household for off-premises consumption under division (B)(2) of 54702
this section; 54703

(6) Allow any person other than the A-2, S-1, or S-2 permit 54704
holder ~~or S permit holder~~, a member of the applicable permit 54705
holder's family, or an employee of the applicable permit holder to 54706
sell wine. 54707

(F) The F-10 permit is effective for nine months. The permit 54708

is not renewable. However, a person who organizes a farmers market 54709
may re-apply for a new permit. The fee for the F-10 permit is one 54710
hundred dollars. 54711

(G) An A-2, S-1, or S-2 permit holder ~~or S permit holder~~ 54712
shall not conduct the activities described in division (B) of this 54713
section unless the sale of wine for consumption on the premises 54714
and the sale of wine for consumption off the premises is 54715
authorized in the election precinct in which the farmers market 54716
that is the subject of the F-10 permit is located. 54717

(H) No F-10 permit holder shall allow more than four A-2 54718
permit holders, four ~~S~~ S-1 permit holders, four S-2 permit 54719
holders, or a combination of four A-2, S-1, and S-2 permit holders 54720
~~and S permit holders~~ per day to conduct the activities described 54721
in division (B) of this section on the premises of the applicable 54722
farmers market. 54723

Sec. 4303.232. (A) (1) ~~Permit S may be issued~~ The division of 54724
liquor control may issue an S-1 permit to a person that ~~is the~~ 54725
~~brand owner or United States importer of beer or wine, is the~~ 54726
~~designated agent of a brand owner or importer for all beer or wine~~ 54727
~~sold in this state for that owner or importer, or manufactures~~ 54728
~~wine if the manufacturer is entitled to a tax credit under 27~~ 54729
~~C.F.R. 24.278 and produces~~ beer or less than two hundred fifty 54730
thousand gallons of wine per year. If the person resides outside 54731
this state, the person shall comply with the requirements 54732
governing the issuance of licenses or permits that authorize the 54733
sale of beer or intoxicating liquor by the appropriate authority 54734
of the state in which the person resides ~~or~~ and by the alcohol and 54735
tobacco tax and trade bureau of the United States department of 54736
the treasury. 54737

(2) The fee for the ~~S~~ S-1 permit is twenty-five dollars. 54738

(3) ~~The holder of an S~~ An S-1 permit holder may sell beer or 54739

wine to a personal consumer by receiving and filling orders that 54740
the personal consumer submits to the permit holder. The permit 54741
holder shall sell only beer or wine that the permit holder has 54742
manufactured to a personal consumer. 54743

(4) ~~The holder of an S~~ An S-1 permit holder shall renew the 54744
permit in accordance with section 4303.271 of the Revised Code, 54745
except that the renewal shall not be subject to the notice and 54746
hearing requirements established in division (B) of that section. 54747

(5) The division ~~of liquor control~~ may refuse to renew an ~~S~~ 54748
S-1 permit for any of the reasons specified in section 4303.292 of 54749
the Revised Code or if the holder of the permit fails to do any of 54750
the following: 54751

(a) Collect and pay all applicable taxes specified in 54752
division (B) of this section; 54753

(b) Pay the permit fee; 54754

(c) Comply with this section or any rules adopted by the 54755
liquor control commission under section 4301.03 of the Revised 54756
Code. 54757

(B) (1) ~~The holder of an S~~ An S-1 permit holder who sells wine 54758
shall collect and pay the taxes relating to the delivery of wine 54759
to a personal consumer that are levied under sections 4301.421, 54760
4301.43, and 4301.432 and Chapters 5739. and 5741. of the Revised 54761
Code. 54762

(2) ~~The holder of an S~~ An S-1 permit holder who sells beer 54763
shall collect and pay the taxes relating to the delivery of beer 54764
to a personal consumer that are levied under sections 4301.42 and 54765
4301.421 and Chapters 4305., 4307., 5739., and 5741. of the 54766
Revised Code. 54767

(C) (1) ~~The holder of an S~~ An S-1 permit holder shall send a 54768
shipment of beer or wine that has been paid for by a personal 54769

consumer to that personal consumer via ~~the holder of~~ an H permit holder. Prior to sending a shipment of beer or wine to a personal consumer, ~~the holder of~~ an § S-1 permit holder, or an employee of the permit holder, shall make a bona fide effort to ensure that the personal consumer is at least twenty-one years of age. The shipment of beer or wine shall be shipped in a package that clearly ~~has written on it in bold print the words "alcohol enclosed."~~ states that it contains alcohol. No person shall fail to comply with division (C)(1) of this section.

(2) Upon delivering a shipment of beer or wine to a personal consumer, ~~the holder of the~~ an H permit holder, or an employee of the permit holder, shall verify that the personal consumer is at least twenty-one years of age by checking the personal consumer's driver's or commercial driver's license or identification card issued under sections 4507.50 to 4507.52 of the Revised Code.

(3) ~~The holder of an §~~ An S-1 permit holder shall keep a record of each shipment of beer or wine that the permit holder sends to a personal consumer. The records shall be used for all of the following:

(a) To provide a copy of each beer or wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The invoice shall include the name of each personal consumer that purchased beer or wine from the § S-1 permit holder in accordance with this section and any other information required by the tax commissioner.

(b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased beer or wine from the § S-1 permit holder in accordance with this section, the quantity of beer or wine purchased by each personal consumer, and any other information requested by the division. The division shall prescribe and provide an electronic form for the report and

shall determine the specific electronic means that the § S-1 54802
permit holder must use to submit the report. 54803

(c) To notify a personal consumer of any health or welfare 54804
recalls of the beer or wine that has been purchased by the 54805
personal consumer. 54806

(D) As used in this section, "personal consumer" means an 54807
individual who is at least twenty-one years of age, is a resident 54808
of this state, does not hold a permit issued under this chapter, 54809
and intends to use beer or wine purchased in accordance with this 54810
section for personal consumption only and not for resale or other 54811
commercial purposes. 54812

(E) ~~The holder of an S~~ An S-1 permit holder shall comply with 54813
this chapter, Chapter 4301. of the Revised Code, and any rules 54814
adopted by the liquor control commission under section 4301.03 of 54815
the Revised Code. 54816

Sec. 4303.233. (A) As used in this section, "personal 54817
consumer" means an individual who is at least twenty-one years of 54818
age, is a resident of this state, does not hold a permit issued 54819
under this chapter, and intends to use wine purchased in 54820
accordance with this section for personal consumption only and not 54821
for resale or other commercial purposes. 54822

(B) (1) The division of liquor control may issue an S-2 permit 54823
to a person that manufactures two hundred fifty thousand gallons 54824
or more of wine per year. If the person resides outside this 54825
state, the person shall comply with the requirements governing the 54826
issuance of licenses or permits that authorize the sale of beer or 54827
intoxicating liquor by the appropriate authority of the state in 54828
which the person resides and by the alcohol and tobacco tax and 54829
trade bureau of the United States department of the treasury. 54830

(2) An S-2 permit holder may sell wine to a personal consumer 54831

by receiving and filling orders that the personal consumer submits 54832
to the permit holder. The permit holder shall sell only wine that 54833
the permit holder has manufactured to a personal consumer. An S-2 54834
permit holder may use a fulfillment warehouse registered under 54835
section 4303.234 of the Revised Code to send a shipment of wine to 54836
a personal consumer. A fulfillment warehouse is an agent of an S-2 54837
permit holder and an S-2 permit holder is liable for violations of 54838
this chapter and Chapter 4301. of the Revised Code that are 54839
committed by the fulfillment warehouse regarding wine shipped on 54840
behalf of the S-2 permit holder. 54841

(C) An S-2 permit holder shall collect and pay the taxes 54842
relating to the delivery of wine to a personal consumer that are 54843
levied under sections 4301.421, 4301.43, and 4301.432 and Chapters 54844
5739. and 5741. of the Revised Code. 54845

(D)(1) An S-2 permit holder shall send a shipment of wine 54846
that has been paid for by a personal consumer to that personal 54847
consumer via an H permit holder. Prior to sending a shipment of 54848
wine to a personal consumer, the S-2 permit holder, or an employee 54849
of the permit holder, shall make a bona fide effort to ensure that 54850
the personal consumer is at least twenty-one years of age. The 54851
shipment of wine shall be shipped in a package that clearly states 54852
that it contains alcohol. No person shall fail to comply with 54853
division (D)(1) of this section. 54854

(2) Upon delivering a shipment of wine to a personal 54855
consumer, an H permit holder, or an employee of the permit holder, 54856
shall verify that the personal consumer is at least twenty-one 54857
years of age by checking the personal consumer's driver's or 54858
commercial driver's license or identification card issued under 54859
sections 4507.50 to 4507.52 of the Revised Code. 54860

(3) An S-2 permit holder shall keep a record of each shipment 54861
of wine that the permit holder sends to a personal consumer. The 54862
records shall be used for all of the following: 54863

(a) To provide a copy of each wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The invoice shall include the name of each personal consumer that purchased wine from the S-2 permit holder in accordance with this section and any other information required by the tax commissioner. 54864
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(b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased wine from the S-2 permit holder in accordance with this section, the quantity of wine purchased by each personal consumer, and any other information requested by the division. If the S-2 permit holder uses a fulfillment warehouse registered under section 4303.234 of the Revised Code to send a shipment of wine on behalf of the S-2 permit holder, the S-2 permit holder need not include the personal consumer information for that shipment in the report. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the S-2 permit holder must use to submit the report. 54870
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(c) To notify a personal consumer of any health or welfare recalls of the wine that has been purchased by the personal consumer. 54883
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(E) An S-2 permit holder shall comply with this chapter, Chapter 4301. of the Revised Code, and any rules adopted by the liquor control commission under section 4301.03 of the Revised Code. 54886
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(F) (1) An S-2 permit holder shall renew the permit in accordance with section 4303.271 of the Revised Code, except that the renewal shall not be subject to the notice and hearing requirements established in division (B) of that section. 54890
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(2) The division may refuse to renew an S-2 permit for any of 54894

<u>the reasons specified in section 4303.292 of the Revised Code or</u>	54895
<u>if the permit holder fails to do any of the following:</u>	54896
<u>(a) Collect and pay all applicable taxes specified in</u>	54897
<u>division (C) of this section;</u>	54898
<u>(b) Pay the permit fee;</u>	54899
<u>(c) Comply with this section or any rules adopted by the</u>	54900
<u>liquor control commission under section 4301.03 of the Revised</u>	54901
<u>Code.</u>	54902
<u>(G) The initial fee for the S-2 permit is two hundred fifty</u>	54903
<u>dollars. The renewal fee for the S-2 permit is one hundred</u>	54904
<u>dollars.</u>	54905
<u>Sec. 4303.234. (A) As used in this section:</u>	54906
<u>(1) "Fulfillment warehouse" means a person that operates a</u>	54907
<u>warehouse that is located outside this state and has entered into</u>	54908
<u>a written agreement with an S-2 permit holder to fulfill orders of</u>	54909
<u>the S-2 permit holder's wine to personal consumers via delivery by</u>	54910
<u>an H permit holder.</u>	54911
<u>(2) "Personal consumer" has the same meaning as in section</u>	54912
<u>4303.233 of the Revised Code.</u>	54913
<u>(B) A fulfillment warehouse may send a shipment of wine sold</u>	54914
<u>by an S-2 permit holder to a personal consumer via an H permit</u>	54915
<u>holder. A fulfillment warehouse shall provide annually in</u>	54916
<u>electronic format by electronic means a report to the division not</u>	54917
<u>later than March first. The annual report shall include all of the</u>	54918
<u>following:</u>	54919
<u>(1) The name and address of the fulfillment warehouse. The</u>	54920
<u>fulfillment warehouse shall include the address of each location</u>	54921
<u>owned or operated by the fulfillment warehouse that is used to</u>	54922
<u>ship wine to personal consumers in this state.</u>	54923

(2) The name and address of each S-2 liquor permit holder with which the fulfillment warehouse has entered into an agreement; 54924
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(3) The name and address of each personal consumer that the fulfillment warehouse sends wine to and the quantity of wine purchased by the personal consumer; 54927
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(4) The shipping tracking number provided by the H permit holder for each shipment of wine delivered to a personal consumer. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the fulfillment warehouse must use to submit the report. 54930
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(E) The division may adopt rules in accordance with Chapter 119. of the Revised Code necessary to administer and enforce this section. 54935
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Sec. ~~4303.234~~ 4303.235. All B-2a, S-1, and S S-2 permit holders and fulfillment warehouses, as defined in section 4303.234 of the Revised Code, are subject to the following: 54938
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(A) Audit by the division of liquor control or the department of taxation; 54941
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(B) Jurisdiction of the liquor control commission, the division of liquor control, the department of taxation, the department of public safety, and the courts of this state; and 54943
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(C) The statutes and rules of this state. 54946

Sec. ~~4303.233~~ 4303.236. (A) No family household shall purchase more than twenty-four cases of twelve bottles of seven hundred fifty milliliters of wine in one year. 54947
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(B) (1) Except as provided in sections 4303.185 and 4303.27 of the Revised Code, no person shall knowingly send or transport a shipment of wine to a personal consumer, as defined in section 54950
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4303.233 of the Revised Code, without an S-1 or S-2 permit or 54953
registering as a fulfillment warehouse under section 4303.234 of 54954
the Revised Code. This division does not apply to an H permit 54955
holder. 54956

(2) Except as provided in sections 4303.185 and 4303.27 of 54957
the Revised Code, no person shall knowingly send or transport a 54958
shipment of beer to a personal consumer, as defined in section 54959
4303.232 of the Revised Code, without an S-1 permit. This division 54960
does not apply to an H permit holder. 54961

(C) A person that is not a beer or wine manufacturer, 54962
including the holder of any retail permit in this state or outside 54963
of this state, shall not obtain or attempt to obtain a B-2a, S-1, 54964
or S-2 permit. 54965

Sec. 4303.237. (A) As used in this section: 54966

(1) "Container" means a can, bottle, or box of beer, wine, or 54967
mixed beverage that is sealed by the manufacturer of the beer, 54968
wine, or mixed beverage. 54969

(2) "Repackaging" means the process by which containers of 54970
beer, wine, and mixed beverages are rebundled into new 54971
configurations of those containers or with other promotional 54972
merchandise. 54973

(B) The division of liquor control may issue an R permit to 54974
either of the following: 54975

(1) A manufacturer or supplier of beer, wine, or mixed 54976
beverages for purposes of repackaging the beer, wine, or mixed 54977
beverages; or 54978

(2) An entity operating under a written authorization from 54979
the manufacturer or supplier to operate a repackaging facility for 54980
the repackaging of beer, wine, or mixed beverages. 54981

(B) An R permit holder may only deliver beer, wine, or mixed 54982

<u>beverages that the permit holder repackages to the following:</u>	54983
<u>(1) The manufacturer or supplier that supplied the beer,</u>	54984
<u>wine, or mixed beverages to the R permit holder for repackaging</u>	54985
<u>purposes;</u>	54986
<u>(2) A B permit holder that is authorized by the beer, wine,</u>	54987
<u>or mixed beverages manufacturer or supplier to sell or distribute</u>	54988
<u>the repackaged beer, wine, or mixed beverages in this state;</u>	54989
<u>(3) An entity outside this state if so authorized by the</u>	54990
<u>beer, wine, or mixed beverages manufacturer or supplier.</u>	54991
<u>(C) An R permit holder shall ensure both of the following:</u>	54992
<u>(1) That beer, wine, or mixed beverages repackaged and</u>	54993
<u>delivered to a B permit holder pursuant to division (B) of this</u>	54994
<u>section has been registered with the division of liquor control</u>	54995
<u>under division (A) (8) (b) of section 4301.10 of the Revised Code;</u>	54996
<u>and</u>	54997
<u>(2) That a territory designation form has been filed with the</u>	54998
<u>division for the beer, wine, or mixed beverages.</u>	54999
<u>(D) An R permit holder shall not deliver to a B permit holder</u>	55000
<u>more repackaged beer, wine, or mixed beverages than the B permit</u>	55001
<u>holder specifically ordered.</u>	55002
<u>The title to beer, wine, or mixed beverages in the possession</u>	55003
<u>of an R permit holder shall remain with the beer, wine, or mixed</u>	55004
<u>beverages manufacturer or supplier for whom it is being</u>	55005
<u>repackaged.</u>	55006
<u>(E) The liquor control commission shall revoke an R permit if</u>	55007
<u>the R permit holder possesses or delivers beer, wine, or mixed</u>	55008
<u>beverages in violation of this section.</u>	55009
<u>(F) An R permit holder shall not have any financial interest</u>	55010
<u>in any other permit authorized under Chapter 4303. of the Revised</u>	55011
<u>Code, except that a manufacturer may hold a manufacturing permit.</u>	55012

(G) The fee for the R permit is seven hundred fifty dollars 55013
for each location. 55014

Sec. 4303.26. (A) Applications for regular permits authorized 55015
by sections 4303.02 to 4303.23 of the Revised Code may be filed 55016
with the division of liquor control. No permit shall be issued by 55017
the division until fifteen days after the application for it is 55018
filed. An applicant for the issuance of a new permit shall pay a 55019
processing fee of one hundred dollars when filing application for 55020
the permit, if the permit is then available, or shall pay the 55021
processing fee when a permit becomes available, if it is not 55022
available when the applicant initially files the application. When 55023
an application for a new class C or D permit is filed, when class 55024
C or D permits become available, or when an application for 55025
transfer of ownership of a class C or D permit or transfer of a 55026
location of a class C or D permit is filed, no permit shall be 55027
issued, nor shall the location or the ownership of a permit be 55028
transferred, by the division until the division notifies the 55029
legislative authority of the municipal corporation if the business 55030
or event is or is to be located within the corporate limits of a 55031
municipal corporation, or the clerk of the board of county 55032
commissioners and the fiscal officer of the board of township 55033
trustees in the county in which the business or event is or is to 55034
be conducted if the business is or is to be located outside the 55035
corporate limits of a municipal corporation, and an opportunity is 55036
provided officials or employees of the municipal corporation or 55037
county and township, who shall be designated by the legislative 55038
authority or the board of county commissioners or board of 55039
township trustees, for a complete hearing upon the advisability of 55040
the issuance, transfer of ownership, or transfer of location of 55041
the permit. In this hearing, no objection to the issuance, 55042
transfer of ownership, or transfer of location of the permit shall 55043
be based upon noncompliance of the proposed permit premises with 55044

local zoning regulations which prohibit the sale of beer or 55045
intoxicating liquor, in an area zoned for commercial or industrial 55046
uses, for a permit premises that would otherwise qualify for a 55047
proper permit issued by the division. 55048

When the division sends notice to the legislative or 55049
executive authority of the political subdivision, as required by 55050
this section, the division shall also so notify, by certified 55051
mail, return receipt requested, or by personal service, the chief 55052
peace officer of the political subdivision. Upon the request of 55053
the chief peace officer, the division shall send the chief peace 55054
officer a copy of the application for the issuance or the transfer 55055
of ownership or location of the permit and all other documents or 55056
materials filed by the applicant or applicants in relation to the 55057
application. The chief peace officer may appear and testify, 55058
either in person or through a representative, at any hearing held 55059
on the advisability of the issuance, transfer of ownership, or 55060
transfer of location of the permit. The hearing shall be held in 55061
the central office of the division, except that upon written 55062
request of the legislative authority of the municipal corporation 55063
or the board of county commissioners or board of township 55064
trustees, the hearing shall be held in the county seat of the 55065
county where the applicant's business is or is to be conducted. 55066

If the business or event specified in an application for the 55067
issuance, transfer of ownership, or transfer of location of any 55068
regular permit authorized by sections 4303.02 to 4303.23 of the 55069
Revised Code, except for an F-2 permit, is, or is to be operated, 55070
within five hundred feet from the boundaries of a parcel of real 55071
estate having situated on it a school, church, library, public 55072
playground, or township park, no permit shall be issued, nor shall 55073
the location or the ownership of a permit be transferred, by the 55074
division until written notice of the filing of the application 55075
with the division is served, by certified mail, return receipt 55076

requested, or by personal service, upon the authorities in control 55077
of the school, church, library, public playground, or township 55078
park and an opportunity is provided them for a complete hearing 55079
upon the advisability of the issuance, transfer of ownership, or 55080
transfer of location of the permit. In this hearing, no objection 55081
to the issuance, transfer of ownership, or transfer of location of 55082
the permit shall be based upon the noncompliance of the proposed 55083
permit premises with local zoning regulations which prohibit the 55084
sale of beer or intoxicating liquor, in an area zoned for 55085
commercial or industrial uses, for a permit premises that would 55086
otherwise qualify for a proper permit issued by the division. Upon 55087
the written request of any of these authorities, the hearing shall 55088
be held in the county seat of the county where the applicant's 55089
business is or is to be conducted. 55090

A request for any hearing authorized by this section shall be 55091
made no later than thirty days from the time of notification by 55092
the division. This thirty-day period begins on the date the 55093
division mails notice to the legislative authority or the date on 55094
which the division mails notice to or, by personal service, serves 55095
notice upon, the institution. The division shall conduct a hearing 55096
if the request for the hearing is postmarked by the deadline date. 55097
The division may allow, upon cause shown by the requesting 55098
legislative authority or board, an extension of thirty additional 55099
days for the legislative authority of the municipal corporation, 55100
board of township trustees of the township, or board of county 55101
commissioners of the county in which a permit premises is or is to 55102
be located to object to the issuance, transfer of ownership, or 55103
transfer of location of a permit. The request for the extension 55104
shall be made by the legislative authority or board to the 55105
division no later than thirty days after the time of notification 55106
by the division. 55107

(B) When an application for transfer of ownership of a permit 55108

is filed with the division, the division shall give notice of the 55109
application to the tax commissioner. Within twenty days after 55110
receiving this notification, the commissioner shall notify the 55111
division of liquor control and the proposed transferee of the 55112
permit if the permit holder owes to this state any delinquent 55113
horse-racing taxes, alcoholic beverage taxes, motor fuel taxes, 55114
petroleum activity taxes, sales or use taxes, cigarette taxes, 55115
other tobacco product taxes, income taxes withheld from employee 55116
compensation, commercial activity taxes, ~~or~~ gross casino revenue 55117
taxes, or gross receipts taxes levied pursuant to section 5739.101 55118
of the Revised Code, or has failed to file any corresponding 55119
returns or submit any information required by the commissioner, as 55120
required for such taxes, to the extent that any delinquent payment 55121
or return, or any failure to submit information, is known to the 55122
department of taxation at the time of the application. The 55123
division shall not transfer ownership of the permit until payments 55124
known to be delinquent are resolved, returns known to be 55125
delinquent are filed, and any information required by the 55126
commissioner has been provided. As used in this division, 55127
"resolved" means that the delinquent payment has been paid in full 55128
or an amount sufficient to satisfy the delinquent payment is in 55129
escrow for the benefit of the state. The commissioner shall notify 55130
the division of the resolution. After the division has received 55131
the notification from the commissioner, the division may proceed 55132
to transfer ownership of the permit. Nothing in this division 55133
shall be construed to affect or limit the responsibilities or 55134
liabilities of the transferor or the transferee imposed by Chapter 55135
3769., 4301., 4303., 4305., 5735., 5736., 5739., 5741., 5743., 55136
5747., 5751., or 5753. of the Revised Code. 55137

(C) No F or F-2 permit shall be issued for an event until the 55138
applicant has, by means of a form that the division shall provide 55139
to the applicant, notified the chief peace officer of the 55140
political subdivision in which the event will be conducted of the 55141

date, time, place, and duration of the event. 55142

(D) The division of liquor control shall notify an applicant 55143
for a permit authorized by sections 4303.02 to 4303.23 of the 55144
Revised Code of an action pending or judgment entered against a 55145
liquor permit premises, of which the division has knowledge, 55146
pursuant to section 3767.03 or 3767.05 of the Revised Code if the 55147
applicant is applying for a permit at the location of the premises 55148
that is the subject of the action under section 3767.03 or 55149
judgment under section 3767.05 of the Revised Code. 55150

Sec. 4303.271. (A) Except as provided in divisions (B) and 55151
(D) of this section, the holder of a permit issued under sections 55152
4303.02 to 4303.232 of the Revised Code, who files an application 55153
for the renewal of the same class of permit for the same premises, 55154
shall be entitled to the renewal of the permit. The division of 55155
liquor control shall renew the permit unless the division rejects 55156
for good cause any renewal application, subject to the right of 55157
the applicant to appeal the rejection to the liquor control 55158
commission. 55159

(B) The legislative authority of the municipal corporation, 55160
the board of township trustees, or the board of county 55161
commissioners of the county in which a permit premises is located 55162
may object to the renewal of a permit issued under sections 55163
4303.11 to 4303.183 of the Revised Code for any of the reasons 55164
contained in division (A) of section 4303.292 of the Revised Code. 55165
Any objection shall be made no later than thirty days prior to the 55166
expiration of the permit, and the division shall accept the 55167
objection if it is postmarked no later than thirty days prior to 55168
the expiration of the permit. The objection shall be made by a 55169
resolution specifying the reasons for objecting to the renewal and 55170
requesting a hearing, but no objection shall be based upon 55171
noncompliance of the permit premises with local zoning regulations 55172

that prohibit the sale of beer or intoxicating liquor in an area 55173
zoned for commercial or industrial uses, for a permit premises 55174
that would otherwise qualify for a proper permit issued by the 55175
division. The resolution shall be accompanied by a statement by 55176
the chief legal officer of the political subdivision that, in the 55177
chief legal officer's opinion, the objection is based upon 55178
substantial legal grounds within the meaning and intent of 55179
division (A) of section 4303.292 of the Revised Code. 55180

Upon receipt of a resolution of a legislative authority or 55181
board objecting to the renewal of a permit and a statement from 55182
the chief legal officer, the division shall set a time for the 55183
hearing and send by certified mail to the permit holder, at the 55184
permit holder's usual place of business, a copy of the resolution 55185
and notice of the hearing. The division shall then hold a hearing 55186
in the central office of the division, except that, upon written 55187
request of the legislative authority or board, the hearing shall 55188
be held in the county seat of the county in which the permit 55189
premises is located, to determine whether the renewal shall be 55190
denied for any of the reasons contained in division (A) of section 55191
4303.292 of the Revised Code. Only the reasons for refusal 55192
contained in division (A) of section 4303.292 of the Revised Code 55193
and specified in the resolution of objection shall be considered 55194
at the hearing. 55195

The permit holder and the objecting legislative authority or 55196
board shall be parties to the proceedings under this section and 55197
shall have the right to be present, to be represented by counsel, 55198
to offer evidence, to require the attendance of witnesses, and to 55199
cross-examine witnesses at the hearing. 55200

(C) An application for renewal of a permit shall be filed 55201
with the division at least fifteen days prior to the expiration of 55202
an existing permit, and the existing permit shall continue in 55203
effect as provided in section 119.06 of the Revised Code until the 55204

application is approved or rejected by the division. Any holder of 55205
a permit, which has expired through failure to be renewed as 55206
provided in this section, shall obtain a renewal of the permit, 55207
upon filing an application for renewal with the division, at any 55208
time within thirty days from the date of the expired permit. A 55209
penalty of ten per cent of the permit fee shall be paid by the 55210
permit holder if the application for renewal is not filed at least 55211
fifteen days prior to the expiration of the permit. 55212

(D) (1) Annually, the tax commissioner shall ~~cause~~ examine the 55213
department of taxation's records for the horse-racing, alcoholic 55214
beverage, motor fuel, petroleum activity, sales or use, cigarette, 55215
other tobacco products, employer withholding, commercial activity, 55216
and gross casino revenue tax ~~records in the department of taxation~~ 55217
and gross receipts taxes levied pursuant to section 5739.101 of 55218
the Revised Code for each holder of a permit issued under sections 55219
4303.02 to 4303.232 of the Revised Code ~~to be examined~~ to 55220
determine if the permit holder is delinquent in filing any 55221
returns, submitting any information required by the commissioner, 55222
or remitting any payments with respect to those taxes or any fees, 55223
charges, penalties, or interest related to those taxes. 55224

If any delinquency or liability exists, the commissioner 55225
shall send a notice of that fact by certified mail, return receipt 55226
requested, to the permit holder at the mailing address shown in 55227
the records of the department. The notice shall specify, in as 55228
much detail as is possible, the periods for which returns have not 55229
been filed and the nature and amount of unpaid assessments and 55230
other liabilities and shall be sent on or before the first day of 55231
the third month preceding the month in which the permit expires. 55232
The commissioner also shall notify the division of liquor control 55233
of the delinquency or liability, identifying the permit holder by 55234
name and permit number. 55235
55236

(2) (a) Except as provided in division (D) (4) of this section, 55237
the division of liquor control shall not renew the permit of any 55238
permit holder the tax commissioner has identified as being 55239
delinquent in filing any returns, providing any information, or 55240
remitting any payments with respect to the taxes listed in 55241
division (D) (1) of this section as of the first day of the sixth 55242
month preceding the month in which the permit expires, or of any 55243
permit holder the commissioner has identified as having been 55244
assessed by the department on or before the first day of the third 55245
month preceding the month in which the permit expires, until the 55246
division is notified by the commissioner that the delinquency, 55247
liability, or assessment has been resolved. 55248

(b) (i) Within ninety days after the date on which the permit 55249
expires, any permit holder whose permit is not renewed under this 55250
division may file an appeal with the liquor control commission. 55251
The commission shall notify the tax commissioner regarding the 55252
filing of any such appeal. During the period in which the appeal 55253
is pending, the permit shall not be renewed by the division. The 55254
permit shall be reinstated if the permit holder and the 55255
commissioner or the attorney general demonstrate to the liquor 55256
control commission that the commissioner's notification of a 55257
delinquency or assessment was in error or that the issue of the 55258
delinquency or assessment has been resolved. 55259

(ii) A permit holder who has filed an appeal under division 55260
(D) (2) (b) (i) of this section may file a motion to withdraw the 55261
appeal. The division of liquor control may renew a permit holder's 55262
permit if the permit holder has withdrawn such an appeal and the 55263
division receives written certification from the tax commissioner 55264
that the permit holder's delinquency or assessment has been 55265
resolved. 55266

(3) A permit holder notified of delinquency or liability 55267
under this section may protest the notification to the tax 55268

commissioner on the basis that no return or information is 55269
delinquent and no tax, fee, charge, penalty, or interest is 55270
outstanding. The commissioner shall expeditiously consider any 55271
evidence submitted by the permit holder and, if it is determined 55272
that the notification was in error, immediately shall inform the 55273
division of liquor control that the renewal application may be 55274
granted. The renewal shall not be denied if the delinquency or 55275
unreported liability is the subject of a bona fide dispute as to 55276
the validity of the delinquency or unreported liability and is the 55277
subject of an assessment and of an appeal properly filed by the 55278
permit holder. 55279

(4) If the commissioner concludes that under the 55280
circumstances the permit holder's delinquency or liability has 55281
been conditionally resolved, the commissioner shall allow the 55282
permit to be renewed, conditioned upon the permit holder's 55283
continuing performance in satisfying the delinquency and 55284
liability. The conditional nature of the renewal shall be 55285
specified in the notification given to the division of liquor 55286
control under division (D)(1) of this section. Upon receipt of 55287
notice of the resolution, the division shall issue a conditional 55288
renewal. If the taxpayer defaults on any agreement to pay the 55289
delinquency or liability or fails to keep subsequent tax or fee 55290
payments current, the liquor control commission, upon request and 55291
proof of the default or failure to keep subsequent tax or fee 55292
payments current, shall indefinitely suspend the permit holder's 55293
permit until all taxes or fees and interest due are paid. 55294

(5) The commissioner may adopt rules to assist in 55295
administering the duties imposed by this section. 55296

Sec. 4303.33. (A) Every A-1 or A-1c permit holder in this 55297
state, every bottler, importer, wholesale dealer, broker, 55298
producer, or manufacturer of beer outside this state and within 55299

the United States, and every B-1 permit holder and importer 55300
importing beer from any manufacturer, bottler, person, or group of 55301
persons however organized outside the United States for sale or 55302
distribution for sale in this state, on or before the eighteenth 55303
day of each month, shall make and file with the tax commissioner 55304
upon a form prescribed by the tax commissioner an advance tax 55305
payment in an amount estimated to equal the taxpayer's tax 55306
liability for the month in which the advance tax payment is made. 55307
If the advance tax payment credits claimed on the report are for 55308
advance tax payments received by the tax commissioner on or before 55309
the eighteenth day of the month covered by the report, the 55310
taxpayer is entitled to an additional credit of three per cent of 55311
the advance tax payment and a discount of three per cent shall be 55312
allowed the taxpayer at the time of filing the report if filed as 55313
provided in division (B) of this section on any amount by which 55314
the tax liability reflected in the report exceeds the advance tax 55315
payment estimate by not more than ten per cent. The additional 55316
three per cent credit and three per cent discount shall be in 55317
consideration for advancing the payment of the tax and other 55318
services performed by the permit holder and other taxpayers in the 55319
collection of the tax. 55320

"Advance tax payment credit" means credit for payments made 55321
by an A-1, A-1c, or B-1 permit holder and any other persons during 55322
the period covered by a report which was made in anticipation of 55323
the tax liability required to be reported on that report. 55324

"Tax liability" as used in division (A) of this section means 55325
the total gross tax liability of an A-1, A-1c, or B-1 permit 55326
holder and any other persons for the period covered by a report 55327
before any allowance for credits and discount. 55328

(B) Every A-1 or A-1c permit holder in this state, every 55329
bottler, importer, wholesale dealer, broker, producer, or 55330

manufacturer of beer outside this state and within the United States, and every B-1 permit holder importing beer from any manufacturer, bottler, person, or group of persons however organized outside the United States, and every § S-1 permit holder, on or before the tenth day of each month, shall make and file a report for the preceding month upon a form prescribed by the tax commissioner which report shall show the amount of beer produced, sold, and distributed for sale in this state by the A-1 or A-1c permit holder, sold and distributed for sale in this state by each manufacturer, bottler, importer, wholesale dealer, or broker outside this state and within the United States, the amount of beer imported into this state from outside the United States and sold and distributed for sale in this state by the B-1 permit holder or importer, and the amount of beer sold in this state by the § S-1 permit holder.

The report shall be filed by mailing it to the tax commissioner, together with payment of the tax levied by sections 4301.42 and 4305.01 of the Revised Code shown to be due on the report after deduction of advance payment credits and any additional credits or discounts provided for under this section.

(C) (1) Every A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, S-1, and § S-2 permit holder in this state, on or before the eighteenth day of each month, shall make and file a report with the tax commissioner upon a form prescribed by the tax commissioner which report shall show, on the report of each A-2, A-2f, A-4, B-2a, S-1, and § S-2 permit holder the amount of wine, cider, and mixed beverages produced and sold, or sold in this state by each such A-2, A-2f, A-4, B-2a, S-1, and § S-2 permit holder for the next preceding calendar month and such other information as the tax commissioner requires, and on the report of each such B-2, B-3, B-4, and B-5 permit holder the amount of wine, cider, and mixed beverages purchased from an importer, broker, wholesale dealer,

producer, or manufacturer located outside this state and sold and 55363
distributed in this state by such B-2, B-3, B-4, and B-5 permit 55364
holder, for the next preceding calendar month and such other 55365
information as the tax commissioner requires. 55366

(2) Every such A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, S-1, 55367
and S-2 permit holder in this state shall remit with the report 55368
the tax levied by sections 4301.43 and, if applicable, 4301.432 of 55369
the Revised Code less a discount thereon of three per cent of the 55370
total tax so levied and paid, provided the return is filed 55371
together with remittance of the amount of tax shown to be due 55372
thereon, within the time prescribed. Any permit holder or other 55373
persons who fail to file a report under this section, for each day 55374
the person so fails, may be required to forfeit and pay into the 55375
state treasury the sum of one dollar as revenue arising from the 55376
tax imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of 55377
the Revised Code, and that sum may be collected by assessment in 55378
the manner provided in section 4305.13 of the Revised Code. 55379

(3) If the tax commissioner determines that the quantity 55380
reported by a person does not warrant monthly reporting, the 55381
commissioner may authorize the filing of returns and the payment 55382
of the tax required by this section for periods longer than one 55383
month. 55384

(D) Every B-1 permit holder and importer in this state 55385
importing beer from any manufacturer, bottler, person, or group of 55386
persons however organized, outside the United States, if required 55387
by the tax commissioner shall post a bond payable to the state in 55388
such form and amount as the commissioner prescribes with surety to 55389
the satisfaction of the tax commissioner, conditioned upon the 55390
payment to the tax commissioner of taxes levied by sections 55391
4301.42 and 4305.01 of the Revised Code. 55392

(E) No such wine, beer, cider, or mixed beverages sold or 55393
distributed in this state shall be taxed more than once under 55394

sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 55395

(F) As used in this section: 55396

(1) "Cider" has the same meaning as in section 4301.01 of the 55397
Revised Code. 55398

(2) "Wine" has the same meaning as in section 4301.01 of the 55399
Revised Code, except that "wine" does not include cider. 55400

(G) All money collected by the tax commissioner under this 55401
section shall be paid to the treasurer of state as revenue arising 55402
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 55403
4305.01 of the Revised Code. 55404

~~Sec. 4303.332. An A-1c permit holder in this state shall 55405
receive a credit against taxes levied in the following calendar 55406
year under sections 4301.42 and 4305.01 of the Revised Code on not 55407
more than nine million three hundred thousand gallons of beer sold 55408
or distributed in this state (A) Both of the following are exempt 55409
from the taxes levied under sections 4301.42 and 4305.01 of the 55410
Revised Code on beer sold or distributed in this state: 55411~~

~~(1) An A-1c permit holder in this state with a total 55412
production of beer, wherever produced, that does not exceed nine 55413
million three hundred thousand gallons in a calendar year; 55414~~

~~(2) An S-1 permit holder with a total production of beer, 55415
wherever produced, that does not exceed nine million three hundred 55416
thousand gallons in a calendar year. 55417~~

The ~~credit~~ exemption may be claimed monthly against taxes 55418
levied under one or more of those sections as the reports required 55419
by section 4303.33 of the Revised Code are due. At the time the 55420
report for December is due for a calendar year during which a 55421
permit holder ~~is eligible to receive a credit~~ claimed an exemption 55422
under this section, if the permit holder has ~~claimed less than the~~ 55423
~~credit due on nine million three hundred thousand gallons,~~ 55424

~~including credit claimed on the December report paid the tax~~ 55425
~~levied under sections 4301.42 and 4305.01 of the Revised Code, the~~ 55426
permit holder may claim a refund of ~~taxes previously reported and~~ 55427
~~such tax paid under section 4303.33 of the Revised Code~~ during the 55428
calendar year ~~on a number of gallons equal to the difference~~ 55429
~~between nine million three hundred thousand gallons and the number~~ 55430
~~of gallons for which a credit has been claimed under this section~~ 55431
~~or shall remit any additional tax due because the permit holder~~ 55432
~~did not qualify for the exemption on the December report.~~ For the 55433
purpose of providing this refund, taxes previously paid under 55434
section 4303.33 of the Revised Code during the calendar year shall 55435
not be considered final until the December report is filed. ~~The~~ 55436

(B) The tax commissioner shall prescribe forms for and allow 55437
the ~~credits~~ exemptions and refunds authorized by this section. 55438

Sec. 4303.333. (A) An A-2 or A-2f permit holder in this state 55439
or S-1 or S-2 permit holder whose total production of wine, 55440
wherever produced, which but for this exemption is taxable under 55441
section 4301.43 of the Revised Code does not exceed five hundred 55442
thousand gallons in a calendar year, shall be allowed an exemption 55443
from the taxes levied under section 4301.43 of the Revised Code on 55444
wine produced and sold or distributed in this state. The exemption 55445
may be claimed monthly against current taxes levied under such 55446
section as the reports required by section 4303.33 of the Revised 55447
Code are due. At the time the report for December is due for a 55448
calendar year during which a permit holder claimed an exemption 55449
under this section, if the permit holder has paid the tax levied 55450
under section 4301.43 of the Revised Code, the permit holder may 55451
claim a refund of such tax paid during the calendar year or shall 55452
remit any additional tax due because it did not qualify for the 55453
exemption on the December report. For the purpose of providing 55454
this refund, taxes previously paid under section 4303.33 of the 55455
Revised Code during the calendar year shall not be considered 55456

final until the December report is filed. 55457

(B) The tax commissioner shall prescribe forms for and allow 55458
the exemptions and refunds authorized by this section. 55459

Sec. 4303.99. (A) Whoever violates section 4303.28 of the 55460
Revised Code shall be fined not less than one thousand nor more 55461
than twenty-five hundred dollars or imprisoned not less than six 55462
months nor more than one year. 55463

(B) Whoever violates section 4303.36 of the Revised Code 55464
shall be fined not less than twenty-five nor more than one hundred 55465
dollars. 55466

(C) Whoever violates section 4303.37 of the Revised Code 55467
shall be fined not less than twenty-five nor more than fifty 55468
dollars. 55469

(D) Whoever violates division (D) (2) of section 4303.202 or 55470
division (C) of section 4303.208 of the Revised Code is guilty of 55471
a misdemeanor of the fourth degree. 55472

(E) (1) Whoever violates division (B) (1) or (2) of section 55473
4303.236 of the Revised Code is guilty of a misdemeanor and shall 55474
be fined not more than five hundred dollars. 55475

(2) If a person commits a second offense within one year 55476
after committing the first offense, the person shall be fined not 55477
more than one thousand dollars. 55478

(3) If a person commits a third or subsequent offense within 55479
one year after committing the first offense, the person shall be 55480
fined not more than five thousand dollars. 55481

Sec. 4501.21. (A) There is hereby created in the state 55482
treasury the license plate contribution fund. The fund shall 55483
consist of all contributions for specialty license plates paid by 55484

motor vehicle registrants and collected by the registrar of motor 55485
vehicles pursuant to the Revised Code sections referenced in 55486
division (B) of this section. 55487

(B) The registrar shall pay the contributions the registrar 55488
collects in the fund as follows: 55489

The registrar shall pay the contributions received pursuant 55490
to section 4503.491 of the Revised Code to the breast cancer fund 55491
of Ohio, which shall use that money only to pay for programs that 55492
provide assistance and education to Ohio breast cancer patients 55493
and that improve access for such patients to quality health care 55494
and clinical trials and shall not use any of the money for 55495
abortion information, counseling, services, or other 55496
abortion-related activities. 55497

The registrar shall pay the contributions the registrar 55498
receives pursuant to section 4503.492 of the Revised Code to the 55499
organization cancer support community central Ohio, which shall 55500
deposit the money into the Sheryl L. Kraner Fund of that 55501
organization. Cancer support community central Ohio shall expend 55502
the money it receives pursuant to this division only in the same 55503
manner and for the same purposes as that organization expends 55504
other money in that fund. 55505

The registrar shall pay the contributions received pursuant 55506
to section 4503.493 of the Revised Code to the autism society of 55507
Ohio, which shall use the contributions for programs and autism 55508
awareness efforts throughout the state. 55509

The registrar shall pay the contributions the registrar 55510
receives pursuant to section 4503.494 of the Revised Code to the 55511
national multiple sclerosis society for distribution in equal 55512
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 55513
chapters of the national multiple sclerosis society. These 55514
chapters shall use the money they receive under this section to 55515

assist in paying the expenses they incur in providing services 55516
directly to their clients. 55517

The registrar shall pay the contributions the registrar 55518
receives pursuant to section 4503.495 of the Revised Code to the 55519
national pancreatic cancer foundation, which shall use the money 55520
it receives under this section to assist those who suffer with 55521
pancreatic cancer and their families. 55522

The registrar shall pay the contributions the registrar 55523
receives pursuant to section 4503.496 of the Revised Code to the 55524
Ohio sickle cell and health association, which shall use the 55525
contributions to help support educational, clinical, and social 55526
support services for adults who have sickle cell disease. 55527

The registrar shall pay the contributions the registrar 55528
receives pursuant to section 4503.497 of the Revised Code to the 55529
St. Baldrick's foundation, which shall use the contributions for 55530
its research and other programs. 55531

The registrar shall pay the contributions the registrar 55532
receives pursuant to section 4503.498 of the Revised Code to 55533
special olympics Ohio, inc., which shall use the contributions for 55534
its programs, charitable efforts, and other activities. 55535

The registrar shall pay the contributions the registrar 55536
receives pursuant to section 4503.499 of the Revised Code to the 55537
children's glioma cancer foundation, which shall use the 55538
contributions for its research and other programs. 55539

The registrar shall pay the contributions the registrar 55540
receives pursuant to section 4503.4910 of the Revised Code to the 55541
KylerStrong foundation, which shall use the contributions to raise 55542
awareness of brain cancer caused by diffuse intrinsic pontine 55543
glioma and to fund research for the cure of such cancer. 55544

The registrar shall pay the contributions the registrar 55545
receives pursuant to section 4503.4911 of the Revised Code to the 55546

research institution for childhood cancer at nationwide children's 55547
hospital, which shall use the contributions to fund research for 55548
the cure of childhood cancers. 55549

The registrar shall pay the contributions the registrar 55550
receives pursuant to section 4503.50 of the Revised Code to the 55551
future farmers of America foundation, which shall deposit the 55552
contributions into its general account to be used for educational 55553
and scholarship purposes of the future farmers of America 55554
foundation. 55555

The registrar shall pay the contributions the registrar 55556
receives pursuant to section 4503.501 of the Revised Code to the 55557
4-H youth development program of the Ohio state university 55558
extension program, which shall use those contributions to pay the 55559
expenses it incurs in conducting its educational activities. 55560

The registrar shall pay the contributions received pursuant 55561
to section 4503.502 of the Revised Code to the Ohio cattlemen's 55562
foundation, which shall use those contributions for scholarships 55563
and other educational activities. 55564

The registrar shall pay the contributions received pursuant 55565
to section 4503.505 of the Revised Code to the organization Ohio 55566
region phi theta kappa, which shall use those contributions for 55567
scholarships for students who are members of that organization. 55568

The registrar shall pay the contributions the registrar 55569
receives pursuant to section 4503.506 of the Revised Code to Ohio 55570
demolay, which shall use the contributions for scholarships, 55571
educational programs, and any other programs or events the 55572
organization holds or sponsors in this state. 55573

The registrar shall pay the contributions received pursuant 55574
to section 4503.508 of the Revised Code to the organization 55575
bottoms up diaper drive to provide funding for that organization 55576
for collecting and delivering diapers to parents in need. 55577

The registrar shall pay the contributions the registrar receives pursuant to section 4503.509 of the Revised Code to a kid again, incorporated for distribution in equal amounts to the Ohio chapters of a kid again.

The registrar shall pay each contribution the registrar receives pursuant to section 4503.51 of the Revised Code to the university or college whose name or marking or design appears on collegiate license plates that are issued to a person under that section. A university or college that receives contributions from the fund shall deposit the contributions into its general scholarship fund.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.514 of the Revised Code to the university of Notre Dame in South Bend, Indiana, for purposes of awarding grants or scholarships to residents of Ohio who attend the university. The university shall not use any of the funds it receives for purposes of administering the scholarship program. The registrar shall enter into appropriate agreements with the university of Notre Dame to effectuate the distribution of such funds as provided in this section.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.521 of the Revised Code to the Ohio bicycle federation to assist that organization in paying for the educational programs it sponsors in support of Ohio cyclists of all ages.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.522 of the Revised Code to the "friends of Perry's victory and international peace memorial, incorporated," a nonprofit corporation organized under the laws of this state, to assist that organization in paying the expenses it incurs in sponsoring or holding charitable, educational, and cultural events at the monument.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.523 of the Revised Code to the fairport lights foundation, which shall use the money to pay for the restoration, maintenance, and preservation of the lighthouses of fairport harbor.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.524 of the Revised Code to the Massillon tiger football booster club, which shall use the contributions only to promote and support the football team of Washington high school of the Massillon city school district.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.525 of the Revised Code to the United States power squadron ~~districts~~ district seven, ~~eleven,~~ ~~twenty four,~~ and ~~twenty nine~~ which shall annually distribute the contributions in equal amounts to all United States power squadrons located in the state. Each power squadron district shall use the money it receives under this section to pay for the educational boating programs each district holds or sponsors within this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.526 of the Revised Code to the Ohio district Kiwanis foundation of the Ohio district of Kiwanis international, which shall use the money it receives under this section to pay the costs of its educational and humanitarian activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.528 of the Revised Code to the Ohio children's alliance, which shall use the money it receives under this section to pay the expenses it incurs in advancing its mission of sustainably improving the provision of services to children, young adults, and families in this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.529 of the Revised Code to the Ohio nurses foundation. The foundation shall use the money it receives under this section to provide educational scholarships to assist individuals who aspire to join the nursing profession, to assist nurses in the nursing profession who seek to advance their education, and to support persons conducting nursing research concerning the evidence-based practice of nursing and the improvement of patient outcomes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.531 of the Revised Code to the thank you foundation, incorporated, a nonprofit corporation organized under the laws of this state, to assist that organization in paying for the charitable activities and programs it sponsors in support of United States military personnel, veterans, and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.534 of the Revised Code to the disabled American veterans department of Ohio, to be used for programs that serve disabled American veterans and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.55 of the Revised Code to the pro football hall of fame, which shall deposit the contributions into a special bank account that it establishes and which shall be separate and distinct from any other account the pro football hall of fame maintains, to be used exclusively for the purpose of promoting the pro football hall of fame as a travel destination.

The registrar shall pay the contributions that are paid to the registrar pursuant to section 4503.545 of the Revised Code to the national rifle association foundation, which shall use the money to pay the costs of the educational activities and programs the foundation holds or sponsors in this state.

The registrar shall pay to the Ohio pet fund the 55673
contributions the registrar receives pursuant to section 4503.551 55674
of the Revised Code and any other money from any other source, 55675
including donations, gifts, and grants, that is designated by the 55676
source to be paid to the Ohio pet fund. The Ohio pet fund shall 55677
use the moneys it receives under this section to support programs 55678
for the sterilization of dogs and cats and for educational 55679
programs concerning the proper veterinary care of those animals, 55680
and for expenses of the Ohio pet fund that are reasonably 55681
necessary for it to obtain and maintain its tax-exempt status and 55682
to perform its duties. 55683

The registrar shall pay the contributions the registrar 55684
receives pursuant to section 4503.552 of the Revised Code to the 55685
rock and roll hall of fame and museum, incorporated. 55686

The registrar shall pay the contributions the registrar 55687
receives pursuant to section 4503.553 of the Revised Code to the 55688
Ohio coalition for animals, incorporated, a nonprofit corporation. 55689
Except as provided in division (B) of this section, the coalition 55690
shall distribute the money to its members, and the members shall 55691
use the money only to pay for educational, charitable, and other 55692
programs of each coalition member that provide care for unwanted, 55693
abused, and neglected horses. The Ohio coalition for animals may 55694
use a portion of the money to pay for reasonable marketing costs 55695
incurred in the design and promotion of the license plate and for 55696
administrative costs incurred in the disbursement and management 55697
of funds received under this section. 55698

The registrar shall pay the contributions the registrar 55699
receives pursuant to section 4503.554 of the Revised Code to the 55700
Ohio state council of the knights of Columbus, which shall use the 55701
contributions to pay for its charitable activities and programs. 55702

The registrar shall pay the contributions the registrar 55703
receives pursuant to section 4503.555 of the Revised Code to the 55704

western reserve historical society, which shall use the 55705
contributions to fund the Crawford auto aviation museum. 55706

The registrar shall pay the contributions the registrar 55707
receives pursuant to section 4503.556 of the Revised Code to the 55708
Erica J. Holloman foundation, inc., for the awareness of triple 55709
negative breast cancer. The foundation shall use the contributions 55710
for charitable and educational purposes. 55711

The registrar shall pay each contribution the registrar 55712
receives pursuant to section 4503.557 of the Revised Code to the 55713
central Ohio chapter of the Ronald McDonald house charities, which 55714
shall distribute the contribution to the chapter of the Ronald 55715
McDonald house charities in whose geographic territory the person 55716
who paid the contribution resides. 55717

The registrar shall pay the contributions the registrar 55718
receives pursuant to section 4503.561 of the Revised Code to the 55719
state of Ohio chapter of ducks unlimited, inc., which shall 55720
deposit the contributions into a special bank account that it 55721
establishes. The special bank account shall be separate and 55722
distinct from any other account the state of Ohio chapter of ducks 55723
unlimited, inc., maintains and shall be used exclusively for the 55724
purpose of protecting, enhancing, restoring, and managing wetlands 55725
and conserving wildlife habitat. The state of Ohio chapter of 55726
ducks unlimited, inc., annually shall notify the registrar in 55727
writing of the name, address, and account to which such payments 55728
are to be made. 55729

The registrar shall pay the contributions the registrar 55730
receives pursuant to section 4503.562 of the Revised Code to the 55731
Mahoning river consortium, which shall use the money to pay the 55732
expenses it incurs in restoring and maintaining the Mahoning river 55733
watershed. 55734

The registrar shall pay the contributions the registrar 55735

receives pursuant to section 4503.564 of the Revised Code to the 55736
Glen Helen association to pay expenses related to the Glen Helen 55737
nature preserve. 55738

The registrar shall pay the contributions the registrar 55739
receives pursuant to section 4503.565 of the Revised Code to the 55740
conservancy for Cuyahoga valley national park, which shall use the 55741
money in support of the park. 55742

The registrar shall pay the contributions the registrar 55743
receives pursuant to section 4503.566 of the Revised Code to the 55744
Ottawa national wildlife refuge, which shall use the contributions 55745
for wildlife preservation purposes. 55746

The registrar shall pay the contributions the registrar 55747
receives pursuant to section 4503.567 of the Revised Code to the 55748
girls on the run of Franklin county, inc., which shall use the 55749
contributions to support the activities of the organization. 55750

The registrar shall pay the contributions the registrar 55751
receives pursuant to section 4503.576 of the Revised Code to the 55752
Ohio state beekeepers association, which shall use those 55753
contributions to promote beekeeping, provide educational 55754
information about beekeeping, and to support other state and local 55755
beekeeping programs. 55756

The registrar shall pay the contributions the registrar 55757
receives pursuant to section 4503.577 of the Revised Code to the 55758
national aviation hall of fame, which shall use the contributions 55759
to fulfill its mission of honoring aerospace legends to inspire 55760
future leaders. 55761

The registrar shall pay the contributions the registrar 55762
receives pursuant to section 4503.579 of the Revised Code to the 55763
national council of negro women, incorporated, which shall use the 55764
contributions for educational purposes. 55765

The registrar shall pay the contributions the registrar 55766

receives pursuant to section 4503.581 of the Revised Code to the 55767
Ohio sons of the American legion, which shall use the 55768
contributions to support the activities of the organization. 55769

The registrar shall pay to a sports commission created 55770
pursuant to section 4503.591 of the Revised Code each contribution 55771
the registrar receives under that section that an applicant pays 55772
to obtain license plates that bear the logo of a professional 55773
sports team located in the county of that sports commission and 55774
that is participating in the license plate program pursuant to 55775
division (E) of that section, irrespective of the county of 55776
residence of an applicant. 55777

The registrar shall pay to a community charity each 55778
contribution the registrar receives under section 4503.591 of the 55779
Revised Code that an applicant pays to obtain license plates that 55780
bear the logo of a professional sports team that is participating 55781
in the license plate program pursuant to division (G) of that 55782
section. 55783

The registrar shall pay the contributions the registrar 55784
receives pursuant to section 4503.592 of the Revised Code to 55785
pollinator partnership's monarch wings across Ohio program, which 55786
shall use the contributions for the protection and preservation of 55787
the monarch butterfly and pollinator corridor in Ohio and for 55788
educational programs. 55789

The registrar shall pay the contributions the registrar 55790
receives pursuant to section 4503.594 of the Revised Code to 55791
pelotonia, which shall use the contributions for the purpose of 55792
supporting cancer research. 55793

The registrar shall pay the contributions the registrar 55794
receives pursuant to section 4503.595 of the Revised Code to the 55795
Stan Hywet hall and gardens. 55796

The registrar shall pay the contributions the registrar 55797

receives pursuant to section 4503.596 of the Revised Code to the 55798
Cuyahoga valley scenic railroad. 55799

The registrar shall pay the contributions the registrar 55800
receives pursuant to section 4503.67 of the Revised Code to the 55801
Dan Beard council of the boy scouts of America. The council shall 55802
distribute all contributions in an equitable manner throughout the 55803
state to regional councils of the boy scouts. 55804

The registrar shall pay the contributions the registrar 55805
receives pursuant to section 4503.68 of the Revised Code to the 55806
girl scouts of Ohio's heartland. The girl scouts of Ohio's 55807
heartland shall distribute all contributions in an equitable 55808
manner throughout the state to regional councils of the girl 55809
scouts. 55810

The registrar shall pay the contributions the registrar 55811
receives pursuant to section 4503.69 of the Revised Code to the 55812
Dan Beard council of the boy scouts of America. The council shall 55813
distribute all contributions in an equitable manner throughout the 55814
state to regional councils of the boy scouts. 55815

The registrar shall pay the contributions the registrar 55816
receives pursuant to section 4503.70 of the Revised Code to the 55817
charitable foundation of the grand lodge of Ohio, f. & a. m., 55818
which shall use the contributions for scholarship purposes. 55819

The registrar shall pay the contributions the registrar 55820
receives pursuant to section 4503.701 of the Revised Code to the 55821
Prince Hall grand lodge of free and accepted masons of Ohio, which 55822
shall use the contributions for scholarship purposes. 55823

The registrar shall pay the contributions the registrar 55824
receives pursuant to section 4503.702 of the Revised Code to the 55825
Ohio Association of the Improved Benevolent and Protective Order 55826
of the Elks of the World, which shall use the funds for charitable 55827
purposes. 55828

The registrar shall pay the contributions the registrar receives pursuant to section 4503.71 of the Revised Code to the fraternal order of police of Ohio, incorporated, which shall deposit the fees into its general account to be used for purposes of the fraternal order of police of Ohio, incorporated.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.711 of the Revised Code to the fraternal order of police of Ohio, incorporated, which shall deposit the contributions into an account that it creates to be used for the purpose of advancing and protecting the law enforcement profession, promoting improved law enforcement methods, and teaching respect for law and order.

The registrar shall pay the contributions received pursuant to section 4503.712 of the Revised Code to Ohio concerns of police survivors, which shall use those contributions to provide whatever assistance may be appropriate to the families of Ohio law enforcement officers who are killed in the line of duty.

The registrar shall pay the contributions received pursuant to section 4503.713 of the Revised Code to the greater Cleveland peace officers memorial society, which shall use those contributions to honor law enforcement officers who have died in the line of duty and support its charitable purposes.

The registrar shall pay the contributions received pursuant to section 4503.714 of the Revised Code to the Ohio association of chiefs of police.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.715 of the Revised Code to the fallen linemen organization, which shall use the contributions to recognize and memorialize fallen linemen and support their families.

The registrar shall pay the contributions the registrar

receives pursuant to section 4503.716 of the Revised Code to the 55860
fallen timbers battlefield preservation commission, which shall 55861
use the contributions to further the mission of the commission. 55862

The registrar shall pay the contributions the registrar 55863
receives pursuant to section 4503.72 of the Revised Code to the 55864
organization known on March 31, 2003, as the Ohio CASA/GAL 55865
association, a private, nonprofit corporation organized under 55866
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 55867
shall use these contributions to pay the expenses it incurs in 55868
administering a program to secure the proper representation in the 55869
courts of this state of abused, neglected, and dependent children, 55870
and for the training and supervision of persons participating in 55871
that program. 55872

The registrar shall pay the contributions the registrar 55873
receives pursuant to section 4503.722 of the Revised Code to the 55874
Down Syndrome Association of Central Ohio, which shall use the 55875
contributions for advocacy purposes throughout the state. 55876

The registrar shall pay the contributions the registrar 55877
receives pursuant to section 4503.724 of the Revised Code to the 55878
Ohio Chapter of the American Foundation for Suicide Prevention, 55879
which shall use the contributions for programs, education, and 55880
advocacy purposes throughout the state. 55881

The registrar shall pay the contributions the registrar 55882
receives pursuant to section 4503.725 of the Revised Code to the 55883
ALS association central & southern Ohio chapter, which shall split 55884
the contributions between that chapter and the ALS association 55885
northern Ohio chapter in accordance with any agreement between the 55886
two associations. The contributions shall be used to discover 55887
treatments and a cure for ALS, and to serve, advocate for, and 55888
empower people affected by ALS to live their lives to the fullest. 55889

The registrar shall pay the contributions the registrar 55890

receives pursuant to section 4503.73 of the Revised Code to Wright 55891
B. Flyer, incorporated, which shall deposit the contributions into 55892
its general account to be used for purposes of Wright B. Flyer, 55893
incorporated. 55894

The registrar shall pay the contributions the registrar 55895
receives pursuant to section 4503.732 of the Revised Code to the 55896
Siegel Shuster society, a nonprofit organization dedicated to 55897
commemorating and celebrating the creation of Superman in 55898
Cleveland, Ohio. 55899

The registrar shall pay the contributions the registrar 55900
receives pursuant to section 4503.733 of the Revised Code to the 55901
central Ohio chapter of the juvenile diabetes research foundation, 55902
which shall distribute the contributions to the chapters of the 55903
juvenile diabetes research foundation in whose geographic 55904
territory the person who paid the contribution resides. 55905

The registrar shall pay the contributions the registrar 55906
receives pursuant to section 4503.734 of the Revised Code to the 55907
Ohio highway patrol auxiliary foundation, which shall use the 55908
contributions to fulfill the foundation's mission of supporting 55909
law enforcement education and assistance. 55910

The registrar shall pay the contributions the registrar 55911
receives pursuant to section 4503.74 of the Revised Code to the 55912
Columbus zoological park association, which shall disburse the 55913
moneys to Ohio's major metropolitan zoos, as defined in section 55914
4503.74 of the Revised Code, in accordance with a written 55915
agreement entered into by the major metropolitan zoos. 55916

The registrar shall pay the contributions the registrar 55917
receives pursuant to section 4503.75 of the Revised Code to the 55918
rotary foundation, located on March 31, 2003, in Evanston, 55919
Illinois, to be placed in a fund known as the permanent fund and 55920
used to endow educational and humanitarian programs of the rotary 55921

foundation. 55922

The registrar shall pay the contributions the registrar 55923
receives pursuant to section 4503.751 of the Revised Code to the 55924
Ohio association of realtors, which shall deposit the 55925
contributions into a property disaster relief fund maintained 55926
under the Ohio realtors charitable and education foundation. 55927

The registrar shall pay the contributions the registrar 55928
receives pursuant to section 4503.752 of the Revised Code to 55929
buckeye corvettes, incorporated, which shall use the contributions 55930
to pay for its charitable activities and programs. 55931

The registrar shall pay the contributions the registrar 55932
receives pursuant to section 4503.754 of the Revised Code to the 55933
municipal corporation of Twinsburg. 55934

The registrar shall pay the contributions the registrar 55935
receives pursuant to section 4503.763 of the Revised Code to the 55936
Ohio history connection to be used solely to build, support, and 55937
maintain the Ohio battleflag collection within the Ohio history 55938
connection. 55939

The registrar shall pay the contributions the registrar 55940
receives pursuant to section 4503.764 of the Revised Code to the 55941
Medina county historical society, which shall use those 55942
contributions to distribute between the various historical 55943
societies and museums in Medina county. 55944

The registrar shall pay the contributions the registrar 55945
receives pursuant to section 4503.765 of the Revised Code to the 55946
Amaranth grand chapter foundation, which shall use the 55947
contributions for communal outreach, charitable service, and 55948
scholarship purposes. 55949

The registrar shall pay the contributions the registrar 55950
receives pursuant to section 4503.767 of the Revised Code to folds 55951
of honor of central Ohio, which shall use the contributions to 55952

provide scholarships to spouses and children either of disabled 55953
veterans or of members of any branch of the armed forces who died 55954
during their service. 55955

The registrar shall pay the contributions the registrar 55956
receives pursuant to section 4503.85 of the Revised Code to the 55957
Ohio sea grant college program to be used for Lake Erie area 55958
research projects. 55959

The registrar shall pay the contributions the registrar 55960
receives pursuant to section 4503.86 of the Revised Code to the 55961
Ohio Lincoln highway historic byway, which shall use those 55962
contributions solely to promote and support the historical 55963
preservation and advertisement of the Lincoln highway in this 55964
state. 55965

The registrar shall pay the contributions the registrar 55966
receives pursuant to section 4503.87 of the Revised Code to the 55967
Grove City little league dream field fund, which shall use those 55968
contributions solely to build, maintain, and improve youth 55969
baseball fields within the municipal corporation of Grove City. 55970

The registrar shall pay the contributions the registrar 55971
receives pursuant to section 4503.871 of the Revised Code to the 55972
Solon city school district. The school district shall use the 55973
contributions it receives to pay the expenses it incurs in 55974
providing services to the school district's students that assist 55975
in developing or maintaining the mental and emotional well-being 55976
of the students. The services provided may include bereavement 55977
counseling, instruction in defensive driving techniques, 55978
sensitivity training, and the counseling and education of students 55979
regarding bullying, dating violence, drug abuse, suicide 55980
prevention, and human trafficking. The school district 55981
superintendent or, in the school district superintendent's 55982
discretion, the appropriate school principal or appropriate school 55983
counselors shall determine any charitable organizations that the 55984

school district hires to provide those services. The school 55985
district also may use the contributions it receives to pay for 55986
members of the faculty of the school district to receive training 55987
in providing such services to the students of the school district. 55988
The school district shall ensure that any charitable organization 55989
that is hired by the district is exempt from federal income 55990
taxation under subsection 501(c)(3) of the Internal Revenue Code. 55991
The school district shall not use the contributions it receives 55992
for any other purpose. 55993

The registrar shall pay the contributions the registrar 55994
receives pursuant to section 4503.872 of the Revised Code to the 55995
Canton city school district. The district may use the 55996
contributions for student welfare, but shall not use the 55997
contributions for any political purpose or to pay salaries of 55998
district employees. 55999

The registrar shall pay the contributions the registrar 56000
receives pursuant to section 4503.873 of the Revised Code to Padua 56001
Franciscan high school located in the municipal corporation of 56002
Parma. The school shall use fifty per cent of the contributions it 56003
receives to provide tuition assistance to its students. The school 56004
shall use the remaining fifty per cent to pay the expenses it 56005
incurs in providing services to the school's students that assist 56006
in developing or maintaining the mental and emotional well-being 56007
of the students. The services provided may include bereavement 56008
counseling, instruction in defensive driving techniques, 56009
sensitivity training, and the counseling and education of students 56010
regarding bullying, dating violence, drug abuse, suicide 56011
prevention, and human trafficking. As a part of providing such 56012
services, the school may pay for members of the faculty of the 56013
school to receive training in providing those services. The school 56014
principal or, in the school principal's discretion, appropriate 56015
school counselors shall determine any charitable organizations 56016

that the school hires to provide those services. The school shall 56017
ensure that any such charitable organization is exempt from 56018
federal income taxation under subsection 501(c)(3) of the Internal 56019
Revenue Code. The school shall not use the contributions it 56020
receives for any other purpose. 56021

The registrar shall pay the contributions the registrar 56022
receives pursuant to section 4503.874 of the Revised Code to St. 56023
Edward high school located in the municipal corporation of 56024
Lakewood. The school shall use fifty per cent of the contributions 56025
it receives to provide tuition assistance to its students. The 56026
school shall use the remaining fifty per cent to pay the expenses 56027
it incurs in providing services to the school's students that 56028
assist in developing or maintaining the mental and emotional 56029
well-being of the students. The services provided may include 56030
bereavement counseling, instruction in defensive driving 56031
techniques, sensitivity training, and the counseling and education 56032
of students regarding bullying, dating violence, drug abuse, 56033
suicide prevention, and human trafficking. As a part of providing 56034
such services, the school may pay for members of the faculty of 56035
the school to receive training in providing those services. The 56036
school principal or, in the school principal's discretion, 56037
appropriate school counselors shall determine any charitable 56038
organizations that the school hires to provide those services. The 56039
school shall ensure that any such charitable organization is 56040
exempt from federal income taxation under subsection 501(c)(3) of 56041
the Internal Revenue Code. The school shall not use the 56042
contributions it receives for any other purpose. 56043

The registrar shall pay the contributions the registrar 56044
receives pursuant to section 4503.875 of the Revised Code to Walsh 56045
Jesuit high school located in the municipal corporation of 56046
Cuyahoga Falls. The school shall use fifty per cent of the 56047
contributions it receives to provide tuition assistance to its 56048

students. The school shall use the remaining fifty per cent to pay 56049
the expenses it incurs in providing services to the school's 56050
students that assist in developing or maintaining the mental and 56051
emotional well-being of the students. The services provided may 56052
include bereavement counseling, instruction in defensive driving 56053
techniques, sensitivity training, and the counseling and education 56054
of students regarding bullying, dating violence, drug abuse, 56055
suicide prevention, and human trafficking. As a part of providing 56056
such services, the school may pay for members of the faculty of 56057
the school to receive training in providing those services. The 56058
school principal or, in the school principal's discretion, 56059
appropriate school counselors shall determine any charitable 56060
organizations that the school hires to provide those services. The 56061
school shall ensure that any such charitable organization is 56062
exempt from federal income taxation under subsection 501(c)(3) of 56063
the Internal Revenue Code. The school shall not use the 56064
contributions it receives for any other purpose. 56065

The registrar shall pay the contributions the registrar 56066
receives pursuant to section 4503.876 of the Revised Code to the 56067
North Royalton city school district. The school district shall use 56068
the contributions it receives to pay the expenses it incurs in 56069
providing services to the school district's students that assist 56070
in developing or maintaining the mental and emotional well-being 56071
of the students. The services provided may include bereavement 56072
counseling, instruction in defensive driving techniques, 56073
sensitivity training, and the counseling and education of students 56074
regarding bullying, dating violence, drug abuse, suicide 56075
prevention, and human trafficking. The school district 56076
superintendent or, in the school district superintendent's 56077
discretion, the appropriate school principal or appropriate school 56078
counselors shall determine any charitable organizations that the 56079
school district hires to provide those services. The school 56080
district also may use the contributions it receives to pay for 56081

members of the faculty of the school district to receive training 56082
in providing such services to the students of the school district. 56083
The school district shall ensure that any charitable organization 56084
that is hired by the district is exempt from federal income 56085
taxation under subsection 501(c)(3) of the Internal Revenue Code. 56086
The school district shall not use the contributions it receives 56087
for any other purpose. 56088

The registrar shall pay the contributions the registrar 56089
receives pursuant to section 4503.877 of the Revised Code to the 56090
Independence local school district. The school district shall use 56091
the contributions it receives to pay the expenses it incurs in 56092
providing services to the school district's students that assist 56093
in developing or maintaining the mental and emotional well-being 56094
of the students. The services provided may include bereavement 56095
counseling, instruction in defensive driving techniques, 56096
sensitivity training, and the counseling and education of students 56097
regarding bullying, dating violence, drug abuse, suicide 56098
prevention, and human trafficking. The school district 56099
superintendent or, in the school district superintendent's 56100
discretion, the appropriate school principal or appropriate school 56101
counselors shall determine any charitable organizations that the 56102
school district hires to provide those services. The school 56103
district also may use the contributions it receives to pay for 56104
members of the faculty of the school district to receive training 56105
in providing such services to the students of the school district. 56106
The school district shall ensure that any charitable organization 56107
that is hired by the district is exempt from federal income 56108
taxation under subsection 501(c)(3) of the Internal Revenue Code. 56109
The school district shall not use the contributions it receives 56110
for any other purpose. 56111

The registrar shall pay the contributions the registrar 56112
receives pursuant to section 4503.878 of the Revised Code to the 56113

Cuyahoga Heights local school district. The school district shall 56114
use the contributions it receives to pay the expenses it incurs in 56115
providing services to the school district's students that assist 56116
in developing or maintaining the mental and emotional well-being 56117
of the students. The services provided may include bereavement 56118
counseling, instruction in defensive driving techniques, 56119
sensitivity training, and the counseling and education of students 56120
regarding bullying, dating violence, drug abuse, suicide 56121
prevention, and human trafficking. The school district 56122
superintendent or, in the school district superintendent's 56123
discretion, the appropriate school principal or appropriate school 56124
counselors, shall determine any charitable organizations that the 56125
school district hires to provide those services. The school 56126
district also may use the contributions it receives to pay for 56127
members of the faculty of the school district to receive training 56128
in providing such services to the students of the school district. 56129
The school district shall ensure that any charitable organization 56130
that is hired by the district is exempt from federal income 56131
taxation under subsection 501(c)(3) of the Internal Revenue Code. 56132
The school district shall not use the contributions it receives 56133
for any other purpose. 56134

The registrar shall pay the contributions the registrar 56135
receives pursuant to section 4503.879 of the Revised Code to the 56136
west technical high school alumni association, which shall use the 56137
contributions for activities sponsored by the association. 56138

The registrar shall pay the contributions the registrar 56139
receives pursuant to section 4503.88 of the Revised Code to the 56140
Kenston local school district. The school district shall use the 56141
contributions it receives to pay the expenses it incurs in 56142
providing services that assist in developing or maintaining a 56143
culture of environmental responsibility and an innovative science, 56144
technology, engineering, art, and math (S.T.E.A.M.) curriculum to 56145

the school district's students. The school district shall not use 56146
the contributions it receives for any other purpose. 56147

The registrar shall pay the contributions the registrar 56148
receives pursuant to section 4503.881 of the Revised Code to La 56149
Salle high school in the municipal corporation of Cincinnati. The 56150
high school shall not use the contributions it receives for any 56151
political purpose. 56152

The registrar shall pay the contributions the registrar 56153
receives pursuant to section 4503.882 of the Revised Code to St. 56154
John's Jesuit high school and academy located in the municipal 56155
corporation of Toledo. The school shall use the contributions it 56156
receives to provide tuition assistance for students attending the 56157
school. 56158

The registrar shall pay the contributions the registrar 56159
receives pursuant to section 4503.883 of the Revised Code to St. 56160
Charles preparatory school located in the municipal corporation of 56161
Columbus, which shall use the contributions for the school's 56162
alumni association and the alumni association's purposes. 56163

The registrar shall pay the contributions the registrar 56164
receives pursuant to section 4503.884 of the Revised Code to 56165
Archbishop Moeller high school located in the municipal 56166
corporation of Cincinnati. The high school shall not use the 56167
contributions it receives for any political purpose. 56168

The registrar shall pay the contributions the registrar 56169
receives pursuant to section 4503.89 of the Revised Code to the 56170
American red cross of greater Columbus on behalf of the Ohio 56171
chapters of the American red cross, which shall use the 56172
contributions for disaster readiness, preparedness, and response 56173
programs on a statewide basis. 56174

The registrar shall pay the contributions the registrar 56175
receives pursuant to section 4503.891 of the Revised Code to the 56176

Ohio lions foundation. The foundation shall use the contributions 56177
for charitable and educational purposes. 56178

The registrar shall pay the contributions the registrar 56179
receives pursuant to section 4503.892 of the Revised Code to the 56180
Hudson city school district. The school district shall not use the 56181
contributions it receives for any political purpose. 56182

The registrar shall pay the contributions the registrar 56183
receives pursuant to section 4503.893 of the Revised Code to the 56184
Harrison Central jr./sr. high school located in the municipal 56185
corporation of Cadiz. 56186

The registrar shall pay the contributions the registrar 56187
receives pursuant to section 4503.899 of the Revised Code to the 56188
Cleveland clinic foundation, which shall use the contributions to 56189
support Cleveland clinic children's education, research, and 56190
patient services. 56191

The registrar shall pay the contributions the registrar 56192
receives pursuant to section 4503.90 of the Revised Code to the 56193
nationwide children's hospital foundation. 56194

The registrar shall pay the contributions the registrar 56195
receives pursuant to section 4503.901 of the Revised Code to the 56196
Ohio association for pupil transportation, which shall use the 56197
money to support transportation programs, provide training to 56198
school transportation professionals, and support other initiatives 56199
for school transportation safety. 56200

The registrar shall pay the contributions the registrar 56201
receives pursuant to section 4503.902 of the Revised Code to St. 56202
Ignatius high school located in the municipal corporation of 56203
Cleveland. The school shall use fifty per cent of the 56204
contributions it receives to provide tuition assistance to its 56205
students. The school shall use the remaining fifty per cent to pay 56206
the expenses it incurs in providing services to the school's 56207

students that assist in developing or maintaining the mental and 56208
emotional well-being of the students. The services provided may 56209
include bereavement counseling, instruction in defensive driving 56210
techniques, sensitivity training, and the counseling and education 56211
of students regarding bullying, dating violence, drug abuse, 56212
suicide prevention, and human trafficking. As a part of providing 56213
such services, the school may pay for members of the faculty of 56214
the school to receive training in providing those services. The 56215
school principal or, in the school principal's discretion, 56216
appropriate school counselors shall determine any charitable 56217
organizations that the school hires to provide those services. The 56218
school shall ensure that any such charitable organization is 56219
exempt from federal income taxation under subsection 501(c)(3) of 56220
the Internal Revenue Code. The school shall not use the 56221
contributions it receives for any other purpose. 56222

The registrar shall pay the contributions the registrar 56223
receives pursuant to section 4503.903 of the Revised Code to the 56224
Brecksville-Broadview Heights city school district. The school 56225
district shall use the contributions it receives to pay the 56226
expenses it incurs in providing services to the school district's 56227
students that assist in developing or maintaining the mental and 56228
emotional well-being of the students. The services provided may 56229
include bereavement counseling, instruction in defensive driving 56230
techniques, sensitivity training, and the counseling and education 56231
of students regarding bullying, dating violence, drug abuse, 56232
suicide prevention, and human trafficking. The school district 56233
superintendent or, in the school district superintendent's 56234
discretion, the appropriate school principal or appropriate school 56235
counselors shall determine any charitable organizations that the 56236
school district hires to provide those services. The school 56237
district also may use the contributions it receives to pay for 56238
members of the faculty of the school district to receive training 56239
in providing such services to the students of the school district. 56240

The school district shall ensure that any charitable organization 56241
that is hired by the district is exempt from federal income 56242
taxation under subsection 501(c)(3) of the Internal Revenue Code. 56243
The school district shall not use the contributions it receives 56244
for any other purpose. 56245

The registrar shall pay the contributions the registrar 56246
receives pursuant to section 4503.904 of the Revised Code to the 56247
Chagrin Falls exempted village school district. The school 56248
district shall use the contributions it receives to pay the 56249
expenses it incurs in providing services to the school district's 56250
students that assist in developing or maintaining the mental and 56251
emotional well-being of the students. The services provided may 56252
include bereavement counseling, instruction in defensive driving 56253
techniques, sensitivity training, and the counseling and education 56254
of students regarding bullying, dating violence, drug abuse, 56255
suicide prevention, and human trafficking. The school district 56256
superintendent or, in the school district superintendent's 56257
discretion, the appropriate school principal or appropriate school 56258
counselors shall determine any charitable organizations that the 56259
school district hires to provide those services. The school 56260
district also may use the contributions it receives to pay for 56261
members of the faculty of the school district to receive training 56262
in providing such services to the students of the school district. 56263
The school district shall ensure that any charitable organization 56264
that is hired by the district is exempt from federal income 56265
taxation under subsection 501(c)(3) of the Internal Revenue Code. 56266
The school district shall not use the contributions it receives 56267
for any other purpose. 56268

The registrar shall pay the contributions the registrar 56269
receives pursuant to section 4503.905 of the Revised Code to the 56270
Cuyahoga valley career center. The career center shall use the 56271
contributions it receives to pay the expenses it incurs in 56272

providing services to the career center's students that assist in 56273
developing or maintaining the mental and emotional well-being of 56274
the students. The services provided may include bereavement 56275
counseling, instruction in defensive driving techniques, 56276
sensitivity training, and the counseling and education of students 56277
regarding bullying, dating violence, drug abuse, suicide 56278
prevention, and human trafficking. The career center's 56279
superintendent or in the career center's superintendent's 56280
discretion, the school board or appropriate school counselors 56281
shall determine any charitable organizations that the career 56282
center hires to provide those services. The career center also may 56283
use the contributions it receives to pay for members of the 56284
faculty of the career center to receive training in providing such 56285
services to the students of the career center. The career center 56286
shall ensure that any charitable organization that is hired by the 56287
career center is exempt from federal income taxation under 56288
subsection 501(c)(3) of the Internal Revenue Code. The career 56289
center shall not use the contributions it receives for any other 56290
purpose. 56291

The registrar shall pay the contributions the registrar 56292
receives pursuant to section 4503.906 of the Revised Code to the 56293
Stow-Munroe Falls city school district. The school district shall 56294
not use the contributions it receives for any political purpose. 56295

The registrar shall pay the contributions the registrar 56296
receives pursuant to section 4503.907 of the Revised Code to the 56297
Twinsburg city school district. The school district shall not use 56298
the contributions it receives for any political purpose. 56299

The registrar shall pay the contributions the registrar 56300
receives pursuant to section 4503.908 of the Revised Code to St. 56301
Xavier high school located in Springfield township in Hamilton 56302
county. The school shall use fifty per cent of the contributions 56303
it receives to provide tuition assistance to its students. The 56304

school shall use the remaining fifty per cent to pay the expenses 56305
it incurs in providing services to the school's students that 56306
assist in developing or maintaining the mental and emotional 56307
well-being of the students. The services provided may include 56308
bereavement counseling, instruction in defensive driving 56309
techniques, sensitivity training, and the counseling and education 56310
of students regarding bullying, dating violence, drug abuse, 56311
suicide prevention, and human trafficking. As a part of providing 56312
such services, the school may pay for members of the faculty of 56313
the school to receive training in providing those services. The 56314
school principal or, in the school principal's discretion, 56315
appropriate school counselors shall determine any charitable 56316
organizations that the school hires to provide those services. The 56317
school shall ensure that any such charitable organization is 56318
exempt from federal income taxation under subsection 501(c)(3) of 56319
the Internal Revenue Code. The school shall not use the 56320
contributions it receives for any other purpose. 56321

The registrar shall pay the contributions the registrar 56322
receives pursuant to section 4503.909 of the Revised Code to the 56323
Grandview Heights city school district, which shall use the 56324
contributions for its gifted programs and special education and 56325
related services. 56326

The registrar shall pay the contributions received pursuant 56327
to section 4503.92 of the Revised Code to support our troops, 56328
incorporated, a national nonprofit corporation, which shall use 56329
those contributions in accordance with its articles of 56330
incorporation and for the benefit of servicemembers of the armed 56331
forces of the United States and their families when they are in 56332
financial need. 56333

The registrar shall pay the contributions received pursuant 56334
to section 4503.931 of the Revised Code to healthy New Albany, 56335
which shall use the contributions for its community programs, 56336

events, and other activities. 56337

The registrar shall pay the contributions the registrar 56338
receives pursuant to section 4503.932 of the Revised Code to 56339
habitat for humanity of Ohio, inc., which shall use the 56340
contributions for its projects related to building affordable 56341
houses. 56342

The registrar shall pay the contributions the registrar 56343
receives pursuant to section 4503.94 of the Revised Code to the 56344
Michelle's leading star foundation, which shall use the money 56345
solely to fund the rental, lease, or purchase of the simulated 56346
driving curriculum of the Michelle's leading star foundation by 56347
boards of education of city, exempted village, local, and joint 56348
vocational school districts. 56349

The registrar shall pay the contributions the registrar 56350
receives pursuant to section 4503.941 of the Revised Code to the 56351
Ohio chapter international society of arboriculture, which shall 56352
use the money to increase consumer awareness on the importance of 56353
proper tree care and to raise funds for the chapter's educational 56354
efforts. 56355

The registrar shall pay the contributions received pursuant 56356
to section 4503.942 of the Revised Code to zero, the end of 56357
prostate cancer, incorporated, a nonprofit organization, which 56358
shall use those contributions to raise awareness of prostate 56359
cancer, to support research to end prostate cancer, and to support 56360
prostate cancer patients and their families. 56361

The registrar shall pay the contributions the registrar 56362
receives pursuant to section 4503.944 of the Revised Code to the 56363
eastern European congress of Ohio, which shall use the 56364
contributions for charitable and educational purposes. 56365

The registrar shall pay the contributions the registrar 56366
receives pursuant to section 4503.945 of the Revised Code to the 56367

Summit metro parks foundation, which shall use the money in 56368
support of the Summit county metro parks. 56369

The registrar shall pay the contributions the registrar 56370
receives pursuant to section 4503.951 of the Revised Code to the 56371
Cincinnati city school district. 56372

The registrar shall pay the contributions the registrar 56373
receives pursuant to section 4503.952 of the Revised Code to 56374
Hawken school located in northeast Ohio. The school shall use 56375
fifty per cent of the contributions it receives to provide tuition 56376
assistance to its students. The school shall use the remaining 56377
fifty per cent to pay the expenses it incurs in providing services 56378
to the school's students that assist in developing or maintaining 56379
the mental and emotional well-being of the students. The services 56380
provided may include bereavement counseling, instruction in 56381
defensive driving techniques, sensitivity training, and the 56382
counseling and education of students regarding bullying, dating 56383
violence, drug abuse, suicide prevention, and human trafficking. 56384
As a part of providing such services, the school may pay for 56385
members of the faculty of the school to receive training in 56386
providing those services. The school principal or, in the school 56387
principal's discretion, appropriate school counselors shall 56388
determine any charitable organizations that the school hires to 56389
provide those services. The school shall ensure that any such 56390
charitable organization is exempt from federal income taxation 56391
under subsection 501(c)(3) of the Internal Revenue Code. The 56392
school shall not use the contributions it receives for any other 56393
purpose. 56394

The registrar shall pay the contributions the registrar 56395
receives pursuant to section 4503.953 of the Revised Code to 56396
Gilmour academy located in the municipal corporation of Gates 56397
Mills. The school shall use fifty per cent of the contributions it 56398
receives to provide tuition assistance to its students. The school 56399

shall use the remaining fifty per cent to pay the expenses it 56400
incurs in providing services to the school's students that assist 56401
in developing or maintaining the mental and emotional well-being 56402
of the students. The services provided may include bereavement 56403
counseling, instruction in defensive driving techniques, 56404
sensitivity training, and the counseling and education of students 56405
regarding bullying, dating violence, drug abuse, suicide 56406
prevention, and human trafficking. As a part of providing such 56407
services, the school may pay for members of the faculty of the 56408
school to receive training in providing those services. The school 56409
principal or, in the school principal's discretion, appropriate 56410
school counselors shall determine any charitable organizations 56411
that the school hires to provide those services. The school shall 56412
ensure that any such charitable organization is exempt from 56413
federal income taxation under subsection 501(c)(3) of the Internal 56414
Revenue Code. The school shall not use the contributions it 56415
receives for any other purpose. 56416

The registrar shall pay the contributions the registrar 56417
receives pursuant to section 4503.954 of the Revised Code to 56418
University school located in the suburban area near the municipal 56419
corporation of Cleveland. The school shall use fifty per cent of 56420
the contributions it receives to provide tuition assistance to its 56421
students. The school shall use the remaining fifty per cent to pay 56422
the expenses it incurs in providing services to the school's 56423
students that assist in developing or maintaining the mental and 56424
emotional well-being of the students. The services provided may 56425
include bereavement counseling, instruction in defensive driving 56426
techniques, sensitivity training, and the counseling and education 56427
of students regarding bullying, dating violence, drug abuse, 56428
suicide prevention, and human trafficking. As a part of providing 56429
such services, the school may pay for members of the faculty of 56430
the school to receive training in providing those services. The 56431
school principal or, in the school principal's discretion, 56432

appropriate school counselors shall determine any charitable 56433
organizations that the school hires to provide those services. The 56434
school shall ensure that any such charitable organization is 56435
exempt from federal income taxation under subsection 501(c)(3) of 56436
the Internal Revenue Code. The school shall not use the 56437
contributions it receives for any other purpose. 56438

The registrar shall pay the contributions the registrar 56439
receives pursuant to section 4503.955 of the Revised Code to Saint 56440
Albert the Great school located in North Royalton. The school 56441
shall use fifty per cent of the contributions it receives to 56442
provide tuition assistance to its students. The school shall use 56443
the remaining fifty per cent to pay the expenses it incurs in 56444
providing services to the school's students that assist in 56445
developing or maintaining the mental and emotional well-being of 56446
the students. The services provided may include bereavement 56447
counseling, instruction in defensive driving techniques, 56448
sensitivity training, and the counseling and education of students 56449
regarding bullying, dating violence, drug abuse, suicide 56450
prevention, and human trafficking. As a part of providing such 56451
services, the school may pay for members of the faculty of the 56452
school to receive training in providing those services. The school 56453
principal or, in the school principal's discretion, appropriate 56454
school counselors shall determine any charitable organizations 56455
that the school hires to provide those services. The school shall 56456
ensure that any such charitable organization is exempt from 56457
federal income taxation under subsection 501(c)(3) of the Internal 56458
Revenue Code. The school shall not use the contributions it 56459
receives for any other purpose. 56460

The registrar shall pay the contributions the registrar 56461
receives pursuant to section 4503.956 of the Revised Code to the 56462
Liberty Center local school district, which shall use the 56463
contributions for its gifted programs and special education and 56464

related services. 56465

The registrar shall pay the contributions the registrar 56466
receives pursuant to section 4503.957 of the Revised Code to John 56467
F. Kennedy Catholic school located in Warren. The school shall not 56468
use the contributions it receives for any political purpose. 56469

The registrar shall pay the contributions the registrar 56470
receives pursuant to section 4503.958 of the Revised Code to Elder 56471
high school located in the municipal corporation of Cincinnati. 56472
The school shall use fifty per cent of the contributions it 56473
receives to provide tuition assistance to its students, 56474
twenty-five per cent of the contributions to benefit arts and 56475
enrichment at the school, and twenty-five per cent of the 56476
contributions to benefit athletics at the school. 56477

The registrar shall pay the contributions the registrar 56478
receives pursuant to section 4503.961 of the Revised Code to 56479
Fairfield senior high school located in the municipal corporation 56480
of Fairfield. The high school shall not use the contributions for 56481
any political purpose. 56482

The registrar shall pay the contributions the registrar 56483
receives pursuant to section 4503.962 of the Revised Code to 56484
Hamilton high school located in the municipal corporation of 56485
Hamilton. The high school shall not use the contributions for any 56486
political purpose. 56487

The registrar shall pay the contributions the registrar 56488
receives pursuant to section 4503.963 of the Revised Code to Ross 56489
high school located in Ross township in Butler county. The high 56490
school shall not use the contributions for any political purpose. 56491

The registrar shall pay the contributions the registrar 56492
receives pursuant to section 4503.97 of the Revised Code to the 56493
friends of united Hatzalah of Israel, which shall use the money to 56494
support united Hatzalah of Israel, which provides free emergency 56495

medical first response throughout Israel. 56496

The registrar shall pay the contributions the registrar 56497
receives pursuant to section 4503.98 of the Revised Code to the 56498
Westerville parks foundation to support the programs and 56499
activities of the foundation and its mission of pursuing the city 56500
of Westerville's vision of becoming "A City Within A Park." 56501

(C) All investment earnings of the license plate contribution 56502
fund shall be credited to the fund. Not later than the first day 56503
of May of every year, the registrar shall distribute to each 56504
entity described in division (B) of this section the investment 56505
income the fund earned the previous calendar year. The amount of 56506
such a distribution paid to an entity shall be proportionate to 56507
the amount of money the entity received from the fund during the 56508
previous calendar year. 56509

Sec. 4503.066. (A) (1) To obtain a tax reduction under section 56510
4503.065 of the Revised Code, the owner of the home shall file an 56511
application with the county auditor of the county in which the 56512
home is located. An application for reduction in taxes based upon 56513
a physical disability shall be accompanied by a certificate signed 56514
by a physician, and an application for reduction in taxes based 56515
upon a mental disability shall be accompanied by a certificate 56516
signed by a physician or psychologist licensed to practice in this 56517
state. The certificate shall attest to the fact that the applicant 56518
is permanently and totally disabled, shall be in a form that the 56519
department of taxation requires, and shall include the definition 56520
of totally and permanently disabled as set forth in section 56521
4503.064 of the Revised Code. An application for reduction in 56522
taxes based upon a disability certified as permanent and total by 56523
a state or federal agency having the function of so classifying 56524
persons shall be accompanied by a certificate from that agency. 56525

An application by a disabled veteran for the reduction under 56526

division (B) of section 4503.065 of the Revised Code shall be 56527
accompanied by a letter or other written confirmation from the 56528
United States department of veterans affairs, or its predecessor 56529
or successor agency, showing that the veteran qualifies as a 56530
disabled veteran. 56531

An application by the surviving spouse of a public service 56532
officer killed in the line of duty for the reduction under 56533
division (C) of section 4503.065 of the Revised Code shall be 56534
accompanied by a letter or other written confirmation from an 56535
officer or employee of the board of trustees of a retirement or 56536
pension fund in this state or another state or from the chief or 56537
other chief executive of the department, agency, or other employer 56538
for which the public service officer served when killed in the 56539
line of duty affirming that the public service officer was killed 56540
in the line of duty. 56541

(2) Each application shall constitute a continuing 56542
application for a reduction in taxes for each year in which the 56543
manufactured or mobile home is occupied by the applicant. Failure 56544
to receive a new application or notification under division (B) of 56545
this section after an application for reduction has been approved 56546
is prima-facie evidence that the original applicant is entitled to 56547
the reduction calculated on the basis of the information contained 56548
in the original application. The original application and any 56549
subsequent application shall be in the form of a signed statement 56550
and shall be filed on or before the thirty-first day of December 56551
of the year preceding the year for which the reduction is sought. 56552
The statement shall be on a form, devised and supplied by the tax 56553
commissioner, that shall require no more information than is 56554
necessary to establish the applicant's eligibility for the 56555
reduction in taxes and the amount of the reduction to which the 56556
applicant is entitled. The form shall contain a statement that 56557
signing such application constitutes a delegation of authority by 56558

the applicant to the tax commissioner or the county auditor, 56559
individually or in consultation with each other, to examine any 56560
tax or financial records that relate to the income of the 56561
applicant as stated on the application for the purpose of 56562
determining eligibility under, or possible violation of, division 56563
(C) or (D) of this section. The form also shall contain a 56564
statement that conviction of willfully falsifying information to 56565
obtain a reduction in taxes or failing to comply with division (B) 56566
of this section shall result in the revocation of the right to the 56567
reduction for a period of three years. 56568

(3) A late application for a reduction in taxes for the year 56569
preceding the year for which an original application is filed may 56570
be filed with an original application. If the auditor determines 56571
that the information contained in the late application is correct, 56572
the auditor shall determine both the amount of the reduction in 56573
taxes to which the applicant would have been entitled for the 56574
current tax year had the application been timely filed and 56575
approved in the preceding year, and the amount the taxes levied 56576
under section 4503.06 of the Revised Code for the current year 56577
would have been reduced as a result of the reduction. When an 56578
applicant is permanently and totally disabled on the first day of 56579
January of the year in which the applicant files a late 56580
application, the auditor, in making the determination of the 56581
amounts of the reduction in taxes under division (A)(3) of this 56582
section, is not required to determine that the applicant was 56583
permanently and totally disabled on the first day of January of 56584
the preceding year. 56585

The amount of the reduction in taxes pursuant to a late 56586
application shall be treated as an overpayment of taxes by the 56587
applicant. The auditor shall credit the amount of the overpayment 56588
against the amount of the taxes or penalties then due from the 56589
applicant, and, at the next succeeding settlement, the amount of 56590

the credit shall be deducted from the amount of any taxes or 56591
penalties distributable to the county or any taxing unit in the 56592
county that has received the benefit of the taxes or penalties 56593
previously overpaid, in proportion to the benefits previously 56594
received. If, after the credit has been made, there remains a 56595
balance of the overpayment, or if there are no taxes or penalties 56596
due from the applicant, the auditor shall refund that balance to 56597
the applicant by a warrant drawn on the county treasurer in favor 56598
of the applicant. The treasurer shall pay the warrant from the 56599
general fund of the county. If there is insufficient money in the 56600
general fund to make the payment, the treasurer shall pay the 56601
warrant out of any undivided manufactured or mobile home taxes 56602
subsequently received by the treasurer for distribution to the 56603
county or taxing district in the county that received the benefit 56604
of the overpaid taxes, in proportion to the benefits previously 56605
received, and the amount paid from the undivided funds shall be 56606
deducted from the money otherwise distributable to the county or 56607
taxing district in the county at the next or any succeeding 56608
distribution. At the next or any succeeding distribution after 56609
making the refund, the treasurer shall reimburse the general fund 56610
for any payment made from that fund by deducting the amount of 56611
that payment from the money distributable to the county or other 56612
taxing unit in the county that has received the benefit of the 56613
taxes, in proportion to the benefits previously received. On the 56614
second Monday in September of each year, the county auditor shall 56615
certify the total amount of the reductions in taxes made in the 56616
current year under division (A) (3) of this section to the tax 56617
commissioner who shall treat that amount as a reduction in taxes 56618
for the current tax year and shall make reimbursement to the 56619
county of that amount in the manner prescribed in section 4503.068 56620
of the Revised Code, from moneys appropriated for that purpose. 56621

~~(B)~~ (B) (1) If in any year for which an application for 56622
reduction in taxes has been approved the owner no longer qualifies 56623

for the reduction, the owner shall notify the county auditor that 56624
the owner is not qualified for a reduction in taxes. 56625

(2) If the county auditor or county treasurer discovers that 56626
an owner not entitled to the reduction in manufactured home taxes 56627
under section 4503.065 of the Revised Code failed to notify the 56628
county auditor as required by division (B)(1) of this section, a 56629
charge shall be imposed against the manufactured or mobile home in 56630
the amount by which taxes were reduced under that section for each 56631
tax year the county auditor ascertains that the manufactured or 56632
mobile home was not entitled to the reduction and was owned by the 56633
current owner. Interest shall accrue in the manner prescribed by 56634
division (G)(2) of section 4503.06 of the Revised Code on the 56635
amount by which taxes were reduced for each such tax year as if 56636
the reduction became delinquent taxes at the close of the last day 56637
the second installment of taxes for that tax year could be paid 56638
without penalty. The county auditor shall notify the owner, by 56639
ordinary mail, of the charge, of the owner's right to appeal the 56640
charge, and of the manner in which the owner may appeal. The owner 56641
may appeal the imposition of the charge and interest by filing an 56642
appeal with the county board of revision not later than the last 56643
day prescribed for payment of manufactured home taxes under 56644
section 4503.06 of the Revised Code following receipt of the 56645
notice and occurring at least ninety days after receipt of the 56646
notice. The appeal shall be treated in the same manner as a 56647
complaint relating to the valuation or assessment of manufactured 56648
or mobile homes under section 5715.19 of the Revised Code. The 56649
charge and any interest shall be collected as other delinquent 56650
taxes. 56651

(3) During January of each year, the county auditor shall 56652
furnish each person whose application for reduction has been 56653
approved, by ordinary mail, a form on which to report any changes 56654
in total income, ownership, occupancy, disability, and other 56655

information earlier furnished the auditor relative to the 56656
application. The form shall be completed and returned to the 56657
auditor not later than the thirty-first day of December if the 56658
changes would affect the person's eligibility for the reduction. 56659

(C) No person shall knowingly make a false statement for the 56660
purpose of obtaining a reduction in taxes under section 4503.065 56661
of the Revised Code. 56662

(D) No person shall knowingly fail to notify the county 56663
auditor of any change required by division (B) of this section 56664
that has the effect of maintaining or securing a reduction in 56665
taxes under section 4503.065 of the Revised Code. 56666

(E) No person shall knowingly make a false statement or 56667
certification attesting to any person's physical or mental 56668
condition for purposes of qualifying such person for tax relief 56669
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 56670

(F) Whoever violates division (C), (D), or (E) of this 56671
section is guilty of a misdemeanor of the fourth degree. 56672

Sec. 4505.09. (A) (1) The clerk of a court of common pleas 56673
shall charge and retain fees as follows: 56674

(a) Five dollars for each certificate of title that is not 56675
applied for within thirty days after the later of the assignment 56676
or delivery of the motor vehicle described in it. The entire fee 56677
shall be retained by the clerk. 56678

(b) Fifteen dollars for each certificate of title or 56679
duplicate certificate of title including the issuance of a 56680
memorandum certificate of title, or authorization to print a 56681
non-negotiable evidence of ownership described in division (G) of 56682
section 4505.08 of the Revised Code, non-negotiable evidence of 56683
ownership printed by the clerk under division (H) of that section, 56684
and notation of any lien on a certificate of title that is applied 56685

for at the same time as the certificate of title. The clerk shall 56686
retain eleven dollars and fifty cents of that fee for each 56687
certificate of title when there is a notation of a lien or 56688
security interest on the certificate of title, twelve dollars and 56689
twenty-five cents when there is no lien or security interest noted 56690
on the certificate of title, and eleven dollars and fifty cents 56691
for each duplicate certificate of title. 56692

(c) Four dollars and fifty cents for each certificate of 56693
title with no security interest noted that is issued to a licensed 56694
motor vehicle dealer for resale purposes and, in addition, a 56695
separate fee of fifty cents. The clerk shall retain two dollars 56696
and twenty-five cents of that fee. 56697

(d) Five dollars for each memorandum certificate of title or 56698
non-negotiable evidence of ownership that is applied for 56699
separately. The clerk shall retain that entire fee. 56700

(2) The fees that are not retained by the clerk shall be paid 56701
to the registrar of motor vehicles by monthly returns, which shall 56702
be forwarded to the registrar not later than the fifth day of the 56703
month next succeeding that in which the certificate is issued or 56704
that in which the registrar is notified of a lien or cancellation 56705
of a lien. 56706

(B) (1) The registrar shall pay twenty-five cents of the 56707
amount received for each certificate of title issued to a motor 56708
vehicle dealer for resale, one dollar for certificates of title 56709
issued with a lien or security interest noted on the certificate 56710
of title, and twenty-five cents for each certificate of title with 56711
no lien or security interest noted on the certificate of title 56712
into the public safety - highway purposes fund established in 56713
section 4501.06 of the Revised Code. 56714

(2) Fifty cents of the amount received for each certificate 56715
of title shall be paid by the registrar as follows: 56716

(a) Four cents shall be paid into the state treasury to the credit of the motor vehicle dealers board fund, which is hereby created. All investment earnings of the fund shall be credited to the fund. The moneys in the motor vehicle dealers board fund shall be used by the motor vehicle dealers board created under section 4517.30 of the Revised Code, together with other moneys appropriated to it, in the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code, except that the director of budget and management may transfer excess money from the motor vehicle dealers board fund to the public safety - highway purposes fund if the registrar determines that the amount of money in the motor vehicle dealers board fund, together with other moneys appropriated to the board, exceeds the amount required for the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code and requests the director to make the transfer.

(b) ~~Twenty-one~~ Thirty-one cents shall be paid into the highway operating fund created by section 5735.051 of the Revised Code.

(c) ~~Twenty-five~~ Fifteen cents shall be paid into the state treasury to the credit of the motor vehicle sales audit fund, which is hereby created. The moneys in the fund shall be used by the tax commissioner together with other funds available to the commissioner to conduct a continuing investigation of sales and use tax returns filed for motor vehicles in order to determine if sales and use tax liability has been satisfied. The commissioner shall refer cases of apparent violations of section 2921.13 of the Revised Code made in connection with the titling or sale of a motor vehicle and cases of any other apparent violations of the sales or use tax law to the appropriate county prosecutor whenever the commissioner considers it advisable.

(3) Two dollars of the amount received by the registrar under

divisions (A) (1) (a), (b), and (d) of this section and one dollar 56749
and fifty cents of the amount received by the registrar under 56750
division (A) (1) (c) of this section for each certificate of title 56751
shall be paid into the state treasury to the credit of the 56752
automated title processing fund, which is hereby created and which 56753
shall consist of moneys collected under division (B) (3) of this 56754
section and under sections 1548.10 and 4519.59 of the Revised 56755
Code. All investment earnings of the fund shall be credited to the 56756
fund. The moneys in the fund shall be used as follows: 56757

(a) Except for moneys collected under section 1548.10 of the 56758
Revised Code, moneys collected under division (B) (3) of this 56759
section shall be used to implement and maintain an automated title 56760
processing system for the issuance of motor vehicle, off-highway 56761
motorcycle, and all-purpose vehicle certificates of title in the 56762
offices of the clerks of the courts of common pleas. Those moneys 56763
also shall be used to pay expenses that arise as a result of 56764
enabling electronic motor vehicle dealers to directly transfer 56765
applications for certificates of title under division (A) (3) of 56766
section 4505.06 of the Revised Code. 56767

(b) Moneys collected under section 1548.10 of the Revised 56768
Code shall be used to issue marine certificates of title in the 56769
offices of the clerks of the courts of common pleas as provided in 56770
Chapter 1548. of the Revised Code. 56771

56772

(4) The registrar shall pay the fifty-cent separate fee 56773
collected from a licensed motor vehicle dealer under division 56774
(A) (1) (c) of this section into the title defect recision fund 56775
created by section 1345.52 of the Revised Code. 56776

(C) (1) The automated title processing board is hereby created 56777
consisting of the registrar or the registrar's representative, a 56778
person selected by the registrar, the president of the Ohio clerks 56779

of court association or the president's representative, and two 56780
clerks of courts of common pleas appointed by the governor. The 56781
director of budget and management or the director's designee, the 56782
chief of the division of parks and watercraft in the department of 56783
natural resources or the chief's designee, and the tax 56784
commissioner or the commissioner's designee shall be nonvoting 56785
members of the board. The purpose of the board is to facilitate 56786
the operation and maintenance of an automated title processing 56787
system and approve the procurement of automated title processing 56788
system equipment and ribbons, cartridges, or other devices 56789
necessary for the operation of that equipment. Voting members of 56790
the board, excluding the registrar or the registrar's 56791
representative, shall serve without compensation, but shall be 56792
reimbursed for travel and other necessary expenses incurred in the 56793
conduct of their official duties. The registrar or the registrar's 56794
representative shall receive neither compensation nor 56795
reimbursement as a board member. 56796

(2) The automated title processing board shall determine each 56797
of the following: 56798

(a) The automated title processing equipment and certificates 56799
of title requirements for each county; 56800

(b) The payment of expenses that may be incurred by the 56801
counties in implementing an automated title processing system; 56802

(c) The repayment to the counties for existing title 56803
processing equipment; 56804

(d) With the approval of the director of public safety, the 56805
award of grants from the automated title processing fund to the 56806
clerk of courts of any county who employs a person who assists 56807
with the design of, updates to, tests of, installation of, or any 56808
other activity related to, an automated title processing system. 56809
Any grant awarded under division (C) (2) (d) of this section shall 56810

be deposited into the appropriate county certificate of title 56811
administration fund created under section 325.33 of the Revised 56812
Code and shall not be used to supplant any other funds. 56813

(3) The registrar shall purchase, lease, or otherwise acquire 56814
any automated title processing equipment and certificates of title 56815
that the board determines are necessary from moneys in the 56816
automated title processing fund established by division (B) (3) of 56817
this section. 56818

(D) All counties shall conform to the requirements of the 56819
registrar regarding the operation of their automated title 56820
processing system for motor vehicle titles, certificates of title 56821
for off-highway motorcycles and all-purpose vehicles, and 56822
certificates of title for watercraft and outboard motors. 56823

Sec. 4511.191. (A) (1) As used in this section: 56824

(a) "Physical control" has the same meaning as in section 56825
4511.194 of the Revised Code. 56826

(b) "Alcohol monitoring device" means any device that 56827
provides for continuous alcohol monitoring, any ignition interlock 56828
device, any immobilizing or disabling device other than an 56829
ignition interlock device that is constantly available to monitor 56830
the concentration of alcohol in a person's system, or any other 56831
device that provides for the automatic testing and periodic 56832
reporting of alcohol consumption by a person and that a court 56833
orders a person to use as a sanction imposed as a result of the 56834
person's conviction of or plea of guilty to an offense. 56835

(c) "Community addiction services provider" has the same 56836
meaning as in section 5119.01 of the Revised Code. 56837

(2) Any person who operates a vehicle, streetcar, or 56838
trackless trolley upon a highway or any public or private property 56839
used by the public for vehicular travel or parking within this 56840

state or who is in physical control of a vehicle, streetcar, or 56841
trackless trolley shall be deemed to have given consent to a 56842
chemical test or tests of the person's whole blood, blood serum or 56843
plasma, breath, or urine to determine the alcohol, drug of abuse, 56844
controlled substance, metabolite of a controlled substance, or 56845
combination content of the person's whole blood, blood serum or 56846
plasma, breath, or urine if arrested for a violation of division 56847
(A) or (B) of section 4511.19 of the Revised Code, section 56848
4511.194 of the Revised Code or a substantially equivalent 56849
municipal ordinance, or a municipal OVI ordinance. 56850

(3) The chemical test or tests under division (A) (2) of this 56851
section shall be administered at the request of a law enforcement 56852
officer having reasonable grounds to believe the person was 56853
operating or in physical control of a vehicle, streetcar, or 56854
trackless trolley in violation of a division, section, or 56855
ordinance identified in division (A) (2) of this section. The law 56856
enforcement agency by which the officer is employed shall 56857
designate which of the tests shall be administered. 56858

(4) Any person who is dead or unconscious, or who otherwise 56859
is in a condition rendering the person incapable of refusal, shall 56860
be deemed to have consented as provided in division (A) (2) of this 56861
section, and the test or tests may be administered, subject to 56862
sections 313.12 to 313.16 of the Revised Code. 56863

(5) (a) If a law enforcement officer arrests a person for a 56864
violation of division (A) or (B) of section 4511.19 of the Revised 56865
Code, section 4511.194 of the Revised Code or a substantially 56866
equivalent municipal ordinance, or a municipal OVI ordinance and 56867
if the person if convicted would be required to be sentenced under 56868
division (G) (1) (c), (d), or (e) of section 4511.19 of the Revised 56869
Code, the law enforcement officer shall request the person to 56870
submit, and the person shall submit, to a chemical test or tests 56871
of the person's whole blood, blood serum or plasma, breath, or 56872

urine for the purpose of determining the alcohol, drug of abuse, 56873
controlled substance, metabolite of a controlled substance, or 56874
combination content of the person's whole blood, blood serum or 56875
plasma, breath, or urine. A law enforcement officer who makes a 56876
request pursuant to this division that a person submit to a 56877
chemical test or tests is not required to advise the person of the 56878
consequences of submitting to, or refusing to submit to, the test 56879
or tests and is not required to give the person the form described 56880
in division (B) of section 4511.192 of the Revised Code, but the 56881
officer shall advise the person at the time of the arrest that if 56882
the person refuses to take a chemical test the officer may employ 56883
whatever reasonable means are necessary to ensure that the person 56884
submits to a chemical test of the person's whole blood or blood 56885
serum or plasma. The officer shall also advise the person at the 56886
time of the arrest that the person may have an independent 56887
chemical test taken at the person's own expense. Divisions (A) (3) 56888
and (4) of this section apply to the administration of a chemical 56889
test or tests pursuant to this division. 56890

(b) If a person refuses to submit to a chemical test upon a 56891
request made pursuant to division (A) (5) (a) of this section, the 56892
law enforcement officer who made the request may employ whatever 56893
reasonable means are necessary to ensure that the person submits 56894
to a chemical test of the person's whole blood or blood serum or 56895
plasma. A law enforcement officer who acts pursuant to this 56896
division to ensure that a person submits to a chemical test of the 56897
person's whole blood or blood serum or plasma is immune from 56898
criminal and civil liability based upon a claim for assault and 56899
battery or any other claim for the acts, unless the officer so 56900
acted with malicious purpose, in bad faith, or in a wanton or 56901
reckless manner. 56902

(B) (1) Upon receipt of the sworn report of a law enforcement 56903
officer who arrested a person for a violation of division (A) or 56904

(B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar of motor vehicles and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B) (1) (b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B) (3) of section 4510.02 of the Revised Code.

(b) If the arrested person, within ten years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test or had been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense, the suspension shall be a class B suspension imposed for the period of time specified in division (B) (2) of section 4510.02 of the Revised Code.

(c) If the arrested person, within ten years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical test, had been convicted of or pleaded guilty to two violations of division (A) or (B) of section 4511.19 of the Revised Code or

other equivalent offenses, or had refused one previous request to consent to a chemical test and also had been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, which violation or offense arose from an incident other than the incident that led to the refusal, the suspension shall be a class A suspension imposed for the period of time specified in division (B) (1) of section 4510.02 of the Revised Code.

(d) If the arrested person, within ten years of the date on which the person refused the request to consent to the chemical test, had refused three or more previous requests to consent to a chemical test, had been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused a number of previous requests to consent to a chemical test and also had been convicted of or pleaded guilty to a number of violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses that cumulatively total three or more such refusals, convictions, and guilty pleas, the suspension shall be for five years.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B) (1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of

a person's driver's or commercial driver's license or permit or 56969
nonresident operating privilege imposed pursuant to section 56970
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 56971
Revised Code for a violation of a municipal OVI ordinance, any 56972
time during which the person serves a related suspension imposed 56973
pursuant to division (B)(1) of this section. 56974

(C)(1) Upon receipt of the sworn report of the law 56975
enforcement officer who arrested a person for a violation of 56976
division (A) or (B) of section 4511.19 of the Revised Code or a 56977
municipal OVI ordinance that was completed and sent to the 56978
registrar and a court pursuant to section 4511.192 of the Revised 56979
Code in regard to a person whose test results indicate that the 56980
person's whole blood, blood serum or plasma, breath, or urine 56981
contained at least the concentration of alcohol specified in 56982
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 56983
Revised Code or at least the concentration of a listed controlled 56984
substance or a listed metabolite of a controlled substance 56985
specified in division (A)(1)(j) of section 4511.19 of the Revised 56986
Code, the registrar shall enter into the registrar's records the 56987
fact that the person's driver's or commercial driver's license or 56988
permit or nonresident operating privilege was suspended by the 56989
arresting officer under this division and section 4511.192 of the 56990
Revised Code and the period of the suspension, as determined under 56991
divisions (C)(1)(a) to (d) of this section. The suspension shall 56992
be subject to appeal as provided in section 4511.197 of the 56993
Revised Code. The suspension described in this division does not 56994
apply to, and shall not be imposed upon, a person arrested for a 56995
violation of section 4511.194 of the Revised Code or a 56996
substantially equivalent municipal ordinance who submits to a 56997
designated chemical test. The suspension shall be for whichever of 56998
the following periods applies: 56999

(a) Except when division (C)(1)(b), (c), or (d) of this 57000

section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B) (5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B) (3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within ten years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within ten years of the date the test was conducted, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C) (1) (b) of this section, the suspension shall be a class B suspension imposed for the period of time specified in division (B) (2) of section 4510.02 of the Revised Code.

(d) If, within ten years of the date the test was conducted, the person has been convicted of or pleaded guilty to more than two violations of a statute or ordinance described in division (C) (1) (b) of this section, the suspension shall be a class A suspension imposed for the period of time specified in division (B) (1) of section 4510.02 of the Revised Code.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (C) (1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from

the same incident that led to the suspension or denial. 57033

The registrar shall credit against any judicial suspension of 57034
a person's driver's or commercial driver's license or permit or 57035
nonresident operating privilege imposed pursuant to section 57036
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 57037
Revised Code for a violation of a municipal OVI ordinance, any 57038
time during which the person serves a related suspension imposed 57039
pursuant to division (C) (1) of this section. 57040

(D) (1) A suspension of a person's driver's or commercial 57041
driver's license or permit or nonresident operating privilege 57042
under this section for the time described in division (B) or (C) 57043
of this section is effective immediately from the time at which 57044
the arresting officer serves the notice of suspension upon the 57045
arrested person. Any subsequent finding that the person is not 57046
guilty of the charge that resulted in the person being requested 57047
to take the chemical test or tests under division (A) of this 57048
section does not affect the suspension. 57049

(2) If a person is arrested for operating a vehicle, 57050
streetcar, or trackless trolley in violation of division (A) or 57051
(B) of section 4511.19 of the Revised Code or a municipal OVI 57052
ordinance, or for being in physical control of a vehicle, 57053
streetcar, or trackless trolley in violation of section 4511.194 57054
of the Revised Code or a substantially equivalent municipal 57055
ordinance, regardless of whether the person's driver's or 57056
commercial driver's license or permit or nonresident operating 57057
privilege is or is not suspended under division (B) or (C) of this 57058
section or Chapter 4510. of the Revised Code, the person's initial 57059
appearance on the charge resulting from the arrest shall be held 57060
within five days of the person's arrest or the issuance of the 57061
citation to the person, subject to any continuance granted by the 57062
court pursuant to section 4511.197 of the Revised Code regarding 57063
the issues specified in that division. 57064

(E) When it finally has been determined under the procedures 57065
of this section and sections 4511.192 to 4511.197 of the Revised 57066
Code that a nonresident's privilege to operate a vehicle within 57067
this state has been suspended, the registrar shall give 57068
information in writing of the action taken to the motor vehicle 57069
administrator of the state of the person's residence and of any 57070
state in which the person has a license. 57071

(F) At the end of a suspension period under this section, 57072
under section 4511.194, section 4511.196, or division (G) of 57073
section 4511.19 of the Revised Code, or under section 4510.07 of 57074
the Revised Code for a violation of a municipal OVI ordinance and 57075
upon the request of the person whose driver's or commercial 57076
driver's license or permit was suspended and who is not otherwise 57077
subject to suspension, cancellation, or disqualification, the 57078
registrar shall return the driver's or commercial driver's license 57079
or permit to the person upon the occurrence of all of the 57080
conditions specified in divisions (F)(1) and (2) of this section: 57081

(1) A showing that the person has proof of financial 57082
responsibility, a policy of liability insurance in effect that 57083
meets the minimum standards set forth in section 4509.51 of the 57084
Revised Code, or proof, to the satisfaction of the registrar, that 57085
the person is able to respond in damages in an amount at least 57086
equal to the minimum amounts specified in section 4509.51 of the 57087
Revised Code. 57088

(2) Subject to the limitation contained in division (F)(3) of 57089
this section, payment by the person to the registrar or an 57090
eligible deputy registrar of a license reinstatement fee of four 57091
hundred seventy-five dollars, which fee shall be deposited in the 57092
state treasury and credited as follows: 57093

(a) One hundred twelve dollars and fifty cents shall be 57094
credited to the statewide treatment and prevention fund created by 57095
section 4301.30 of the Revised Code. Money credited to the fund 57096

under this section shall be used for purposes identified under 57097
section 5119.22 of the Revised Code. 57098

(b) Seventy-five dollars shall be credited to the reparations 57099
fund created by section 2743.191 of the Revised Code. 57100

(c) Thirty-seven dollars and fifty cents shall be credited to 57101
the indigent drivers alcohol treatment fund, which is hereby 57102
established in the state treasury. The department of mental health 57103
and addiction services shall distribute the moneys in that fund to 57104
the county indigent drivers alcohol treatment funds, the county 57105
juvenile indigent drivers alcohol treatment funds, and the 57106
municipal indigent drivers alcohol treatment funds that are 57107
required to be established by counties and municipal corporations 57108
pursuant to division (H) of this section to be used only as 57109
provided in division (H)(3) of this section. Moneys in the fund 57110
that are not distributed to a county indigent drivers alcohol 57111
treatment fund, a county juvenile indigent drivers alcohol 57112
treatment fund, or a municipal indigent drivers alcohol treatment 57113
fund under division (H) of this section because the director of 57114
mental health and addiction services does not have the information 57115
necessary to identify the county or municipal corporation where 57116
the offender or juvenile offender was arrested may be transferred 57117
by the director of budget and management to the statewide 57118
treatment and prevention fund created by section 4301.30 of the 57119
Revised Code, upon certification of the amount by the director of 57120
mental health and addiction services. 57121

(d) Seventy-five dollars shall be credited to the 57122
opportunities for Ohioans with disabilities agency established by 57123
section 3304.15 of the Revised Code, to the services for 57124
rehabilitation fund, which is hereby established. The fund shall 57125
be used to match available federal matching funds where 57126
appropriate, and for any other purpose or program of the agency to 57127
rehabilitate persons with disabilities to help them become 57128

employed and independent. 57129

(e) Seventy-five dollars shall be deposited into the state 57130
treasury and credited to the drug abuse resistance education 57131
programs fund, which is hereby established, to be used by the 57132
attorney general for the purposes specified in division (F) (4) of 57133
this section. 57134

(f) Thirty dollars shall be credited to the public safety - 57135
highway purposes fund created by section 4501.06 of the Revised 57136
Code. 57137

(g) Twenty dollars shall be credited to the trauma and 57138
emergency medical services fund created by section 4513.263 of the 57139
Revised Code. 57140

(h) Fifty dollars shall be credited to the indigent drivers 57141
interlock and alcohol monitoring fund, which is hereby established 57142
in the state treasury. Moneys in the fund shall be distributed by 57143
the department of public safety to the county indigent drivers 57144
interlock and alcohol monitoring funds, the county juvenile 57145
indigent drivers interlock and alcohol monitoring funds, and the 57146
municipal indigent drivers interlock and alcohol monitoring funds 57147
that are required to be established by counties and municipal 57148
corporations pursuant to this section, and shall be used only to 57149
pay the cost of an immobilizing or disabling device, including a 57150
certified ignition interlock device, or an alcohol monitoring 57151
device used by an offender or juvenile offender who is ordered to 57152
use the device by a county, juvenile, or municipal court judge and 57153
who is determined by the county, juvenile, or municipal court 57154
judge not to have the means to pay for the person's use of the 57155
device. 57156

(3) If a person's driver's or commercial driver's license or 57157
permit is suspended under this section, under section 4511.196 or 57158
division (G) of section 4511.19 of the Revised Code, under section 57159

4510.07 of the Revised Code for a violation of a municipal OVI 57160
ordinance or under any combination of the suspensions described in 57161
division (F) (3) of this section, and if the suspensions arise from 57162
a single incident or a single set of facts and circumstances, the 57163
person is liable for payment of, and shall be required to pay to 57164
the registrar or an eligible deputy registrar, only one 57165
reinstatement fee of four hundred seventy-five dollars. The 57166
reinstatement fee shall be distributed by the bureau in accordance 57167
with division (F) (2) of this section. 57168

(4) The attorney general shall use amounts in the drug abuse 57169
resistance education programs fund to award grants to law 57170
enforcement agencies to establish and implement drug abuse 57171
resistance education programs in public schools. Grants awarded to 57172
a law enforcement agency under this section shall be used by the 57173
agency to pay for not more than fifty per cent of the amount of 57174
the salaries of law enforcement officers who conduct drug abuse 57175
resistance education programs in public schools. The attorney 57176
general shall not use more than six per cent of the amounts the 57177
attorney general's office receives under division (F) (2) (e) of 57178
this section to pay the costs it incurs in administering the grant 57179
program established by division (F) (2) (e) of this section and in 57180
providing training and materials relating to drug abuse resistance 57181
education programs. 57182

The attorney general shall report to the governor and the 57183
general assembly each fiscal year on the progress made in 57184
establishing and implementing drug abuse resistance education 57185
programs. These reports shall include an evaluation of the 57186
effectiveness of these programs. 57187

(5) In addition to the reinstatement fee under this section, 57188
if the person pays the reinstatement fee to a deputy registrar, 57189
the deputy registrar shall collect a service fee of ten dollars to 57190
compensate the deputy registrar for services performed under this 57191

section. The deputy registrar shall retain eight dollars of the 57192
service fee and shall transmit the reinstatement fee, plus two 57193
dollars of the service fee, to the registrar in the manner the 57194
registrar shall determine. 57195

(G) Suspension of a commercial driver's license under 57196
division (B) or (C) of this section shall be concurrent with any 57197
period of disqualification under section 3123.611 or 4506.16 of 57198
the Revised Code or any period of suspension under section 3123.58 57199
of the Revised Code. No person who is disqualified for life from 57200
holding a commercial driver's license under section 4506.16 of the 57201
Revised Code shall be issued a driver's license under Chapter 57202
4507. of the Revised Code during the period for which the 57203
commercial driver's license was suspended under division (B) or 57204
(C) of this section. No person whose commercial driver's license 57205
is suspended under division (B) or (C) of this section shall be 57206
issued a driver's license under Chapter 4507. of the Revised Code 57207
during the period of the suspension. 57208

(H) (1) Each county shall establish an indigent drivers 57209
alcohol treatment fund and a juvenile indigent drivers alcohol 57210
treatment fund. Each municipal corporation in which there is a 57211
municipal court shall establish an indigent drivers alcohol 57212
treatment fund. All revenue that the general assembly appropriates 57213
to the indigent drivers alcohol treatment fund for transfer to a 57214
county indigent drivers alcohol treatment fund, a county juvenile 57215
indigent drivers alcohol treatment fund, or a municipal indigent 57216
drivers alcohol treatment fund, all portions of fees that are paid 57217
under division (F) of this section and that are credited under 57218
that division to the indigent drivers alcohol treatment fund in 57219
the state treasury for a county indigent drivers alcohol treatment 57220
fund, a county juvenile indigent drivers alcohol treatment fund, 57221
or a municipal indigent drivers alcohol treatment fund, all 57222
portions of additional costs imposed under section 2949.094 of the 57223

Revised Code that are specified for deposit into a county, county juvenile, or municipal indigent drivers alcohol treatment fund by that section, and all portions of fines that are specified for deposit into a county or municipal indigent drivers alcohol treatment fund by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund. The portions of the fees paid under division (F) of this section that are to be so deposited shall be determined in accordance with division (H) (2) of this section. Additionally, all portions of fines that are paid for a violation of section 4511.19 of the Revised Code or of any prohibition contained in Chapter 4510. of the Revised Code, and that are required under section 4511.19 or any provision of Chapter 4510. of the Revised Code to be deposited into a county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund shall be deposited into the appropriate fund in accordance with the applicable division of the section or provision.

(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that is credited under that division to the indigent drivers alcohol treatment fund shall be deposited into a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund as follows:

(a) Regarding a suspension imposed under this section, that portion of the fee shall be deposited as follows:

(i) If the fee is paid by a person who was charged in a county court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;

(ii) If the fee is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be deposited into the county juvenile indigent drivers alcohol treatment fund established in the county served by the court;

(iii) If the fee is paid by a person who was charged in a municipal court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(b) Regarding a suspension imposed under section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, that portion of the fee shall be deposited as follows:

(i) If the fee is paid by a person whose license or permit was suspended by a county court, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;

(ii) If the fee is paid by a person whose license or permit was suspended by a municipal court, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(3) (a) As used in division (H) (3) of this section, "indigent person" means a person who is convicted of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or found to be a juvenile traffic offender by reason of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend an alcohol and drug addiction treatment program, and who is determined by the court under division (H) (5) of this section to

be unable to pay the cost of the assessment or the cost of 57287
attendance at the treatment program. 57288

(b) A county, juvenile, or municipal court judge, by order, 57289
may make expenditures from a county indigent drivers alcohol 57290
treatment fund, a county juvenile indigent drivers alcohol 57291
treatment fund, or a municipal indigent drivers alcohol treatment 57292
fund with respect to an indigent person for any of the following: 57293

(i) To pay the cost of an assessment that is conducted by an 57294
appropriately licensed clinician at either a driver intervention 57295
program that is certified under section 5119.38 of the Revised 57296
Code or at a community addiction services provider whose alcohol 57297
and drug addiction services are certified under section 5119.36 of 57298
the Revised Code; 57299

(ii) To pay the cost of alcohol addiction services, drug 57300
addiction services, or integrated alcohol and drug addiction 57301
services at a community addiction services provider whose alcohol 57302
and drug addiction services are certified under section 5119.36 of 57303
the Revised Code; 57304

(iii) To pay the cost of transportation to attend an 57305
assessment as provided under division (H) (3) (b) (i) of this section 57306
or addiction services as provided under division (H) (3) (b) (ii) of 57307
this section. 57308

The alcohol and drug addiction services board or the board of 57309
alcohol, drug addiction, and mental health services established 57310
pursuant to section 340.02 or 340.021 of the Revised Code and 57311
serving the alcohol, drug addiction, and mental health service 57312
district in which the court is located shall administer the 57313
indigent drivers alcohol treatment program of the court. When a 57314
court orders an offender or juvenile traffic offender to obtain an 57315
assessment or attend an alcohol and drug addiction treatment 57316
program, the board shall determine which program is suitable to 57317

meet the needs of the offender or juvenile traffic offender, and 57318
when a suitable program is located and space is available at the 57319
program, the offender or juvenile traffic offender shall attend 57320
the program designated by the board. A reasonable amount not to 57321
exceed five per cent of the amounts credited to and deposited into 57322
the county indigent drivers alcohol treatment fund, the county 57323
juvenile indigent drivers alcohol treatment fund, or the municipal 57324
indigent drivers alcohol treatment fund serving every court whose 57325
program is administered by that board shall be paid to the board 57326
to cover the costs it incurs in administering those indigent 57327
drivers alcohol treatment programs. 57328

(c) Upon exhaustion of moneys in the indigent drivers 57329
interlock and alcohol monitoring fund for the use of an alcohol 57330
monitoring device, a county, juvenile, or municipal court judge 57331
may use moneys in the county indigent drivers alcohol treatment 57332
fund, county juvenile indigent drivers alcohol treatment fund, or 57333
municipal indigent drivers alcohol treatment fund in either of the 57334
following manners: 57335

(i) If the source of the moneys was an appropriation of the 57336
general assembly, a portion of a fee that was paid under division 57337
(F) of this section, a portion of a fine that was specified for 57338
deposit into the fund by section 4511.193 of the Revised Code, or 57339
a portion of a fine that was paid for a violation of section 57340
4511.19 of the Revised Code or of a provision contained in Chapter 57341
4510. of the Revised Code that was required to be deposited into 57342
the fund, to pay for the continued use of an alcohol monitoring 57343
device by an offender or juvenile traffic offender, in conjunction 57344
with a treatment program approved by the department of mental 57345
health and addiction services, when such use is determined 57346
clinically necessary by the treatment program and when the court 57347
determines that the offender or juvenile traffic offender is 57348
unable to pay all or part of the daily monitoring or cost of the 57349

device; 57350

(ii) If the source of the moneys was a portion of an 57351
additional court cost imposed under section 2949.094 of the 57352
Revised Code, to pay for the continued use of an alcohol 57353
monitoring device by an offender or juvenile traffic offender when 57354
the court determines that the offender or juvenile traffic 57355
offender is unable to pay all or part of the daily monitoring or 57356
cost of the device. The moneys may be used for a device as 57357
described in this division if the use of the device is in 57358
conjunction with a treatment program approved by the department of 57359
mental health and addiction services, when the use of the device 57360
is determined clinically necessary by the treatment program, but 57361
the use of a device is not required to be in conjunction with a 57362
treatment program approved by the department in order for the 57363
moneys to be used for the device as described in this division. 57364

(4) If a county, juvenile, or municipal court determines, in 57365
consultation with the alcohol and drug addiction services board or 57366
the board of alcohol, drug addiction, and mental health services 57367
established pursuant to section 340.02 or 340.021 of the Revised 57368
Code and serving the alcohol, drug addiction, and mental health 57369
district in which the court is located, that the funds in the 57370
county indigent drivers alcohol treatment fund, the county 57371
juvenile indigent drivers alcohol treatment fund, or the municipal 57372
indigent drivers alcohol treatment fund under the control of the 57373
court are more than sufficient to satisfy the purpose for which 57374
the fund was established, as specified in divisions (H)(1) to (3) 57375
of this section, the court may declare a surplus in the fund. If 57376
the court declares a surplus in the fund, the court may take ~~any~~ 57377
one or more of the following actions with regard to the amount of 57378
the surplus in the fund: 57379

(a) Expend any of the surplus amount for alcohol and drug 57380
abuse assessment and treatment, and for the cost of transportation 57381

related to assessment and treatment, of persons who are charged in 57382
the court with committing a criminal offense or with being a 57383
delinquent child or juvenile traffic offender and in relation to 57384
whom both of the following apply: 57385

(i) The court determines that substance abuse was a 57386
contributing factor leading to the criminal or delinquent activity 57387
or the juvenile traffic offense with which the person is charged. 57388

(ii) The court determines that the person is unable to pay 57389
the cost of the alcohol and drug abuse assessment and treatment 57390
for which the surplus money will be used. 57391

(b) Expend any of the surplus amount to pay all or part of 57392
the cost of purchasing alcohol monitoring devices to be used in 57393
conjunction with division (H) (3) (c) of this section, upon 57394
exhaustion of moneys in the indigent drivers interlock and alcohol 57395
monitoring fund for the use of an alcohol monitoring device. 57396

(c) Transfer to another court in the same county any of the 57397
surplus amount to be utilized in a manner consistent with division 57398
(H) (3) of this section. If surplus funds are transferred to 57399
another court, the court that transfers the funds shall notify the 57400
alcohol and drug addiction services board or the board of alcohol, 57401
drug addiction, and mental health services that serves the 57402
alcohol, drug addiction, and mental health service district in 57403
which that court is located. 57404

(d) Transfer to the alcohol and drug addiction services board 57405
or the board of alcohol, drug addiction, and mental health 57406
services that serves the alcohol, drug addiction, and mental 57407
health service district in which the court is located any of the 57408
surplus amount to be utilized in a manner consistent with division 57409
(H) (3) of this section or for board contracted recovery support 57410
services. 57411

(e) Expend any of the surplus amount for the cost of 57412

staffing, equipment, training, drug testing, supplies, and other 57413
expenses of any specialized docket program established within the 57414
court and certified by the supreme court. 57415

(5) In order to determine if an offender does not have the 57416
means to pay for the offender's attendance at an alcohol and drug 57417
addiction treatment program for purposes of division (H) (3) of 57418
this section or if an alleged offender or delinquent child is 57419
unable to pay the costs specified in division (H) (4) of this 57420
section, the court shall use the indigent client eligibility 57421
guidelines and the standards of indigency established by the state 57422
public defender to make the determination. 57423

(6) The court shall identify and refer any community 57424
addiction services provider that intends to provide alcohol and 57425
drug addiction services and has not had its alcohol and drug 57426
addiction services certified under section 5119.36 of the Revised 57427
Code and that is interested in receiving amounts from the surplus 57428
in the fund declared under division (H) (4) of this section to the 57429
department of mental health and addiction services in order for 57430
the community addiction services provider to have its alcohol and 57431
drug addiction services certified by the department. The 57432
department shall keep a record of applicant referrals received 57433
pursuant to this division and shall submit a report on the 57434
referrals each year to the general assembly. If a community 57435
addiction services provider interested in having its alcohol and 57436
drug addiction services certified makes an application pursuant to 57437
section 5119.36 of the Revised Code, the community addiction 57438
services provider is eligible to receive surplus funds as long as 57439
the application is pending with the department. The department of 57440
mental health and addiction services must offer technical 57441
assistance to the applicant. If the interested community addiction 57442
services provider withdraws the certification application, the 57443
department must notify the court, and the court shall not provide 57444

the interested community addiction services provider with any 57445
further surplus funds. 57446

(7) (a) Each alcohol and drug addiction services board and 57447
board of alcohol, drug addiction, and mental health services 57448
established pursuant to section 340.02 or 340.021 of the Revised 57449
Code shall submit to the department of mental health and addiction 57450
services an annual report for each indigent drivers alcohol 57451
treatment fund in that board's area. 57452

(b) The report, which shall be submitted not later than sixty 57453
days after the end of the state fiscal year, shall provide the 57454
total payment that was made from the fund, including the number of 57455
indigent consumers that received treatment services and the number 57456
of indigent consumers that received an alcohol monitoring device. 57457
The report shall identify the treatment program and expenditure 57458
for an alcohol monitoring device for which that payment was made. 57459
The report shall include the fiscal year balance of each indigent 57460
drivers alcohol treatment fund located in that board's area. In 57461
the event that a surplus is declared in the fund pursuant to 57462
division (H) (4) of this section, the report also shall provide the 57463
total payment that was made from the surplus moneys and identify 57464
the authorized purpose for which that payment was made. 57465

(c) If a board is unable to obtain adequate information to 57466
develop the report to submit to the department for a particular 57467
indigent drivers alcohol treatment fund, the board shall submit a 57468
report detailing the effort made in obtaining the information. 57469

(I) (1) Each county shall establish an indigent drivers 57470
interlock and alcohol monitoring fund and a juvenile indigent 57471
drivers interlock and alcohol treatment fund. Each municipal 57472
corporation in which there is a municipal court shall establish an 57473
indigent drivers interlock and alcohol monitoring fund. All 57474
revenue that the general assembly appropriates to the indigent 57475
drivers interlock and alcohol monitoring fund for transfer to a 57476

county indigent drivers interlock and alcohol monitoring fund, a 57477
county juvenile indigent drivers interlock and alcohol monitoring 57478
fund, or a municipal indigent drivers interlock and alcohol 57479
monitoring fund, all portions of license reinstatement fees that 57480
are paid under division (F)(2) of this section and that are 57481
credited under that division to the indigent drivers interlock and 57482
alcohol monitoring fund in the state treasury, and all portions of 57483
fines that are paid under division (G) of section 4511.19 of the 57484
Revised Code and that are credited by division (G)(5)(e) of that 57485
section to the indigent drivers interlock and alcohol monitoring 57486
fund in the state treasury shall be deposited in the appropriate 57487
fund in accordance with division (I)(2) of this section. 57488

(2) That portion of the license reinstatement fee that is 57489
paid under division (F) of this section and that portion of the 57490
fine paid under division (G) of section 4511.19 of the Revised 57491
Code and that is credited under either division to the indigent 57492
drivers interlock and alcohol monitoring fund shall be deposited 57493
into a county indigent drivers interlock and alcohol monitoring 57494
fund, a county juvenile indigent drivers interlock and alcohol 57495
monitoring fund, or a municipal indigent drivers interlock and 57496
alcohol monitoring fund as follows: 57497

(a) If the fee or fine is paid by a person who was charged in 57498
a county court with the violation that resulted in the suspension 57499
or fine, the portion shall be deposited into the county indigent 57500
drivers interlock and alcohol monitoring fund under the control of 57501
that court. 57502

(b) If the fee or fine is paid by a person who was charged in 57503
a juvenile court with the violation that resulted in the 57504
suspension or fine, the portion shall be deposited into the county 57505
juvenile indigent drivers interlock and alcohol monitoring fund 57506
established in the county served by the court. 57507

(c) If the fee or fine is paid by a person who was charged in 57508

a municipal court with the violation that resulted in the 57509
suspension, the portion shall be deposited into the municipal 57510
indigent drivers interlock and alcohol monitoring fund under the 57511
control of that court. 57512

(3) If a county, juvenile, or municipal court determines that 57513
the funds in the county indigent drivers interlock and alcohol 57514
monitoring fund, the county juvenile indigent drivers interlock 57515
and alcohol monitoring fund, or the municipal indigent drivers 57516
interlock and alcohol monitoring fund under the control of that 57517
court are more than sufficient to satisfy the purpose for which 57518
the fund was established as specified in division (F) (2) (h) of 57519
this section, the court may declare a surplus in the fund. The 57520
court then may order the transfer of a specified amount into the 57521
county indigent drivers alcohol treatment fund, the county 57522
juvenile indigent drivers alcohol treatment fund, or the municipal 57523
indigent drivers alcohol treatment fund under the control of that 57524
court to be utilized in accordance with division (H) of this 57525
section. 57526

Sec. 4709.10. (A) Each person who desires to obtain a license 57527
to operate a barber school shall apply to the state cosmetology 57528
and barber board, on forms provided by the board. The board shall 57529
issue a barber school license to a person if the board determines 57530
that the person meets and will comply with all of the requirements 57531
of division (B) of this section and pays the required licensure 57532
and inspection fees. 57533

(B) In order for a person to qualify for a license to operate 57534
a barber school, the barber school to be operated by the person 57535
must meet all of the following requirements: 57536

(1) Have a training facility sufficient to meet the required 57537
educational curriculum established by the board, including enough 57538
space to accommodate all the facilities and equipment required by 57539

rule by the board; 57540

(2) Provide sufficient licensed teaching personnel to meet 57541
the minimum pupil-teacher ratio established by rule of the board; 57542

(3) Have established and provide to the board proof that it 57543
has met all of the board requirements to operate a barber school, 57544
as adopted by rule of the board; 57545

(4) File with the board a program of its curriculum, 57546
accounting for not less than one thousand eight hundred hours of 57547
instruction in the courses of theory and practical demonstration 57548
required by rule of the board; 57549

(5) File with the board a surety bond in the amount of ten 57550
thousand dollars issued by a bonding company licensed to do 57551
business in this state. The bond shall be in the form prescribed 57552
by the board and conditioned upon the barber school's continued 57553
instruction in the theory and practice of barbering. The bond 57554
shall continue in effect until notice of its termination is 57555
provided to the board. In no event, however, shall the bond be 57556
terminated while the barber school is in operation. Any student 57557
who is injured or damaged by reason of a barber school's failure 57558
to continue instruction in the theory and practice of barbering 57559
may maintain an action on the bond against the barber school or 57560
the surety, or both, for the recovery of any money or tuition paid 57561
in advance for instruction in the theory and practice of barbering 57562
which was not received. The aggregate liability of the surety to 57563
all students shall not exceed the sum of the bond. 57564

(6) Maintain adequate record keeping to ensure that it has 57565
met the requirements for records of student progress as required 57566
by board rule; 57567

(7) Establish minimum standards for acceptance of student 57568
applicants for admission to the barber school. The barber school 57569
may establish entrance requirements which are more stringent than 57570

those prescribed by the board, but the requirements must at a minimum require the applicant to meet all of the following:

- (a) Be at least seventeen years of age;
- (b) Have an eighth grade education, or an equivalent education as determined by the state board of education;
- (c) Submit two signed current photographs of the applicant, in the size determined by the board.

(8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school;

(9) Operate in a manner which reflects credit upon the barbering profession;

(10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board;

(11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility.

(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. The board shall only issue a barber teacher license to a person who meets all of the following requirements:

- (1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement;

(2) Meets such other requirements as adopted by rule by the board; 57601
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(3) Passes the required examination; and 57603

(4) Pays the required fees. ~~If an applicant fails to pass the examination, the applicant may reapply for the examination and licensure no earlier than one year after the failure to pass and provided that during that period, the applicant remains employed as an assistant barber teacher.~~ 57604
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The board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees. 57609
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(D) Any person who meets the qualifications of an assistant teacher pursuant to division (C) of this section, may be employed as an assistant teacher, provided that within five days after the commencement of the employment the barber school submits to the board, on forms provided by the board, the applicant's qualifications. 57612
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Sec. 4713.02. (A) There is hereby created the state cosmetology and barber board, consisting of all of the following members appointed by the governor, with the advice and consent of the senate: 57618
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(1) One individual holding a current, valid cosmetologist or cosmetology instructor license at the time of appointment; 57622
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(2) Two individuals holding current, valid cosmetologist licenses and actively engaged in managing beauty salons for a period of not less than five years at the time of appointment; 57624
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(3) One individual who holds a current, valid independent contractor license at the time of appointment and practices a branch of cosmetology; 57627
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(4) One individual who represents individuals who teach the 57630

theory and practice of a branch of cosmetology at a vocational or 57631
career-technical school; 57632

(5) One owner or executive actively engaged in the daily 57633
operations of a licensed school of cosmetology; 57634

(6) One owner of at least five licensed salons; 57635

(7) One individual who is either a certified nurse 57636
practitioner or clinical nurse specialist holding a current, valid 57637
license to practice nursing as an advanced practice registered 57638
nurse issued under Chapter 4723. of the Revised Code or a 57639
physician authorized under Chapter 4731. of the Revised Code to 57640
practice medicine and surgery or osteopathic medicine and surgery; 57641

(8) One individual representing the general public; 57642

(9) One individual who holds a current, valid tanning permit 57643
and who has owned or managed a tanning facility for at least five 57644
years immediately preceding the individual's appointment; 57645

(10) One individual who holds a current, valid esthetician 57646
license and who has been actively practicing esthetics for a 57647
period of not less than five years immediately preceding the 57648
individual's appointment; 57649

(11) ~~Two barbers, one of whom~~ One individual who is an 57650
employer barber and ~~one of whom is employed as a barber, both of~~ 57651
~~whom have~~ who has been licensed as ~~barbers~~ a barber in this state 57652
for at least five years immediately preceding ~~their~~ the 57653
individual's appointment; 57654

(12) One individual who holds a current, valid barber or 57655
barber teacher license at the time of appointment and who has been 57656
licensed as a barber or barber teacher in this state for at least 57657
five years immediately preceding the individual's appointment. 57658

(B) The superintendent of public instruction shall nominate 57659
three individuals for the governor to choose from when making an 57660

appointment under division (A) (4) of this section. 57661

(C) All members shall be at least twenty-five years of age, 57662
residents of the state, and citizens of the United States. No more 57663
than two members, at any time, shall be graduates of the same 57664
school of cosmetology. Not more than one member shall have a 57665
common financial connection with any school of cosmetology, salon, 57666
barber school, or barber shop. 57667

Terms of office are for five years. Terms shall commence on 57668
the first day of November and end on the thirty-first day of 57669
October. Each member shall hold office from the date of 57670
appointment until the end of the term for which appointed. In case 57671
of a vacancy occurring on the board, the governor shall, in the 57672
same manner prescribed for the regular appointment to the board, 57673
fill the vacancy by appointing a member. Any member appointed to 57674
fill a vacancy occurring prior to the expiration of the term for 57675
which the member's predecessor was appointed shall hold office for 57676
the remainder of such term. Any member shall continue in office 57677
subsequent to the expiration date of the member's term until the 57678
member's successor takes office, or until a period of sixty days 57679
has elapsed, whichever occurs first. Before entering upon the 57680
discharge of the duties of the office of member, each member shall 57681
take, and file with the secretary of state, the oath of office 57682
required by Section 7 of Article XV, Ohio Constitution. 57683

The members of the board shall receive an amount fixed 57684
pursuant to Chapter 124. of the Revised Code per diem for every 57685
meeting of the board which they attend, together with their 57686
necessary expenses, and mileage for each mile necessarily 57687
traveled. 57688

The members of the board shall annually elect, from among 57689
their number, a chairperson and a vice-chairperson. The executive 57690
director appointed pursuant to section 4713.06 of the Revised Code 57691
shall serve as the board's secretary. 57692

(D) The board shall prescribe the duties of its officers and 57693
establish an office within Franklin county. The board shall keep 57694
all records and files at the office and have the records and files 57695
at all reasonable hours open to public inspection in accordance 57696
with section 149.43 of the Revised Code and any rules adopted by 57697
the board in compliance with this state's record retention policy. 57698
The board also shall adopt a seal for the authentication of its 57699
orders, communications, and records. 57700

(E) The governor may remove any member for cause prior to the 57701
expiration of the member's term of office. 57702

(F) Whenever the term "state board of cosmetology" is used, 57703
referred to, or designated in statute, rule, contract, grant, or 57704
other document, the use, reference, or designation shall be deemed 57705
to mean the "state cosmetology and barber board" or the executive 57706
director of the state cosmetology and barber board, whichever is 57707
appropriate in context. Whenever the term "barber board" is used, 57708
referred to, or designated in statute, rule, contract, grant, or 57709
other document, the use, reference, or designation shall be deemed 57710
to mean the "state cosmetology and barber board" or the executive 57711
director of the state cosmetology and barber board, whichever is 57712
appropriate in context. 57713

Sec. 4713.351. (A) For purposes of this section, a "limited 57714
event" includes, but is not limited to, the following: 57715

(1) A charity event; 57716

(2) On-location wedding or event preparation; 57717

(3) A bridal or hair show; 57718

(4) An on-location spa event; 57719

(5) An on-location event at a location such as a nursing 57720
home, hospital, or other care facility that lacks an on-site salon 57721
or barber shop; 57722

(6) An on-location event at the private residence of an individual who is unable to visit a fixed location salon or barber shop. 57723
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(B) Notwithstanding any provision of this chapter or Chapter 4709. of the Revised Code, or the rules adopted under either chapter, to the contrary, an individual who is licensed to provide services under Chapter 4709. or 4713. of the Revised Code may provide those services on premises other than a salon or a barber shop licensed under Chapter 4709., as applicable, for limited events only if the services provided are incidental to the licensee's practice in a salon or barber shop. 57726
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(C) The state cosmetology and barber board shall not require an individual who provides incidental services as described in this section to obtain an additional license or permit to provide those services. 57734
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Sec. 4715.36. As used in this section and sections 4715.361 to 4715.374 of the Revised Code: 57738
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(A) "Accredited dental hygiene school" means a dental hygiene school accredited by the American dental association commission on dental accreditation or a dental hygiene school whose educational standards are recognized by the American dental association commission on dental accreditation and approved by the state dental board. 57740
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(B) "Authorizing dentist" means a dentist who authorizes a dental hygienist to perform dental hygiene services under section 4715.365 of the Revised Code. 57746
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(C) "Clinical evaluation" means a diagnosis and treatment plan formulated for an individual patient by a dentist. 57749
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(D) "Dentist" means an individual licensed under this chapter to practice dentistry. 57751
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(E) "Dental hygienist" means an individual licensed under this chapter to practice as a dental hygienist. 57753
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(F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the procedures specified in rules adopted by the board as described in division (C) (3) of section 4715.22 of the Revised Code. 57755
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(G) "Facility" means any of the following: 57763

(1) A health care facility, as defined in section 4715.22 of the Revised Code; 57764
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(2) A state correctional institution, as defined in section 2967.01 of the Revised Code; 57766
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(3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care center; 57768
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(4) A residential facility licensed under section 5123.19 of the Revised Code; 57772
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(5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code; 57774
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(6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code; 57778
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(7) A federally qualified health center or federally 57782

qualified health center look-alike, as defined in section 3701.047 57783
of the Revised Code; 57784

(8) A shelter for victims of domestic violence, as defined in 57785
section 3113.33 of the Revised Code; 57786

(9) A facility operated by the department of youth services 57787
under Chapter 5139. of the Revised Code; 57788

(10) A foster home, as defined in section 5103.02 of the 57789
Revised Code; 57790

(11) A nonprofit clinic, as defined in section 3715.87 of the 57791
Revised Code; 57792

(12) The residence of one or more individuals receiving 57793
services provided by a home health agency, as defined in section 57794
~~3701.881~~ 3740.11 of the Revised Code; 57795

(13) A dispensary; 57796

(14) A health care facility, such as a clinic or hospital, of 57797
the United States department of veterans affairs; 57798

(15) The residence of one or more individuals enrolled in a 57799
home and community-based services medicaid waiver component, as 57800
defined in section 5166.01 of the Revised Code; 57801

(16) A facility operated by the board of health of a city or 57802
general health district or the authority having the duties of a 57803
board of health under section 3709.05 of the Revised Code; 57804

(17) A women, infants, and children clinic; 57805

(18) A mobile dental facility, as defined in section 4715.70 57806
of the Revised Code, located at any location listed in divisions 57807
(G) (1) to (17) of this section; 57808

(19) Any other location, as specified by the state dental 57809
board in rules adopted under section 4715.372 of the Revised Code, 57810
that is in an area designated as a dental health resource shortage 57811

area pursuant to section 3702.87 of the Revised Code and provides 57812
health care services to individuals who are medicaid recipients 57813
and to indigent and uninsured persons, as defined in section 57814
2305.234 of the Revised Code. 57815

Sec. 4719.01. (A) As used in sections 4719.01 to 4719.18 of 57816
the Revised Code: 57817

(1) "Affiliate" means a business entity that is owned by, 57818
operated by, controlled by, or under common control with another 57819
business entity. 57820

(2) "Communication" means a written or oral notification or 57821
advertisement that meets both of the following criteria, as 57822
applicable: 57823

(a) The notification or advertisement is transmitted by or on 57824
behalf of the seller of goods or services and by or through any 57825
printed, audio, video, cinematic, telephonic, or electronic means. 57826

(b) In the case of a notification or advertisement other than 57827
by telephone, either of the following conditions is met: 57828

(i) The notification or advertisement is followed by a 57829
telephone call from a telephone solicitor or salesperson. 57830

(ii) The notification or advertisement invites a response by 57831
telephone, and, during the course of that response, a telephone 57832
solicitor or salesperson attempts to make or makes a sale of goods 57833
or services. As used in division (A) (2) (b) (ii) of this section, 57834
"invites a response by telephone" excludes the mere listing or 57835
inclusion of a telephone number in a notification or 57836
advertisement. 57837

(3) "Gift, award, or prize" means anything of value that is 57838
offered or purportedly offered, or given or purportedly given by 57839
chance, at no cost to the receiver and with no obligation to 57840
purchase goods or services. As used in this division, "chance" 57841

includes a situation in which a person is guaranteed to receive an item and, at the time of the offer or purported offer, the telephone solicitor does not identify the specific item that the person will receive.

(4) "Goods or services" means any real property or any tangible or intangible personal property, or services of any kind provided or offered to a person. "Goods or services" includes, but is not limited to, advertising; labor performed for the benefit of a person; personal property intended to be attached to or installed in any real property, regardless of whether it is so attached or installed; timeshare estates or licenses; and extended service contracts.

(5) "Purchaser" means a person that is solicited to become or does become financially obligated as a result of a telephone solicitation.

(6) "Salesperson" means an individual who is employed, appointed, or authorized by a telephone solicitor to make telephone solicitations but does not mean any of the following:

(a) An individual who comes within one of the exemptions in division (B) of this section;

(b) An individual employed, appointed, or authorized by a person who comes within one of the exemptions in division (B) of this section;

(c) An individual under a written contract with a person who comes within one of the exemptions in division (B) of this section, if liability for all transactions with purchasers is assumed by the person so exempted.

(7) "Telephone solicitation" means a communication to a person that meets both of the following criteria:

(a) The communication is initiated by or on behalf of a

telephone solicitor or by a salesperson. 57872

(b) The communication either represents a price or the 57873
quality or availability of goods or services or is used to induce 57874
the person to purchase goods or services, including, but not 57875
limited to, inducement through the offering of a gift, award, or 57876
prize. 57877

(8) "Telephone solicitor" means a person that engages in 57878
telephone solicitation directly or through one or more 57879
salespersons either from a location in this state, or from a 57880
location outside this state to persons in this state. "Telephone 57881
solicitor" includes, but is not limited to, any such person that 57882
is an owner, operator, officer, or director of, partner in, or 57883
other individual engaged in the management activities of, a 57884
business. 57885

(B) A telephone solicitor is exempt from the provisions of 57886
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 57887
Code if the telephone solicitor is any one of the following: 57888

(1) A person engaging in a telephone solicitation that is a 57889
one-time or infrequent transaction not done in the course of a 57890
pattern of repeated transactions of a like nature; 57891

(2) A person engaged in telephone solicitation solely for 57892
religious or political purposes; a charitable organization, 57893
fund-raising counsel, or professional solicitor in compliance with 57894
the registration and reporting requirements of Chapter 1716. of 57895
the Revised Code; or any person or other entity exempt under 57896
section 1716.03 of the Revised Code from filing a registration 57897
statement under section 1716.02 of the Revised Code; 57898

(3) A person, making a telephone solicitation involving a 57899
home solicitation sale as defined in section 1345.21 of the 57900
Revised Code, that makes the sales presentation and completes the 57901
sale at a later, face-to-face meeting between the seller and the 57902

purchaser rather than during the telephone solicitation. However, 57903
if the person, following the telephone solicitation, causes 57904
another person to collect the payment of any money, this exemption 57905
does not apply. 57906

(4) A licensed securities, commodities, or investment broker, 57907
dealer, investment advisor, or associated person when making a 57908
telephone solicitation within the scope of the person's license. 57909
As used in division (B) (4) of this section, "licensed securities, 57910
commodities, or investment broker, dealer, investment advisor, or 57911
associated person" means a person subject to licensure or 57912
registration as such by the securities and exchange commission; 57913
the National Association of Securities Dealers or other 57914
self-regulatory organization, as defined by 15 U.S.C.A. 78c; by 57915
the division of securities under Chapter 1707. of the Revised 57916
Code; or by an official or agency of any other state of the United 57917
States. 57918

(5) (a) A person primarily engaged in soliciting the sale of a 57919
newspaper of general circulation; 57920

(b) As used in division (B) (5) (a) of this section, "newspaper 57921
of general circulation" includes, but is not limited to, both of 57922
the following: 57923

(i) A newspaper that is a daily law journal designated as an 57924
official publisher of court calendars pursuant to section 2701.09 57925
of the Revised Code; 57926

(ii) A newspaper or publication that has at least twenty-five 57927
per cent editorial, non-advertising content, exclusive of inserts, 57928
measured relative to total publication space, and an audited 57929
circulation to at least fifty per cent of the households in the 57930
newspaper's retail trade zone as defined by the audit. 57931

(6) (a) An issuer, or its subsidiary, that has a class of 57932
securities to which all of the following apply: 57933

(i) The class of securities is subject to section 12 of the "Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is registered or is exempt from registration under 15 U.S.C.A. 781(g) (2) (A), (B), (C), (E), (F), (G), or (H);

(ii) The class of securities is listed on the New York stock exchange, the American stock exchange, or the NASDAQ national market system;

(iii) The class of securities is a reported security as defined in 17 C.F.R. 240.11Aa3-1(a) (4) .

(b) An issuer, or its subsidiary, that formerly had a class of securities that met the criteria set forth in division (B) (6) (a) of this section if the issuer, or its subsidiary, has a net worth in excess of one hundred million dollars, files or its parent files with the securities and exchange commission an S.E.C. form 10-K, and has continued in substantially the same business since it had a class of securities that met the criteria in division (B) (6) (a) of this section. As used in division (B) (6) (b) of this section, "issuer" and "subsidiary" include the successor to an issuer or subsidiary.

(7) A person soliciting a transaction regulated by the commodity futures trading commission, if the person is registered or temporarily registered for that activity with the commission under 7 U.S.C.A. 1 et seq. and the registration or temporary registration has not expired or been suspended or revoked;

(8) A person soliciting the sale of any book, record, audio tape, compact disc, or video, if the person allows the purchaser to review the merchandise for at least seven days and provides a full refund within thirty days to a purchaser who returns the merchandise or if the person solicits the sale on behalf of a membership club operating in compliance with regulations adopted by the federal trade commission in 16 C.F.R. 425;

(9) A supervised financial institution or its subsidiary. As 57965
used in division (B)(9) of this section, "supervised financial 57966
institution" means a bank, trust company, savings and loan 57967
association, savings bank, credit union, industrial loan company, 57968
consumer finance lender, commercial finance lender, or institution 57969
described in section 2(c)(2)(F) of the "Bank Holding Company Act 57970
of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an 57971
official or agency of the United States, this state, or any other 57972
state of the United States; or a licensee or registrant under 57973
sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 57974
1321.83, or Chapter 1322. of the Revised Code. 57975

(10) (a) An insurance company, association, or other 57976
organization that is licensed or authorized to conduct business in 57977
this state by the superintendent of insurance pursuant to Title 57978
XXXIX of the Revised Code or Chapter 1751. of the Revised Code, 57979
when soliciting within the scope of its license or authorization. 57980

(b) A licensed insurance broker, agent, or solicitor when 57981
soliciting within the scope of the person's license. As used in 57982
division (B)(10)(b) of this section, "licensed insurance broker, 57983
agent, or solicitor" means any person licensed as an insurance 57984
broker, agent, or solicitor by the superintendent of insurance 57985
pursuant to Title XXXIX of the Revised Code. 57986

(11) A person soliciting the sale of services provided by a 57987
cable television system operating under authority of a 57988
governmental franchise or permit; 57989

(12) A person soliciting a business-to-business sale under 57990
which any of the following conditions are met: 57991

(a) The telephone solicitor has been operating continuously 57992
for at least three years under the same business name under which 57993
it solicits purchasers, and at least fifty-one per cent of its 57994
gross dollar volume of sales consists of repeat sales to existing 57995

customers to whom it has made sales under the same business name.	57996
(b) The purchaser business intends to resell the goods purchased.	57997 57998
(c) The purchaser business intends to use the goods or services purchased in a recycling, reuse, manufacturing, or remanufacturing process.	57999 58000 58001
(d) The telephone solicitor is a publisher of a periodical or of magazines distributed as controlled circulation publications as defined in division (CC) of section 5739.01 of the Revised Code and is soliciting sales of advertising, subscriptions, reprints, lists, information databases, conference participation or sponsorships, trade shows or media products related to the periodical or magazine, or other publishing services provided by the controlled circulation publication.	58002 58003 58004 58005 58006 58007 58008 58009
(13) A person that, not less often than once each year, publishes and delivers to potential purchasers a catalog that complies with both of the following:	58010 58011 58012
(a) It includes all of the following:	58013
(i) The business address of the seller;	58014
(ii) A written description or illustration of each good or service offered for sale;	58015 58016
(iii) A clear and conspicuous disclosure of the sale price of each good or service; shipping, handling, and other charges; and return policy.	58017 58018 58019
(b) One of the following applies:	58020
(i) The catalog includes at least twenty-four pages of written material and illustrations, is distributed in more than one state, and has an annual postage-paid mail circulation of not less than two hundred fifty thousand households;	58021 58022 58023 58024
(ii) The catalog includes at least ten pages of written	58025

material or an equivalent amount of material in electronic form on 58026
the internet or an on-line computer service, the person does not 58027
solicit customers by telephone but solely receives telephone calls 58028
made in response to the catalog, and during the calls the person 58029
takes orders but does not engage in further solicitation of the 58030
purchaser. As used in division (B) (13) (b) (ii) of this section, 58031
"further solicitation" does not include providing the purchaser 58032
with information about, or attempting to sell, any other item in 58033
the catalog that prompted the purchaser's call or in a 58034
substantially similar catalog issued by the seller. 58035

(14) A political subdivision or instrumentality of the United 58036
States, this state, or any state of the United States; 58037

(15) A college or university or any other public or private 58038
institution of higher education in this state; 58039

(16) A public utility as defined in section 4905.02 of the 58040
Revised Code or a retail natural gas supplier as defined in 58041
section 4929.01 of the Revised Code, if the utility or supplier is 58042
subject to regulation by the public utilities commission, or the 58043
affiliate of the utility or supplier; 58044

(17) A person that solicits sales through a television 58045
program or advertisement that is presented in the same market area 58046
no fewer than twenty days per month or offers for sale no fewer 58047
than ten distinct items of goods or services; and offers to the 58048
purchaser an unconditional right to return any good or service 58049
purchased within a period of at least seven days and to receive a 58050
full refund within thirty days after the purchaser returns the 58051
good or cancels the service; 58052

(18) (a) A person that, for at least one year, has been 58053
operating a retail business under the same name as that used in 58054
connection with telephone solicitation and both of the following 58055
occur on a continuing basis: 58056

(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises. (i) At least fifty-one per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at the person's business premises. (b) An affiliate of a person that meets the requirements in division (B)(18)(a) of this section if the affiliate meets all of the following requirements: (i) The affiliate has operated a retail business for a period of less than one year; (ii) The affiliate either displays goods and offers them for retail sale at the affiliate's business premises or offers services for sale and provides them at the affiliate's business premises; (iii) At least fifty-one per cent of the affiliate's gross dollar volume of retail sales involves purchases of goods or services at the affiliate's business premises. (c) A person that, for a period of less than one year, has been operating a retail business in this state under the same name as that used in connection with telephone solicitation, as long as all of the following requirements are met: (i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises; (ii) The goods or services that are the subject of telephone solicitation are sold at the person's business premises, and at least sixty-five per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at the person's business premises;

(iii) The person conducts all telephone solicitation 58087
activities according to sections 310.3, 310.4, and 310.5 of the 58088
telemarketing sales rule adopted by the federal trade commission 58089
in 16 C.F.R. part 310. 58090

(19) A person who performs telephone solicitation sales 58091
services on behalf of other persons and to whom one of the 58092
following applies: 58093

(a) The person has operated under the same ownership, 58094
control, and business name for at least five years, and the person 58095
receives at least seventy-five per cent of its gross revenues from 58096
written telephone solicitation contracts with persons who come 58097
within one of the exemptions in division (B) of this section. 58098

(b) The person is an affiliate of one or more exempt persons 58099
and makes telephone solicitations on behalf of only the exempt 58100
persons of which it is an affiliate. 58101

(c) The person makes telephone solicitations on behalf of 58102
only exempt persons, the person and each exempt person on whose 58103
behalf telephone solicitations are made have entered into a 58104
written contract that specifies the manner in which the telephone 58105
solicitations are to be conducted and that at a minimum requires 58106
compliance with the telemarketing sales rule adopted by the 58107
federal trade commission in 16 C.F.R. part 310, and the person 58108
conducts the telephone solicitations in the manner specified in 58109
the written contract. 58110

(d) The person performs telephone solicitation for religious 58111
or political purposes, a charitable organization, a fund-raising 58112
council, or a professional solicitor in compliance with the 58113
registration and reporting requirements of Chapter 1716. of the 58114
Revised Code; and meets all of the following requirements: 58115

(i) The person has operated under the same ownership, 58116
control, and business name for at least five years, and the person 58117

receives at least fifty-one per cent of its gross revenues from 58118
written telephone solicitation contracts with persons who come 58119
within the exemption in division (B) (2) of this section; 58120

(ii) The person does not conduct a prize promotion or offer 58121
the sale of an investment opportunity; 58122

(iii) The person conducts all telephone solicitation 58123
activities according to sections 310.3, 310.4, and 310.5 of the 58124
telemarketing sales rules adopted by the federal trade commission 58125
in 16 C.F.R. part 310. 58126

(20) A person that is a licensed real estate salesperson or 58127
broker under Chapter 4735. of the Revised Code when soliciting 58128
within the scope of the person's license; 58129

(21) (a) Either of the following: 58130

(i) A publisher that solicits the sale of the publisher's 58131
periodical or magazine of general, paid circulation, or a person 58132
that solicits a sale of that nature on behalf of a publisher under 58133
a written agreement directly between the publisher and the person. 58134

(ii) A publisher that solicits the sale of the publisher's 58135
periodical or magazine of general, paid circulation, or a person 58136
that solicits a sale of that nature as authorized by a publisher 58137
under a written agreement directly with a publisher's 58138
clearinghouse provided the person is a resident of Ohio for more 58139
than three years and initiates all telephone solicitations from 58140
Ohio and the person conducts the solicitation and sale in 58141
compliance with 16 C.F.R. part 310, as adopted by the federal 58142
trade commission. 58143

(b) As used in division (B) (21) of this section, "periodical 58144
or magazine of general, paid circulation" excludes a periodical or 58145
magazine circulated only as part of a membership package or given 58146
as a free gift or prize from the publisher or person. 58147

(22) A person that solicits the sale of food, as defined in 58148
section 3715.01 of the Revised Code, or the sale of products of 58149
horticulture, as defined in section 5739.01 of the Revised Code, 58150
if the person does not intend the solicitation to result in, or 58151
the solicitation actually does not result in, a sale that costs 58152
the purchaser an amount greater than five hundred dollars. 58153

(23) A funeral director licensed pursuant to Chapter 4717. of 58154
the Revised Code when soliciting within the scope of that license, 58155
if both of the following apply: 58156

(a) The solicitation and sale are conducted in compliance 58157
with 16 C.F.R. part 453, as adopted by the federal trade 58158
commission, and with sections 1107.33 and 1345.21 to 1345.28 of 58159
the Revised Code; 58160

(b) The person provides to the purchaser of any preneed 58161
funeral contract a notice that clearly and conspicuously sets 58162
forth the cancellation rights specified in division (G) of section 58163
1107.33 of the Revised Code, and retains a copy of the notice 58164
signed by the purchaser. 58165

(24) A person, or affiliate thereof, licensed to sell or 58166
issue Ohio instruments designated as travelers checks pursuant to 58167
sections 1315.01 to 1315.18 of the Revised Code. 58168

(25) A person that solicits sales from its previous 58169
purchasers and meets all of the following requirements: 58170

(a) The solicitation is made under the same business name 58171
that was previously used to sell goods or services to the 58172
purchaser; 58173

(b) The person has, for a period of not less than three 58174
years, operated a business under the same business name as that 58175
used in connection with telephone solicitation; 58176

(c) The person does not conduct a prize promotion or offer 58177

the sale of an investment opportunity; 58178

(d) The person conducts all telephone solicitation activities 58179
according to sections 310.3, 310.4, and 310.5 of the telemarketing 58180
sales rules adopted by the federal trade commission in 16 C.F.R. 58181
part 310; 58182

(e) Neither the person nor any of its principals has been 58183
convicted of, pleaded guilty to, or has entered a plea of no 58184
contest for a felony or a theft offense as defined in sections 58185
2901.02 and 2913.01 of the Revised Code or similar law of another 58186
state or of the United States; 58187

(f) Neither the person nor any of its principals has had 58188
entered against them an injunction or a final judgment or order, 58189
including an agreed judgment or order, an assurance of voluntary 58190
compliance, or any similar instrument, in any civil or 58191
administrative action involving engaging in a pattern of corrupt 58192
practices, fraud, theft, embezzlement, fraudulent conversion, or 58193
misappropriation of property; the use of any untrue, deceptive, or 58194
misleading representation; or the use of any unfair, unlawful, 58195
deceptive, or unconscionable trade act or practice. 58196

(26) An institution defined as a home health agency in 58197
section ~~3701.881~~ 3740.01 of the Revised Code, that conducts all 58198
telephone solicitation activities according to sections 310.3, 58199
310.4, and 310.5 of the telemarketing sales rules adopted by the 58200
federal trade commission in 16 C.F.R. part 310, and engages in 58201
telephone solicitation only within the scope of the institution's 58202
certification, accreditation, contract with the department of 58203
aging, or status as a home health agency; and that meets one of 58204
the following requirements: 58205

(a) The institution is certified as a provider of home health 58206
services under Title XVIII of the Social Security Act, 49 Stat. 58207
620, 42 U.S.C. 301, as amended; 58208

(b) The institution is accredited by either the joint 58209
commission on accreditation of health care organizations or the 58210
community health accreditation program; 58211

(c) The institution is providing PASSPORT services under the 58212
direction of the department of aging under sections 173.52 to 58213
173.523 of the Revised Code; 58214

(d) An affiliate of an institution that meets the 58215
requirements of division (B) (26) (a), (b), or (c) of this section 58216
when offering for sale substantially the same goods and services 58217
as those that are offered by the institution that meets the 58218
requirements of division (B) (26) (a), (b), or (c) of this section. 58219

(27) A person licensed by the department of health pursuant 58220
to section 3712.04 or 3712.041 of the Revised Code to provide a 58221
hospice care program or pediatric respite care program when 58222
conducting telephone solicitations within the scope of the 58223
person's license and according to sections 310.3, 310.4, and 310.5 58224
of the telemarketing sales rules adopted by the federal trade 58225
commission in 16 C.F.R. part 310. 58226

Sec. 4723.431. (A) (1) An advanced practice registered nurse 58227
who is designated as a clinical nurse specialist, certified 58228
nurse-midwife, or certified nurse practitioner may practice only 58229
in accordance with a standard care arrangement entered into with 58230
each physician or podiatrist with whom the nurse collaborates. A 58231
copy of the standard care arrangement shall be retained on file by 58232
the nurse's employer. Prior approval of the standard care 58233
arrangement by the board of nursing is not required, but the board 58234
may periodically review it for compliance with this section. 58235

A clinical nurse specialist, certified nurse-midwife, or 58236
certified nurse practitioner may enter into a standard care 58237
arrangement with one or more collaborating physicians or 58238
podiatrists. If a collaborating physician or podiatrist enters 58239

into standard care arrangements with more than five nurses, the 58240
physician or podiatrist shall not collaborate at the same time 58241
with more than five nurses in the prescribing component of their 58242
practices. 58243

Not later than thirty days after first engaging in the 58244
practice of nursing as a clinical nurse specialist, certified 58245
nurse-midwife, or certified nurse practitioner, the nurse shall 58246
submit to the board the name and business address of each 58247
collaborating physician or podiatrist. Thereafter, the nurse shall 58248
notify the board of any additions or deletions to the nurse's 58249
collaborating physicians or podiatrists. Except as provided in 58250
division (D) of this section, the notice must be provided not 58251
later than thirty days after the change takes effect. 58252

(2) All of the following conditions apply with respect to the 58253
practice of a collaborating physician or podiatrist with whom a 58254
clinical nurse specialist, certified nurse-midwife, or certified 58255
nurse practitioner may enter into a standard care arrangement: 58256

(a) The physician or podiatrist must be authorized to 58257
practice in this state. 58258

(b) Except as provided in division (A) (2) (c) of this section, 58259
the physician or podiatrist must be practicing in a specialty that 58260
is the same as or similar to the nurse's nursing specialty. 58261

(c) If the nurse is a clinical nurse specialist who is 58262
certified as a psychiatric-mental health CNS by the American 58263
nurses credentialing center or a certified nurse practitioner who 58264
is certified as a psychiatric-mental health NP by the American 58265
nurses credentialing center, the nurse may enter into a standard 58266
care arrangement with a physician but not a podiatrist and the 58267
collaborating physician must be practicing in one of the following 58268
specialties: 58269

(i) Psychiatry; 58270

(ii) Pediatrics;	58271
(iii) Primary care or family practice.	58272
(B) A standard care arrangement shall be in writing and shall contain all of the following:	58273 58274
(1) Criteria for referral of a patient by the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to a collaborating physician or podiatrist or another physician or podiatrist;	58275 58276 58277 58278
(2) A process for the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to obtain a consultation with a collaborating physician or podiatrist or another physician or podiatrist;	58279 58280 58281 58282
(3) A plan for coverage in instances of emergency or planned absences of either the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner or a collaborating physician or podiatrist that provides the means whereby a physician or podiatrist is available for emergency care;	58283 58284 58285 58286 58287
(4) The process for resolution of disagreements regarding matters of patient management between the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner and a collaborating physician or podiatrist;	58288 58289 58290 58291
(5) Any other criteria required by rule of the board adopted pursuant to section 4723.07 or 4723.50 of the Revised Code.	58292 58293
(C) (1) A standard care arrangement entered into pursuant to this section may permit a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to supervise services provided by a home health agency as defined in section 3701.881 <u>3740.01</u> of the Revised Code.	58294 58295 58296 58297 58298
(2) A standard care arrangement entered into pursuant to this section may permit a clinical nurse specialist, certified	58299 58300

nurse-midwife, or certified nurse practitioner to admit a patient 58301
to a hospital in accordance with section 3727.06 of the Revised 58302
Code. 58303

(D) (1) Except as provided in division (D) (2) of this section, 58304
if a physician or podiatrist terminates the collaboration between 58305
the physician or podiatrist and a certified nurse-midwife, 58306
certified nurse practitioner, or clinical nurse specialist before 58307
their standard care arrangement expires, all of the following 58308
apply: 58309

(a) The physician or podiatrist must give the nurse written 58310
or electronic notice of the termination. 58311

(b) Once the nurse receives the termination notice, the nurse 58312
must notify the board of nursing of the termination as soon as 58313
practicable by submitting to the board a copy of the physician's 58314
or podiatrist's termination notice. 58315

(c) Notwithstanding the requirement of section 4723.43 of the 58316
Revised Code that the nurse practice in collaboration with a 58317
physician or podiatrist, the nurse may continue to practice under 58318
the existing standard care arrangement without a collaborating 58319
physician or podiatrist for not more than one hundred twenty days 58320
after submitting to the board a copy of the termination notice. 58321

(2) In the event that the collaboration between a physician 58322
or podiatrist and a certified nurse-midwife, certified nurse 58323
practitioner, or clinical nurse specialist terminates because of 58324
the physician's or podiatrist's death, the nurse must notify the 58325
board of the death as soon as practicable. The nurse may continue 58326
to practice under the existing standard care arrangement without a 58327
collaborating physician or podiatrist for not more than one 58328
hundred twenty days after notifying the board of the physician's 58329
or podiatrist's death. 58330

(E) Nothing in this section prohibits a hospital from hiring 58331

a clinical nurse specialist, certified nurse-midwife, or certified 58332
nurse practitioner as an employee and negotiating standard care 58333
arrangements on behalf of the employee as necessary to meet the 58334
requirements of this section. A standard care arrangement between 58335
the hospital's employee and the employee's collaborating physician 58336
is subject to approval by the medical staff and governing body of 58337
the hospital prior to implementation of the arrangement at the 58338
hospital. 58339

Sec. 4729.284. (A) As used in this section, "nicotine 58340
replacement therapy" means a drug, including a dangerous drug, 58341
that delivers small doses of nicotine to an individual for the 58342
purpose of aiding in tobacco cessation or smoking cessation. 58343

(B) Subject to division (C) of this section, if use of a 58344
protocol that has been developed under this section has been 58345
authorized under section 4731.90 of the Revised Code, a pharmacist 58346
may dispense nicotine replacement therapy in accordance with that 58347
protocol to individuals who are eighteen years old or older and 58348
seeking to quit using tobacco-containing products. 58349

(C) For a pharmacist to be authorized to dispense nicotine 58350
replacement therapy under this section, the pharmacist shall do 58351
both of the following: 58352

(1) Successfully complete a course on nicotine replacement 58353
therapy that is taught by a provider that is accredited by the 58354
accreditation council for pharmacy education, or another provider 58355
approved by the state board of pharmacy, and that meets 58356
requirements established in rules adopted under this section; 58357

(2) Practice in accordance with a protocol that meets the 58358
requirements of division (D) of this section. 58359

(D) All of the following apply with respect to the protocol 58360
required by this section: 58361

(1) The protocol shall be established by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 58362
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(2) The protocol shall specify a definitive set of treatment guidelines and the locations at which a pharmacist may dispense nicotine replacement therapy under this section. 58365
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(3) The protocol shall include provisions for implementation of the following requirements: 58368
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(a) Use by the pharmacist of a screening procedure, recommended by the United States centers for disease control and prevention or another organization approved by the board, to determine if an individual is a good candidate to receive nicotine replacement therapy dispensed as authorized by this section; 58370
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(b) A requirement that the pharmacist refer high-risk individuals or individuals with contraindications to a primary care provider or, as appropriate, to another type of provider; 58375
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(c) A requirement that the pharmacist develop and implement a follow-up care plan in accordance with guidelines specified in rules adopted under this section, including a recommendation by the pharmacist that the individual seek additional assistance with behavior change, including assistance from the Ohio tobacco quit line made available by the department of health. 58378
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(4) The protocol shall satisfy any additional requirements established in rules adopted under this section. 58384
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(E) (1) Documentation related to screening, dispensing, and follow-up care plans shall be maintained in the records of the pharmacy where the pharmacist practices for at least three years. Dispensing of nicotine replacement therapy may be documented on a prescription form, and the form may be assigned a number for recordkeeping purposes. 58386
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(2) Not later than seventy-two hours after a screening is conducted under this section, the pharmacist shall provide notice to the individual's primary care provider, if known, or to the individual if the primary care provider is unknown. The notice shall include results of the screening, and if applicable, the dispensing record and follow-up care plan. 58392
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A copy of the documentation identified in division (E)(1) of this section shall also be provided to the individual or the individual's primary care provider on request. 58398
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(F) This section does not affect the authority of a pharmacist to do any of the following: 58401
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(1) Fill or refill prescriptions for nicotine replacement therapy; 58403
58404

(2) Sell nicotine replacement therapy that does not require a prescription. 58405
58406

(G) No pharmacist shall do either of the following: 58407

(1) Dispense nicotine replacement therapy in accordance with a protocol unless the requirements of division (C) of this section have been met; 58408
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(2) Delegate to any person the pharmacist's authority to engage in or supervise the dispensing of nicotine replacement therapy. 58411
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58413

(H)(1) The board shall adopt rules to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall include all of the following: 58414
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58416

(a) Provisions specifying the nicotine replacement therapy that may be dispensed in accordance with a protocol; 58417
58418

(b) Requirements for courses on nicotine replacement therapy including requirements that are consistent with any standards established for such courses by the United States centers for 58419
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<u>disease control and prevention;</u>	58422
<u>(c) Requirements for protocols to be followed by pharmacists</u>	58423
<u>in dispensing nicotine replacement therapy;</u>	58424
<u>(d) Guidelines for follow-up care plans.</u>	58425
<u>(2) Prior to adopting rules regarding requirements for</u>	58426
<u>protocols to be followed by pharmacists in dispensing of nicotine</u>	58427
<u>replacement therapy, the state board of pharmacy shall consult</u>	58428
<u>with the state medical board and the department of health.</u>	58429
<u>(I) A physician who in good faith authorizes a pharmacist to</u>	58430
<u>dispense nicotine replacement therapy in accordance with a</u>	58431
<u>protocol developed pursuant to rules adopted under division (H) of</u>	58432
<u>this section is not liable for or subject to any of the following</u>	58433
<u>for any action or omission of the individual to whom the nicotine</u>	58434
<u>replacement therapy is dispensed: damages in any civil action,</u>	58435
<u>prosecution in any criminal proceeding, or professional</u>	58436
<u>disciplinary action.</u>	58437
Sec. 4729.43. (A) As used in this section:	58438
(1) "Home health agency" has the same meaning as in section	58439
3701.881 <u>3740.01</u> of the Revised Code.	58440
(2) "Hospice care program" and "hospice patient" have the	58441
same meanings as in section 3712.01 of the Revised Code.	58442
(B) With regard to a dangerous drug that is indicated for the	58443
treatment of cancer or a cancer-related illness, must be	58444
administered intravenously or by subcutaneous injection, and	58445
cannot reasonably be self-administered by the patient to whom the	58446
drug is prescribed or by an individual assisting the patient with	58447
the self-administration, a pharmacist shall not dispense the drug	58448
by delivering the drug directly to any of the following or causing	58449
the drug to be delivered directly to any of the following:	58450
(1) The patient;	58451

(2) The patient's representative, which may include the patient's guardian or a family member or friend of the patient; 58452
58453

(3) The patient's private residence unless any of the following is the case: 58454
58455

(a) The patient's private residence is a nursing home, residential care facility, rehabilitation facility, or similar institutional facility or health care facility. 58456
58457
58458

(b) If the patient is an adult and a hospice patient or client of a home health agency, the patient, the licensed health professional authorized to prescribe drugs who prescribed the drug to the patient, or an employee or agent of the prescriber has notified the pharmacist that the patient is a hospice patient or client of a home health agency and an employee or agent of the hospice care program or home health agency will be administering the drug to the patient. 58459
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(c) If the patient is a minor and a hospice patient or client of a home health agency, either of the following has notified the pharmacist that the patient is a client of a home health agency and an employee or agent of the hospice care program or home health agency will be administering the drug to the patient: 58467
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(i) The licensed health professional authorized to prescribe drugs who prescribed the drug to the patient or an employee or agent of the prescriber; 58472
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58474

(ii) The parent, guardian, or other person who has care or charge of the patient and is authorized to consent to medical treatment on behalf of the patient. 58475
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Sec. 4729.80. (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board is authorized or required to provide information from the database only as follows: 58478
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58480
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(1) On receipt of a request from a designated representative 58482
of a government entity responsible for the licensure, regulation, 58483
or discipline of health care professionals with authority to 58484
prescribe, administer, or dispense drugs, the board may provide to 58485
the representative information from the database relating to the 58486
professional who is the subject of an active investigation being 58487
conducted by the government entity or relating to a professional 58488
who is acting as an expert witness for the government entity in 58489
such an investigation. 58490

(2) On receipt of a request from a federal officer, or a 58491
state or local officer of this or any other state, whose duties 58492
include enforcing laws relating to drugs, the board shall provide 58493
to the officer information from the database relating to the 58494
person who is the subject of an active investigation of a drug 58495
abuse offense, as defined in section 2925.01 of the Revised Code, 58496
being conducted by the officer's employing government entity. 58497

(3) Pursuant to a subpoena issued by a grand jury, the board 58498
shall provide to the grand jury information from the database 58499
relating to the person who is the subject of an investigation 58500
being conducted by the grand jury. 58501

(4) Pursuant to a subpoena, search warrant, or court order in 58502
connection with the investigation or prosecution of a possible or 58503
alleged criminal offense, the board shall provide information from 58504
the database as necessary to comply with the subpoena, search 58505
warrant, or court order. 58506

(5) On receipt of a request from a prescriber or the 58507
prescriber's delegate approved by the board, the board shall 58508
provide to the prescriber a report of information from the 58509
database relating to a patient who is either a current patient of 58510
the prescriber or a potential patient of the prescriber based on a 58511
referral of the patient to the prescriber, if all of the following 58512
conditions are met: 58513

(a) The prescriber certifies in a form specified by the board 58514
that it is for the purpose of providing medical treatment to the 58515
patient who is the subject of the request; 58516

(b) The prescriber has not been denied access to the database 58517
by the board. 58518

(6) On receipt of a request from a pharmacist or the 58519
pharmacist's delegate approved by the board, the board shall 58520
provide to the pharmacist information from the database relating 58521
to a current patient of the pharmacist, if the pharmacist 58522
certifies in a form specified by the board that it is for the 58523
purpose of the pharmacist's practice of pharmacy involving the 58524
patient who is the subject of the request and the pharmacist has 58525
not been denied access to the database by the board. 58526

(7) On receipt of a request from an individual seeking the 58527
individual's own database information in accordance with the 58528
procedure established in rules adopted under section 4729.84 of 58529
the Revised Code, the board may provide to the individual the 58530
individual's own prescription history. 58531

(8) On receipt of a request from a medical director or a 58532
pharmacy director of a managed care organization that has entered 58533
into a contract with the department of medicaid under section 58534
5167.10 of the Revised Code and a data security agreement with the 58535
board required by section 5167.14 of the Revised Code, the board 58536
shall provide to the medical director or the pharmacy director 58537
information from the database relating to a medicaid recipient 58538
enrolled in the managed care organization, including information 58539
in the database related to prescriptions for the recipient that 58540
were not covered or reimbursed under a program administered by the 58541
department of medicaid. 58542

(9) On receipt of a request from the medicaid director, the 58543
board shall provide to the director information from the database 58544

relating to a recipient of a program administered by the 58545
department of medicaid, including information in the database 58546
related to prescriptions for the recipient that were not covered 58547
or paid by a program administered by the department. 58548

(10) On receipt of a request from a medical director of a 58549
managed care organization that has entered into a contract with 58550
the administrator of workers' compensation under division (B) (4) 58551
of section 4121.44 of the Revised Code and a data security 58552
agreement with the board required by section 4121.447 of the 58553
Revised Code, the board shall provide to the medical director 58554
information from the database relating to a claimant under Chapter 58555
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 58556
managed care organization, including information in the database 58557
related to prescriptions for the claimant that were not covered or 58558
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 58559
Revised Code, if the administrator of workers' compensation 58560
confirms, upon request from the board, that the claimant is 58561
assigned to the managed care organization. 58562

(11) On receipt of a request from the administrator of 58563
workers' compensation, the board shall provide to the 58564
administrator information from the database relating to a claimant 58565
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 58566
including information in the database related to prescriptions for 58567
the claimant that were not covered or reimbursed under Chapter 58568
4121., 4123., 4127., or 4131. of the Revised Code. 58569

(12) On receipt of a request from a prescriber or the 58570
prescriber's delegate approved by the board, the board shall 58571
provide to the prescriber information from the database relating 58572
to a patient's mother, if the prescriber certifies in a form 58573
specified by the board that it is for the purpose of providing 58574
medical treatment to a newborn or infant patient diagnosed as 58575
opioid dependent and the prescriber has not been denied access to 58576

the database by the board. 58577

(13) On receipt of a request from the director of health, the 58578
board shall provide to the director information from the database 58579
relating to the duties of the director or the department of health 58580
in implementing the Ohio violent death reporting system 58581
established under section 3701.93 of the Revised Code. 58582

(14) On receipt of a request from a requestor described in 58583
division (A) (1), (2), (5), or (6) of this section who is from or 58584
participating with another state's prescription monitoring 58585
program, the board may provide to the requestor information from 58586
the database, but only if there is a written agreement under which 58587
the information is to be used and disseminated according to the 58588
laws of this state. 58589

(15) On receipt of a request from a delegate of a retail 58590
dispensary licensed under Chapter 3796. of the Revised Code who is 58591
approved by the board to serve as the dispensary's delegate, the 58592
board shall provide to the delegate a report of information from 58593
the database pertaining only to a patient's use of medical 58594
marijuana, if both of the following conditions are met: 58595

(a) The delegate certifies in a form specified by the board 58596
that it is for the purpose of dispensing medical marijuana for use 58597
in accordance with Chapter 3796. of the Revised Code. 58598

(b) The retail dispensary or delegate has not been denied 58599
access to the database by the board. 58600

(16) On receipt of a request from a judge of a program 58601
certified by the Ohio supreme court as a specialized docket 58602
program for drugs, the board shall provide to the judge, or an 58603
employee of the program who is designated by the judge to receive 58604
the information, information from the database that relates 58605
specifically to a current or prospective program participant. 58606

(17) On receipt of a request from a coroner, deputy coroner, 58607

or coroner's delegate approved by the board, the board shall 58608
provide to the requestor information from the database relating to 58609
a deceased person about whom the coroner is conducting or has 58610
conducted an autopsy or investigation. 58611

(18) On receipt of a request from a prescriber, the board may 58612
provide to the prescriber a summary of the prescriber's 58613
prescribing record if such a record is created by the board. 58614
Information in the summary is subject to the confidentiality 58615
requirements of this chapter. 58616

(19) (a) On receipt of a request from a pharmacy's responsible 58617
person, the board may provide to the responsible person a summary 58618
of the pharmacy's dispensing record if such a record is created by 58619
the board. Information in the summary is subject to the 58620
confidentiality requirements of this chapter. 58621

(b) As used in division (A) (19) (a) of this section, 58622
"responsible person" has the same meaning as in rules adopted by 58623
the board under section 4729.26 of the Revised Code. 58624

(20) The board may provide information from the database 58625
without request to a prescriber or pharmacist who is authorized to 58626
use the database pursuant to this chapter. 58627

(21) (a) On receipt of a request from a prescriber or 58628
pharmacist, or the prescriber's or pharmacist's delegate, who is a 58629
designated representative of a peer review committee, the board 58630
shall provide to the committee information from the database 58631
relating to a prescriber who is subject to the committee's 58632
evaluation, supervision, or discipline if the information is to be 58633
used for one of those purposes. The board shall provide only 58634
information that it determines, in accordance with rules adopted 58635
under section 4729.84 of the Revised Code, is appropriate to be 58636
provided to the committee. 58637

(b) As used in division (A) (21) (a) of this section, "peer 58638

review committee" has the same meaning as in section 2305.25 of 58639
the Revised Code, except that it includes only a peer review 58640
committee of a hospital or a peer review committee of a nonprofit 58641
health care corporation that is a member of the hospital or of 58642
which the hospital is a member. 58643

(22) On receipt of a request from a requestor described in 58644
division (A) (5) or (6) of this section who is from or 58645
participating with a prescription monitoring program that is 58646
operated by a federal agency and approved by the board, the board 58647
may provide to the requestor information from the database, but 58648
only if there is a written agreement under which the information 58649
is to be used and disseminated according to the laws of this 58650
state. 58651

(23) Any personal health information submitted to the board 58652
pursuant to section 4729.772 of the Revised Code may be provided 58653
by the board only as authorized by the submitter of the 58654
information and in accordance with rules adopted under section 58655
4729.84 of the Revised Code. 58656

(24) On receipt of a request from a person described in 58657
division (A) (5), (6), or (17) of this section who is participating 58658
in a drug overdose fatality review committee described in section 58659
307.631 of the Revised Code, the board may provide to the 58660
requestor information from the database, but only if there is a 58661
written agreement under which the information is to be used and 58662
disseminated according to the laws of this state. 58663

(25) On receipt of a request from a person described in 58664
division (A) (5), (6), or (17) of this section who is participating 58665
in a suicide fatality review committee described in section 58666
307.641 of the Revised Code, the board may provide to the 58667
requestor information from the database, but only if there is a 58668
written agreement under which the information is to be used and 58669
disseminated according to the laws of this state. 58670

(B) The state board of pharmacy shall maintain a record of 58671
each individual or entity that requests information from the 58672
database pursuant to this section. In accordance with rules 58673
adopted under section 4729.84 of the Revised Code, the board may 58674
use the records to document and report statistics and law 58675
enforcement outcomes. 58676

The board may provide records of an individual's requests for 58677
database information only to the following: 58678

(1) A designated representative of a government entity that 58679
is responsible for the licensure, regulation, or discipline of 58680
health care professionals with authority to prescribe, administer, 58681
or dispense drugs who is involved in an active criminal or 58682
disciplinary investigation being conducted by the government 58683
entity of the individual who submitted the requests for database 58684
information; 58685

(2) A federal officer, or a state or local officer of this or 58686
any other state, whose duties include enforcing laws relating to 58687
drugs and who is involved in an active investigation being 58688
conducted by the officer's employing government entity of the 58689
individual who submitted the requests for database information; 58690

(3) A designated representative of the department of medicaid 58691
regarding a prescriber who is treating or has treated a recipient 58692
of a program administered by the department and who submitted the 58693
requests for database information. 58694

(C) Information contained in the database and any information 58695
obtained from it is confidential and is not a public record. 58696
Information contained in the records of requests for information 58697
from the database is confidential and is not a public record. 58698
Information contained in the database that does not identify a 58699
person, including any licensee or registrant of the board or other 58700
entity, may be released in summary, statistical, or aggregate 58701

form. 58702

(D) A pharmacist or prescriber shall not be held liable in 58703
damages to any person in any civil action for injury, death, or 58704
loss to person or property on the basis that the pharmacist or 58705
prescriber did or did not seek or obtain information from the 58706
database. 58707

Sec. 4729.86. If the state board of pharmacy establishes and 58708
maintains a drug database pursuant to section 4729.75 of the 58709
Revised Code, all of the following apply: 58710

(A) (1) No person identified in divisions (A) (1) to (13), (15) 58711
to ~~(23)~~(25), or (B) of section 4729.80 of the Revised Code shall 58712
disseminate any written or electronic information the person 58713
receives from the drug database or otherwise provide another 58714
person access to the information that the person receives from the 58715
database, except as follows: 58716

(a) When necessary in the investigation or prosecution of a 58717
possible or alleged criminal offense; 58718

(b) When a person provides the information to the prescriber, 58719
pharmacist, or retail dispensary licensed under Chapter 3796. of 58720
the Revised Code for whom the person is approved by the board to 58721
serve as a delegate of the prescriber, pharmacist, or retail 58722
dispensary for purposes of requesting and receiving information 58723
from the drug database under division (A) (5), (6), or (15) of 58724
section 4729.80 of the Revised Code; 58725

(c) When a prescriber, pharmacist, or retail dispensary 58726
licensed under Chapter 3796. of the Revised Code provides the 58727
information to a person who is approved by the board to serve as 58728
such a delegate of the prescriber, pharmacist, or retail 58729
dispensary; 58730

(d) When a prescriber or pharmacist includes the information 58731

in a medical record, as defined in section 3701.74 of the Revised Code. 58732
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(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database. 58734
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(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code. 58737
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(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding. 58740
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(C) (1) Except as provided in division (C) (2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case: 58743
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(a) The person violates division (A) (1), (2), or (3) of this section; 58748
58749

(b) The person is a requestor identified in division (A) (14) or (22) of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A) (1), (2), or (3) of this section; 58750
58751
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(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to comply occurred; 58755
58756
58757

(d) The person creates, by clear and convincing evidence, a threat to the security of information contained in the database. 58758
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(2) If the board determines that allegations regarding a person's actions warrant restricting the person from obtaining 58760
58761

further information from the drug database without a prior 58762
hearing, the board may summarily impose the restriction. A 58763
telephone conference call may be used for reviewing the 58764
allegations and taking a vote on the summary restriction. The 58765
summary restriction shall remain in effect, unless removed by the 58766
board, until the board's final adjudication order becomes 58767
effective. 58768

(3) The board shall determine the extent to which the person 58769
is restricted from obtaining further information from the 58770
database. 58771

Sec. 4730.43. (A) A physician assistant who holds a valid 58772
prescriber number issued by the state medical board and has been 58773
granted physician-delegated prescriptive authority may personally 58774
furnish to a patient samples of drugs and therapeutic devices that 58775
are included in the physician assistant's physician-delegated 58776
prescriptive authority, subject to all of the following: 58777

(1) The amount of the sample furnished shall not exceed a 58778
seventy-two-hour supply, except when the minimum available 58779
quantity of the sample is packaged in an amount that is greater 58780
than a seventy-two-hour supply, in which case the physician 58781
assistant may furnish the sample in the package amount. 58782

(2) No charge may be imposed for the sample or for furnishing 58783
it. 58784

(3) Samples of controlled substances may not be personally 58785
furnished. 58786

(B) A physician assistant who holds a valid prescriber number 58787
issued by the state medical board and has been granted 58788
physician-delegated prescriptive authority may personally furnish 58789
to a patient a complete or partial supply of the drugs and 58790
therapeutic devices that are included in the physician assistant's 58791

physician-delegated prescriptive authority, subject to all of the 58792
following: 58793

(1) The physician assistant shall personally furnish only 58794
antibiotics, antifungals, scabicides, contraceptives, prenatal 58795
vitamins, antihypertensives, drugs and devices used in the 58796
treatment of diabetes, drugs and devices used in the treatment of 58797
asthma, and drugs used in the treatment of dyslipidemia. 58798

(2) The physician assistant shall not furnish the drugs and 58799
devices in locations other than at the following: 58800

(a) A health department operated by the board of health of a 58801
city or general health district or the authority having the duties 58802
of a board of health under section 3709.05 of the Revised Code,~~a;~~ 58803

(b) A federally funded comprehensive primary care clinic,~~or~~ 58804
~~a;~~ 58805

(c) A nonprofit health care clinic or program; 58806

(d) An employer-based clinic that provides health care 58807
services to the employer's employees. 58808

(3) The physician assistant shall comply with all standards 58809
and procedures for personally furnishing supplies of drugs and 58810
devices, as established in rules adopted under section 4730.39 of 58811
the Revised Code. 58812

Sec. 4731.22. (A) The state medical board, by an affirmative 58813
vote of not fewer than six of its members, may limit, revoke, or 58814
suspend a license or certificate to practice or certificate to 58815
recommend, refuse to grant a license or certificate, refuse to 58816
renew a license or certificate, refuse to reinstate a license or 58817
certificate, or reprimand or place on probation the holder of a 58818
license or certificate if the individual applying for or holding 58819
the license or certificate is found by the board to have committed 58820
fraud during the administration of the examination for a license 58821

or certificate to practice or to have committed fraud, 58822
misrepresentation, or deception in applying for, renewing, or 58823
securing any license or certificate to practice or certificate to 58824
recommend issued by the board. 58825

(B) The board, by an affirmative vote of not fewer than six 58826
members, shall, to the extent permitted by law, limit, revoke, or 58827
suspend a license or certificate to practice or certificate to 58828
recommend, refuse to issue a license or certificate, refuse to 58829
renew a license or certificate, refuse to reinstate a license or 58830
certificate, or reprimand or place on probation the holder of a 58831
license or certificate for one or more of the following reasons: 58832

(1) Permitting one's name or one's license or certificate to 58833
practice to be used by a person, group, or corporation when the 58834
individual concerned is not actually directing the treatment 58835
given; 58836

(2) Failure to maintain minimal standards applicable to the 58837
selection or administration of drugs, or failure to employ 58838
acceptable scientific methods in the selection of drugs or other 58839
modalities for treatment of disease; 58840

(3) Except as provided in section 4731.97 of the Revised 58841
Code, selling, giving away, personally furnishing, prescribing, or 58842
administering drugs for other than legal and legitimate 58843
therapeutic purposes or a plea of guilty to, a judicial finding of 58844
guilt of, or a judicial finding of eligibility for intervention in 58845
lieu of conviction of, a violation of any federal or state law 58846
regulating the possession, distribution, or use of any drug; 58847

(4) Willfully betraying a professional confidence. 58848

For purposes of this division, "willfully betraying a 58849
professional confidence" does not include providing any 58850
information, documents, or reports under sections 307.621 to 58851

307.629 of the Revised Code to a child fatality review board; does 58852
not include providing any information, documents, or reports under 58853
sections 307.631 to 307.6410 of the Revised Code to a drug 58854
overdose fatality review committee, a suicide fatality review 58855
committee, or hybrid drug overdose fatality and suicide fatality 58856
review committee; does not include providing any information, 58857
documents, or reports to the director of health pursuant to 58858
guidelines established under section 3701.70 of the Revised Code; 58859
does not include written notice to a mental health professional 58860
under section 4731.62 of the Revised Code; and does not include 58861
the making of a report of an employee's use of a drug of abuse, or 58862
a report of a condition of an employee other than one involving 58863
the use of a drug of abuse, to the employer of the employee as 58864
described in division (B) of section 2305.33 of the Revised Code. 58865
Nothing in this division affects the immunity from civil liability 58866
conferred by section 2305.33 or 4731.62 of the Revised Code upon a 58867
physician who makes a report in accordance with section 2305.33 or 58868
notifies a mental health professional in accordance with section 58869
4731.62 of the Revised Code. As used in this division, "employee," 58870
"employer," and "physician" have the same meanings as in section 58871
2305.33 of the Revised Code. 58872

(5) Making a false, fraudulent, deceptive, or misleading 58873
statement in the solicitation of or advertising for patients; in 58874
relation to the practice of medicine and surgery, osteopathic 58875
medicine and surgery, podiatric medicine and surgery, or a limited 58876
branch of medicine; or in securing or attempting to secure any 58877
license or certificate to practice issued by the board. 58878

As used in this division, "false, fraudulent, deceptive, or 58879
misleading statement" means a statement that includes a 58880
misrepresentation of fact, is likely to mislead or deceive because 58881
of a failure to disclose material facts, is intended or is likely 58882
to create false or unjustified expectations of favorable results, 58883

or includes representations or implications that in reasonable 58884
probability will cause an ordinarily prudent person to 58885
misunderstand or be deceived. 58886

(6) A departure from, or the failure to conform to, minimal 58887
standards of care of similar practitioners under the same or 58888
similar circumstances, whether or not actual injury to a patient 58889
is established; 58890

(7) Representing, with the purpose of obtaining compensation 58891
or other advantage as personal gain or for any other person, that 58892
an incurable disease or injury, or other incurable condition, can 58893
be permanently cured; 58894

(8) The obtaining of, or attempting to obtain, money or 58895
anything of value by fraudulent misrepresentations in the course 58896
of practice; 58897

(9) A plea of guilty to, a judicial finding of guilt of, or a 58898
judicial finding of eligibility for intervention in lieu of 58899
conviction for, a felony; 58900

(10) Commission of an act that constitutes a felony in this 58901
state, regardless of the jurisdiction in which the act was 58902
committed; 58903

(11) A plea of guilty to, a judicial finding of guilt of, or 58904
a judicial finding of eligibility for intervention in lieu of 58905
conviction for, a misdemeanor committed in the course of practice; 58906

(12) Commission of an act in the course of practice that 58907
constitutes a misdemeanor in this state, regardless of the 58908
jurisdiction in which the act was committed; 58909

(13) A plea of guilty to, a judicial finding of guilt of, or 58910
a judicial finding of eligibility for intervention in lieu of 58911
conviction for, a misdemeanor involving moral turpitude; 58912

(14) Commission of an act involving moral turpitude that 58913

constitutes a misdemeanor in this state, regardless of the 58914
jurisdiction in which the act was committed; 58915

(15) Violation of the conditions of limitation placed by the 58916
board upon a license or certificate to practice; 58917

(16) Failure to pay license renewal fees specified in this 58918
chapter; 58919

(17) Except as authorized in section 4731.31 of the Revised 58920
Code, engaging in the division of fees for referral of patients, 58921
or the receiving of a thing of value in return for a specific 58922
referral of a patient to utilize a particular service or business; 58923

(18) Subject to section 4731.226 of the Revised Code, 58924
violation of any provision of a code of ethics of the American 58925
medical association, the American osteopathic association, the 58926
American podiatric medical association, or any other national 58927
professional organizations that the board specifies by rule. The 58928
state medical board shall obtain and keep on file current copies 58929
of the codes of ethics of the various national professional 58930
organizations. The individual whose license or certificate is 58931
being suspended or revoked shall not be found to have violated any 58932
provision of a code of ethics of an organization not appropriate 58933
to the individual's profession. 58934

For purposes of this division, a "provision of a code of 58935
ethics of a national professional organization" does not include 58936
any provision that would preclude the making of a report by a 58937
physician of an employee's use of a drug of abuse, or of a 58938
condition of an employee other than one involving the use of a 58939
drug of abuse, to the employer of the employee as described in 58940
division (B) of section 2305.33 of the Revised Code. Nothing in 58941
this division affects the immunity from civil liability conferred 58942
by that section upon a physician who makes either type of report 58943
in accordance with division (B) of that section. As used in this 58944

division, "employee," "employer," and "physician" have the same 58945
meanings as in section 2305.33 of the Revised Code. 58946

(19) Inability to practice according to acceptable and 58947
prevailing standards of care by reason of mental illness or 58948
physical illness, including, but not limited to, physical 58949
deterioration that adversely affects cognitive, motor, or 58950
perceptive skills. 58951

In enforcing this division, the board, upon a showing of a 58952
possible violation, may compel any individual authorized to 58953
practice by this chapter or who has submitted an application 58954
pursuant to this chapter to submit to a mental examination, 58955
physical examination, including an HIV test, or both a mental and 58956
a physical examination. The expense of the examination is the 58957
responsibility of the individual compelled to be examined. Failure 58958
to submit to a mental or physical examination or consent to an HIV 58959
test ordered by the board constitutes an admission of the 58960
allegations against the individual unless the failure is due to 58961
circumstances beyond the individual's control, and a default and 58962
final order may be entered without the taking of testimony or 58963
presentation of evidence. If the board finds an individual unable 58964
to practice because of the reasons set forth in this division, the 58965
board shall require the individual to submit to care, counseling, 58966
or treatment by physicians approved or designated by the board, as 58967
a condition for initial, continued, reinstated, or renewed 58968
authority to practice. An individual affected under this division 58969
shall be afforded an opportunity to demonstrate to the board the 58970
ability to resume practice in compliance with acceptable and 58971
prevailing standards under the provisions of the individual's 58972
license or certificate. For the purpose of this division, any 58973
individual who applies for or receives a license or certificate to 58974
practice under this chapter accepts the privilege of practicing in 58975
this state and, by so doing, shall be deemed to have given consent 58976

to submit to a mental or physical examination when directed to do 58977
so in writing by the board, and to have waived all objections to 58978
the admissibility of testimony or examination reports that 58979
constitute a privileged communication. 58980

(20) Except as provided in division (F)(1)(b) of section 58981
4731.282 of the Revised Code or when civil penalties are imposed 58982
under section 4731.225 of the Revised Code, and subject to section 58983
4731.226 of the Revised Code, violating or attempting to violate, 58984
directly or indirectly, or assisting in or abetting the violation 58985
of, or conspiring to violate, any provisions of this chapter or 58986
any rule promulgated by the board. 58987

This division does not apply to a violation or attempted 58988
violation of, assisting in or abetting the violation of, or a 58989
conspiracy to violate, any provision of this chapter or any rule 58990
adopted by the board that would preclude the making of a report by 58991
a physician of an employee's use of a drug of abuse, or of a 58992
condition of an employee other than one involving the use of a 58993
drug of abuse, to the employer of the employee as described in 58994
division (B) of section 2305.33 of the Revised Code. Nothing in 58995
this division affects the immunity from civil liability conferred 58996
by that section upon a physician who makes either type of report 58997
in accordance with division (B) of that section. As used in this 58998
division, "employee," "employer," and "physician" have the same 58999
meanings as in section 2305.33 of the Revised Code. 59000

(21) The violation of section 3701.79 of the Revised Code or 59001
of any abortion rule adopted by the director of health pursuant to 59002
section 3701.341 of the Revised Code; 59003

(22) Any of the following actions taken by an agency 59004
responsible for authorizing, certifying, or regulating an 59005
individual to practice a health care occupation or provide health 59006
care services in this state or another jurisdiction, for any 59007
reason other than the nonpayment of fees: the limitation, 59008

revocation, or suspension of an individual's license to practice; 59009
acceptance of an individual's license surrender; denial of a 59010
license; refusal to renew or reinstate a license; imposition of 59011
probation; or issuance of an order of censure or other reprimand; 59012

(23) The violation of section 2919.12 of the Revised Code or 59013
the performance or inducement of an abortion upon a pregnant woman 59014
with actual knowledge that the conditions specified in division 59015
(B) of section 2317.56 of the Revised Code have not been satisfied 59016
or with a heedless indifference as to whether those conditions 59017
have been satisfied, unless an affirmative defense as specified in 59018
division (H) (2) of that section would apply in a civil action 59019
authorized by division (H) (1) of that section; 59020

(24) The revocation, suspension, restriction, reduction, or 59021
termination of clinical privileges by the United States department 59022
of defense or department of veterans affairs or the termination or 59023
suspension of a certificate of registration to prescribe drugs by 59024
the drug enforcement administration of the United States 59025
department of justice; 59026

(25) Termination or suspension from participation in the 59027
medicare or medicaid programs by the department of health and 59028
human services or other responsible agency; 59029

(26) Impairment of ability to practice according to 59030
acceptable and prevailing standards of care because of habitual or 59031
excessive use or abuse of drugs, alcohol, or other substances that 59032
impair ability to practice. 59033

For the purposes of this division, any individual authorized 59034
to practice by this chapter accepts the privilege of practicing in 59035
this state subject to supervision by the board. By filing an 59036
application for or holding a license or certificate to practice 59037
under this chapter, an individual shall be deemed to have given 59038
consent to submit to a mental or physical examination when ordered 59039

to do so by the board in writing, and to have waived all 59040
objections to the admissibility of testimony or examination 59041
reports that constitute privileged communications. 59042

If it has reason to believe that any individual authorized to 59043
practice by this chapter or any applicant for licensure or 59044
certification to practice suffers such impairment, the board may 59045
compel the individual to submit to a mental or physical 59046
examination, or both. The expense of the examination is the 59047
responsibility of the individual compelled to be examined. Any 59048
mental or physical examination required under this division shall 59049
be undertaken by a treatment provider or physician who is 59050
qualified to conduct the examination and who is chosen by the 59051
board. 59052

Failure to submit to a mental or physical examination ordered 59053
by the board constitutes an admission of the allegations against 59054
the individual unless the failure is due to circumstances beyond 59055
the individual's control, and a default and final order may be 59056
entered without the taking of testimony or presentation of 59057
evidence. If the board determines that the individual's ability to 59058
practice is impaired, the board shall suspend the individual's 59059
license or certificate or deny the individual's application and 59060
shall require the individual, as a condition for initial, 59061
continued, reinstated, or renewed licensure or certification to 59062
practice, to submit to treatment. 59063

Before being eligible to apply for reinstatement of a license 59064
or certificate suspended under this division, the impaired 59065
practitioner shall demonstrate to the board the ability to resume 59066
practice in compliance with acceptable and prevailing standards of 59067
care under the provisions of the practitioner's license or 59068
certificate. The demonstration shall include, but shall not be 59069
limited to, the following: 59070

(a) Certification from a treatment provider approved under 59071

section 4731.25 of the Revised Code that the individual has 59072
successfully completed any required inpatient treatment; 59073

(b) Evidence of continuing full compliance with an aftercare 59074
contract or consent agreement; 59075

(c) Two written reports indicating that the individual's 59076
ability to practice has been assessed and that the individual has 59077
been found capable of practicing according to acceptable and 59078
prevailing standards of care. The reports shall be made by 59079
individuals or providers approved by the board for making the 59080
assessments and shall describe the basis for their determination. 59081

The board may reinstate a license or certificate suspended 59082
under this division after that demonstration and after the 59083
individual has entered into a written consent agreement. 59084

When the impaired practitioner resumes practice, the board 59085
shall require continued monitoring of the individual. The 59086
monitoring shall include, but not be limited to, compliance with 59087
the written consent agreement entered into before reinstatement or 59088
with conditions imposed by board order after a hearing, and, upon 59089
termination of the consent agreement, submission to the board for 59090
at least two years of annual written progress reports made under 59091
penalty of perjury stating whether the individual has maintained 59092
sobriety. 59093

(27) A second or subsequent violation of section 4731.66 or 59094
4731.69 of the Revised Code; 59095

(28) Except as provided in division (N) of this section: 59096

(a) Waiving the payment of all or any part of a deductible or 59097
copayment that a patient, pursuant to a health insurance or health 59098
care policy, contract, or plan that covers the individual's 59099
services, otherwise would be required to pay if the waiver is used 59100
as an enticement to a patient or group of patients to receive 59101
health care services from that individual; 59102

(b) Advertising that the individual will waive the payment of 59103
all or any part of a deductible or copayment that a patient, 59104
pursuant to a health insurance or health care policy, contract, or 59105
plan that covers the individual's services, otherwise would be 59106
required to pay. 59107

(29) Failure to use universal blood and body fluid 59108
precautions established by rules adopted under section 4731.051 of 59109
the Revised Code; 59110

(30) Failure to provide notice to, and receive acknowledgment 59111
of the notice from, a patient when required by section 4731.143 of 59112
the Revised Code prior to providing nonemergency professional 59113
services, or failure to maintain that notice in the patient's 59114
medical record; 59115

(31) Failure of a physician supervising a physician assistant 59116
to maintain supervision in accordance with the requirements of 59117
Chapter 4730. of the Revised Code and the rules adopted under that 59118
chapter; 59119

(32) Failure of a physician or podiatrist to enter into a 59120
standard care arrangement with a clinical nurse specialist, 59121
certified nurse-midwife, or certified nurse practitioner with whom 59122
the physician or podiatrist is in collaboration pursuant to 59123
section 4731.27 of the Revised Code or failure to fulfill the 59124
responsibilities of collaboration after entering into a standard 59125
care arrangement; 59126

(33) Failure to comply with the terms of a consult agreement 59127
entered into with a pharmacist pursuant to section 4729.39 of the 59128
Revised Code; 59129

(34) Failure to cooperate in an investigation conducted by 59130
the board under division (F) of this section, including failure to 59131
comply with a subpoena or order issued by the board or failure to 59132
answer truthfully a question presented by the board in an 59133

investigative interview, an investigative office conference, at a 59134
deposition, or in written interrogatories, except that failure to 59135
cooperate with an investigation shall not constitute grounds for 59136
discipline under this section if a court of competent jurisdiction 59137
has issued an order that either quashes a subpoena or permits the 59138
individual to withhold the testimony or evidence in issue; 59139

(35) Failure to supervise an acupuncturist in accordance with 59140
Chapter 4762. of the Revised Code and the board's rules for 59141
providing that supervision; 59142

(36) Failure to supervise an anesthesiologist assistant in 59143
accordance with Chapter 4760. of the Revised Code and the board's 59144
rules for supervision of an anesthesiologist assistant; 59145

(37) Assisting suicide, as defined in section 3795.01 of the 59146
Revised Code; 59147

(38) Failure to comply with the requirements of section 59148
2317.561 of the Revised Code; 59149

(39) Failure to supervise a radiologist assistant in 59150
accordance with Chapter 4774. of the Revised Code and the board's 59151
rules for supervision of radiologist assistants; 59152

(40) Performing or inducing an abortion at an office or 59153
facility with knowledge that the office or facility fails to post 59154
the notice required under section 3701.791 of the Revised Code; 59155

(41) Failure to comply with the standards and procedures 59156
established in rules under section 4731.054 of the Revised Code 59157
for the operation of or the provision of care at a pain management 59158
clinic; 59159

(42) Failure to comply with the standards and procedures 59160
established in rules under section 4731.054 of the Revised Code 59161
for providing supervision, direction, and control of individuals 59162
at a pain management clinic; 59163

(43) Failure to comply with the requirements of section	59164
4729.79 or 4731.055 of the Revised Code, unless the state board of	59165
pharmacy no longer maintains a drug database pursuant to section	59166
4729.75 of the Revised Code;	59167
(44) Failure to comply with the requirements of section	59168
2919.171, 2919.202, or 2919.203 of the Revised Code or failure to	59169
submit to the department of health in accordance with a court	59170
order a complete report as described in section 2919.171 or	59171
2919.202 of the Revised Code;	59172
(45) Practicing at a facility that is subject to licensure as	59173
a category III terminal distributor of dangerous drugs with a pain	59174
management clinic classification unless the person operating the	59175
facility has obtained and maintains the license with the	59176
classification;	59177
(46) Owning a facility that is subject to licensure as a	59178
category III terminal distributor of dangerous drugs with a pain	59179
management clinic classification unless the facility is licensed	59180
with the classification;	59181
(47) Failure to comply with any of the requirements regarding	59182
making or maintaining medical records or documents described in	59183
division (A) of section 2919.192, division (C) of section	59184
2919.193, division (B) of section 2919.195, or division (A) of	59185
section 2919.196 of the Revised Code;	59186
(48) Failure to comply with the requirements in section	59187
3719.061 of the Revised Code before issuing for a minor a	59188
prescription for an opioid analgesic, as defined in section	59189
3719.01 of the Revised Code;	59190
(49) Failure to comply with the requirements of section	59191
4731.30 of the Revised Code or rules adopted under section	59192
4731.301 of the Revised Code when recommending treatment with	59193
medical marijuana;	59194

(50) Practicing at a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless the person operating that place has obtained and maintains the license with the classification;

(51) Owning a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless that place is licensed with the classification;

(52) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license or certificate to practice or certificate to recommend. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea

of guilty to, or judicial finding of guilt of, a violation of 59226
section 2919.123 or 2919.124 of the Revised Code, the disciplinary 59227
action shall consist of a suspension of the individual's license 59228
or certificate to practice for a period of at least one year or, 59229
if determined appropriate by the board, a more serious sanction 59230
involving the individual's license or certificate to practice. Any 59231
consent agreement entered into under this division with an 59232
individual that pertains to a second or subsequent plea of guilty 59233
to, or judicial finding of guilt of, a violation of that section 59234
shall provide for a suspension of the individual's license or 59235
certificate to practice for a period of at least one year or, if 59236
determined appropriate by the board, a more serious sanction 59237
involving the individual's license or certificate to practice. 59238

(D) For purposes of divisions (B) (10), (12), and (14) of this 59239
section, the commission of the act may be established by a finding 59240
by the board, pursuant to an adjudication under Chapter 119. of 59241
the Revised Code, that the individual committed the act. The board 59242
does not have jurisdiction under those divisions if the trial 59243
court renders a final judgment in the individual's favor and that 59244
judgment is based upon an adjudication on the merits. The board 59245
has jurisdiction under those divisions if the trial court issues 59246
an order of dismissal upon technical or procedural grounds. 59247

(E) The sealing of conviction records by any court shall have 59248
no effect upon a prior board order entered under this section or 59249
upon the board's jurisdiction to take action under this section 59250
if, based upon a plea of guilty, a judicial finding of guilt, or a 59251
judicial finding of eligibility for intervention in lieu of 59252
conviction, the board issued a notice of opportunity for a hearing 59253
prior to the court's order to seal the records. The board shall 59254
not be required to seal, destroy, redact, or otherwise modify its 59255
records to reflect the court's sealing of conviction records. 59256

(F) (1) The board shall investigate evidence that appears to 59257

show that a person has violated any provision of this chapter or 59258
any rule adopted under it. Any person may report to the board in a 59259
signed writing any information that the person may have that 59260
appears to show a violation of any provision of this chapter or 59261
any rule adopted under it. In the absence of bad faith, any person 59262
who reports information of that nature or who testifies before the 59263
board in any adjudication conducted under Chapter 119. of the 59264
Revised Code shall not be liable in damages in a civil action as a 59265
result of the report or testimony. Each complaint or allegation of 59266
a violation received by the board shall be assigned a case number 59267
and shall be recorded by the board. 59268

(2) Investigations of alleged violations of this chapter or 59269
any rule adopted under it shall be supervised by the supervising 59270
member elected by the board in accordance with section 4731.02 of 59271
the Revised Code and by the secretary as provided in section 59272
4731.39 of the Revised Code. The president may designate another 59273
member of the board to supervise the investigation in place of the 59274
supervising member. No member of the board who supervises the 59275
investigation of a case shall participate in further adjudication 59276
of the case. 59277

(3) In investigating a possible violation of this chapter or 59278
any rule adopted under this chapter, or in conducting an 59279
inspection under division (E) of section 4731.054 of the Revised 59280
Code, the board may question witnesses, conduct interviews, 59281
administer oaths, order the taking of depositions, inspect and 59282
copy any books, accounts, papers, records, or documents, issue 59283
subpoenas, and compel the attendance of witnesses and production 59284
of books, accounts, papers, records, documents, and testimony, 59285
except that a subpoena for patient record information shall not be 59286
issued without consultation with the attorney general's office and 59287
approval of the secretary and supervising member of the board. 59288

(a) Before issuance of a subpoena for patient record 59289

information, the secretary and supervising member shall determine 59290
whether there is probable cause to believe that the complaint 59291
filed alleges a violation of this chapter or any rule adopted 59292
under it and that the records sought are relevant to the alleged 59293
violation and material to the investigation. The subpoena may 59294
apply only to records that cover a reasonable period of time 59295
surrounding the alleged violation. 59296

(b) On failure to comply with any subpoena issued by the 59297
board and after reasonable notice to the person being subpoenaed, 59298
the board may move for an order compelling the production of 59299
persons or records pursuant to the Rules of Civil Procedure. 59300

(c) A subpoena issued by the board may be served by a 59301
sheriff, the sheriff's deputy, or a board employee or agent 59302
designated by the board. Service of a subpoena issued by the board 59303
may be made by delivering a copy of the subpoena to the person 59304
named therein, reading it to the person, or leaving it at the 59305
person's usual place of residence, usual place of business, or 59306
address on file with the board. When serving a subpoena to an 59307
applicant for or the holder of a license or certificate issued 59308
under this chapter, service of the subpoena may be made by 59309
certified mail, return receipt requested, and the subpoena shall 59310
be deemed served on the date delivery is made or the date the 59311
person refuses to accept delivery. If the person being served 59312
refuses to accept the subpoena or is not located, service may be 59313
made to an attorney who notifies the board that the attorney is 59314
representing the person. 59315

(d) A sheriff's deputy who serves a subpoena shall receive 59316
the same fees as a sheriff. Each witness who appears before the 59317
board in obedience to a subpoena shall receive the fees and 59318
mileage provided for under section 119.094 of the Revised Code. 59319

(4) All hearings, investigations, and inspections of the 59320
board shall be considered civil actions for the purposes of 59321

section 2305.252 of the Revised Code. 59322

(5) A report required to be submitted to the board under this 59323
chapter, a complaint, or information received by the board 59324
pursuant to an investigation or pursuant to an inspection under 59325
division (E) of section 4731.054 of the Revised Code is 59326
confidential and not subject to discovery in any civil action. 59327

The board shall conduct all investigations or inspections and 59328
proceedings in a manner that protects the confidentiality of 59329
patients and persons who file complaints with the board. The board 59330
shall not make public the names or any other identifying 59331
information about patients or complainants unless proper consent 59332
is given or, in the case of a patient, a waiver of the patient 59333
privilege exists under division (B) of section 2317.02 of the 59334
Revised Code, except that consent or a waiver of that nature is 59335
not required if the board possesses reliable and substantial 59336
evidence that no bona fide physician-patient relationship exists. 59337

The board may share any information it receives pursuant to 59338
an investigation or inspection, including patient records and 59339
patient record information, with law enforcement agencies, other 59340
licensing boards, and other governmental agencies that are 59341
prosecuting, adjudicating, or investigating alleged violations of 59342
statutes or administrative rules. An agency or board that receives 59343
the information shall comply with the same requirements regarding 59344
confidentiality as those with which the state medical board must 59345
comply, notwithstanding any conflicting provision of the Revised 59346
Code or procedure of the agency or board that applies when it is 59347
dealing with other information in its possession. In a judicial 59348
proceeding, the information may be admitted into evidence only in 59349
accordance with the Rules of Evidence, but the court shall require 59350
that appropriate measures are taken to ensure that confidentiality 59351
is maintained with respect to any part of the information that 59352
contains names or other identifying information about patients or 59353

complainants whose confidentiality was protected by the state 59354
medical board when the information was in the board's possession. 59355
Measures to ensure confidentiality that may be taken by the court 59356
include sealing its records or deleting specific information from 59357
its records. 59358

(6) On a quarterly basis, the board shall prepare a report 59359
that documents the disposition of all cases during the preceding 59360
three months. The report shall contain the following information 59361
for each case with which the board has completed its activities: 59362

(a) The case number assigned to the complaint or alleged 59363
violation; 59364

(b) The type of license or certificate to practice, if any, 59365
held by the individual against whom the complaint is directed; 59366

(c) A description of the allegations contained in the 59367
complaint; 59368

(d) The disposition of the case. 59369

The report shall state how many cases are still pending and 59370
shall be prepared in a manner that protects the identity of each 59371
person involved in each case. The report shall be a public record 59372
under section 149.43 of the Revised Code. 59373

(G) If the secretary and supervising member determine both of 59374
the following, they may recommend that the board suspend an 59375
individual's license or certificate to practice or certificate to 59376
recommend without a prior hearing: 59377

(1) That there is clear and convincing evidence that an 59378
individual has violated division (B) of this section; 59379

(2) That the individual's continued practice presents a 59380
danger of immediate and serious harm to the public. 59381

Written allegations shall be prepared for consideration by 59382
the board. The board, upon review of those allegations and by an 59383

affirmative vote of not fewer than six of its members, excluding 59384
the secretary and supervising member, may suspend a license or 59385
certificate without a prior hearing. A telephone conference call 59386
may be utilized for reviewing the allegations and taking the vote 59387
on the summary suspension. 59388

The board shall issue a written order of suspension by 59389
certified mail or in person in accordance with section 119.07 of 59390
the Revised Code. The order shall not be subject to suspension by 59391
the court during pendency of any appeal filed under section 119.12 59392
of the Revised Code. If the individual subject to the summary 59393
suspension requests an adjudicatory hearing by the board, the date 59394
set for the hearing shall be within fifteen days, but not earlier 59395
than seven days, after the individual requests the hearing, unless 59396
otherwise agreed to by both the board and the individual. 59397

Any summary suspension imposed under this division shall 59398
remain in effect, unless reversed on appeal, until a final 59399
adjudicative order issued by the board pursuant to this section 59400
and Chapter 119. of the Revised Code becomes effective. The board 59401
shall issue its final adjudicative order within seventy-five days 59402
after completion of its hearing. A failure to issue the order 59403
within seventy-five days shall result in dissolution of the 59404
summary suspension order but shall not invalidate any subsequent, 59405
final adjudicative order. 59406

(H) If the board takes action under division (B) (9), (11), or 59407
(13) of this section and the judicial finding of guilt, guilty 59408
plea, or judicial finding of eligibility for intervention in lieu 59409
of conviction is overturned on appeal, upon exhaustion of the 59410
criminal appeal, a petition for reconsideration of the order may 59411
be filed with the board along with appropriate court documents. 59412
Upon receipt of a petition of that nature and supporting court 59413
documents, the board shall reinstate the individual's license or 59414
certificate to practice. The board may then hold an adjudication 59415

under Chapter 119. of the Revised Code to determine whether the 59416
individual committed the act in question. Notice of an opportunity 59417
for a hearing shall be given in accordance with Chapter 119. of 59418
the Revised Code. If the board finds, pursuant to an adjudication 59419
held under this division, that the individual committed the act or 59420
if no hearing is requested, the board may order any of the 59421
sanctions identified under division (B) of this section. 59422

(I) The license or certificate to practice issued to an 59423
individual under this chapter and the individual's practice in 59424
this state are automatically suspended as of the date of the 59425
individual's second or subsequent plea of guilty to, or judicial 59426
finding of guilt of, a violation of section 2919.123 or 2919.124 59427
of the Revised Code. In addition, the license or certificate to 59428
practice or certificate to recommend issued to an individual under 59429
this chapter and the individual's practice in this state are 59430
automatically suspended as of the date the individual pleads 59431
guilty to, is found by a judge or jury to be guilty of, or is 59432
subject to a judicial finding of eligibility for intervention in 59433
lieu of conviction in this state or treatment or intervention in 59434
lieu of conviction in another jurisdiction for any of the 59435
following criminal offenses in this state or a substantially 59436
equivalent criminal offense in another jurisdiction: aggravated 59437
murder, murder, voluntary manslaughter, felonious assault, 59438
kidnapping, rape, sexual battery, gross sexual imposition, 59439
aggravated arson, aggravated robbery, or aggravated burglary. 59440
Continued practice after suspension shall be considered practicing 59441
without a license or certificate. 59442

The board shall notify the individual subject to the 59443
suspension by certified mail or in person in accordance with 59444
section 119.07 of the Revised Code. If an individual whose license 59445
or certificate is automatically suspended under this division 59446
fails to make a timely request for an adjudication under Chapter 59447

119. of the Revised Code, the board shall do whichever of the 59448
following is applicable: 59449

(1) If the automatic suspension under this division is for a 59450
second or subsequent plea of guilty to, or judicial finding of 59451
guilt of, a violation of section 2919.123 or 2919.124 of the 59452
Revised Code, the board shall enter an order suspending the 59453
individual's license or certificate to practice for a period of at 59454
least one year or, if determined appropriate by the board, 59455
imposing a more serious sanction involving the individual's 59456
license or certificate to practice. 59457

(2) In all circumstances in which division (I)(1) of this 59458
section does not apply, enter a final order permanently revoking 59459
the individual's license or certificate to practice. 59460

(J) If the board is required by Chapter 119. of the Revised 59461
Code to give notice of an opportunity for a hearing and if the 59462
individual subject to the notice does not timely request a hearing 59463
in accordance with section 119.07 of the Revised Code, the board 59464
is not required to hold a hearing, but may adopt, by an 59465
affirmative vote of not fewer than six of its members, a final 59466
order that contains the board's findings. In that final order, the 59467
board may order any of the sanctions identified under division (A) 59468
or (B) of this section. 59469

(K) Any action taken by the board under division (B) of this 59470
section resulting in a suspension from practice shall be 59471
accompanied by a written statement of the conditions under which 59472
the individual's license or certificate to practice may be 59473
reinstated. The board shall adopt rules governing conditions to be 59474
imposed for reinstatement. Reinstatement of a license or 59475
certificate suspended pursuant to division (B) of this section 59476
requires an affirmative vote of not fewer than six members of the 59477
board. 59478

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a license or certificate made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or certificate to practice in accordance with this chapter or a certificate to recommend in accordance with rules adopted under section 4731.301 of the Revised Code shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or certificate holder shall immediately surrender to the board a license or certificate that the board has suspended, revoked, or permanently revoked.

(N) Sanctions shall not be imposed under division (B) (28) of this section against any person who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended

by those providers. The board shall monitor the progress of each 59541
individual undertaking a recommended individual educational 59542
program. 59543

(4) Determine what constitutes successful completion of an 59544
individual educational program and require further monitoring of 59545
the individual who completed the program or other action that the 59546
board determines to be appropriate; 59547

(5) Adopt rules in accordance with Chapter 119. of the 59548
Revised Code to further implement the quality intervention 59549
program. 59550

An individual who participates in an individual educational 59551
program pursuant to this division shall pay the financial 59552
obligations arising from that educational program. 59553

(P) The board shall not refuse to issue a license to an 59554
applicant because of a conviction, plea of guilty, judicial 59555
finding of guilt, judicial finding of eligibility for intervention 59556
in lieu of conviction, or the commission of an act that 59557
constitutes a criminal offense, unless the refusal is in 59558
accordance with section 9.79 of the Revised Code. 59559

Sec. 4731.251. (A) As used in this section and in sections 59560
4731.252 ~~and 4731.253~~ to 4731.254 of the Revised Code: 59561

(1) "Impaired" or "impairment" has the same meaning as in 59562
division (B) (5) of section 4730.25, division (B) (26) of section 59563
4731.22, division (A) (18) of section 4759.07, division (B) (6) of 59564
section 4760.13, division (A) (18) of section 4761.09, division 59565
(B) (6) of section 4762.13, division (B) (6) of section 4774.13, or 59566
division (B) (6) of section 4778.14 of the Revised Code. 59567

(2) "Practitioner" means any of the following: 59568

(a) An individual authorized under this chapter to practice 59569
medicine and surgery, osteopathic medicine and surgery, podiatric 59570

medicine and surgery, or a limited branch of medicine; 59571

(b) An individual licensed under Chapter 4730. of the Revised 59572
Code to practice as a physician assistant; 59573

(c) An individual authorized under Chapter 4759. of the 59574
Revised Code to practice as a dietitian; 59575

(d) An individual authorized under Chapter 4760. of the 59576
Revised Code to practice as an anesthesiologist assistant; 59577

(e) An individual authorized under Chapter 4761. of the 59578
Revised Code to practice respiratory care; 59579

(f) An individual authorized under Chapter 4762. of the 59580
Revised Code to practice as an acupuncturist or oriental medicine 59581
practitioner; 59582

(g) An individual authorized under Chapter 4774. of the 59583
Revised Code to practice as a radiologist assistant; 59584

(h) An individual licensed under Chapter 4778. of the Revised 59585
Code to practice as a genetic counselor. 59586

(B) The state medical board shall establish a confidential 59587
program for the treatment of impaired practitioners, which shall 59588
be known as the one-bite program. The board shall contract with 59589
one organization to conduct the program and perform monitoring 59590
services. 59591

To be qualified to contract with the board under this 59592
section, an organization must meet all of the following 59593
requirements: 59594

(1) Be sponsored by one or more professional associations or 59595
societies of practitioners; 59596

(2) Be organized as a not-for-profit entity and exempt from 59597
federal income taxation under subsection 501(c)(3) of the Internal 59598
Revenue Code; 59599

(3) Contract with or employ to serve as the organization's medical director an individual who is authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery and specializes or has training and expertise in addiction medicine;

(4) Contract with or employ one or more of the following as necessary for the organization's operation:

(a) An individual licensed under Chapter 4758. of the Revised Code as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II;

(b) An individual licensed under Chapter 4757. of the Revised Code as an independent social worker, social worker, licensed professional clinical counselor, or licensed professional counselor;

(c) An individual licensed under Chapter 4732. of the Revised Code as a psychologist.

(C) The monitoring organization shall do all of the following pursuant to the contract:

(1) Receive any report of suspected impairment, including a report made under division (B) (2) of section 4730.32, division (B) (2) of section 4731.224, section 4759.13, division (B) (2) of section 4760.16, section 4761.19, division (B) (2) of section 4762.16, division (B) (2) of section 4774.16, or section 4778.17 of the Revised Code;

(2) Notify a practitioner who is the subject of a report received under division (C) (1) of this section that the report has been made and that the practitioner may be eligible to participate in the program conducted under this section;

(3) Determine whether a practitioner reported to the

monitoring organization is eligible to participate in the program 59630
and notify the practitioner of the determination; 59631

(4) In the case of a practitioner reported by a treatment 59632
provider, notify the treatment provider of the eligibility 59633
determination; 59634

(5) Report to the board any practitioner who is determined 59635
ineligible to participate in the program; 59636

(6) Refer an eligible practitioner who chooses to participate 59637
in the program for evaluation by a treatment provider approved by 59638
the board under section 4731.25 of the Revised Code, unless the 59639
report received by the monitoring organization was made by an 59640
approved treatment provider and the practitioner has already been 59641
evaluated by the treatment provider; 59642

(7) Monitor the evaluation of an eligible practitioner; 59643

(8) Refer an eligible practitioner who chooses to participate 59644
in the program to a treatment provider approved by the board under 59645
section 4731.25 of the Revised Code; 59646

(9) Establish, in consultation with the treatment provider to 59647
which a practitioner is referred, the terms and conditions with 59648
which the practitioner must comply for continued participation in 59649
and successful completion of the program; 59650

(10) Report to the board any practitioner who does not 59651
complete evaluation or treatment or does not comply with any of 59652
the terms and conditions established by the monitoring 59653
organization and the treatment provider; 59654

(11) Perform any other activities specified in the contract 59655
with the board or that the monitoring organization considers 59656
necessary to comply with this section and sections 4731.252 and 59657
4731.253 of the Revised Code. 59658

(D) The monitoring organization shall not disclose to the 59659

board the name of a practitioner or any records relating to a 59660
practitioner, unless any of the following occurs: 59661

(1) The practitioner is determined to be ineligible to 59662
participate in the program. 59663

(2) The practitioner requests the disclosure. 59664

(3) The practitioner is unwilling or unable to complete or 59665
comply with any part of the program, including evaluation, 59666
treatment, or monitoring. 59667

(4) The practitioner presents an imminent danger to the 59668
public or to the practitioner, as a result of the practitioner's 59669
impairment. 59670

(5) The practitioner has relapsed or the practitioner's 59671
impairment has not been substantially alleviated by participation 59672
in the program. 59673

(E) (1) The monitoring organization shall develop procedures 59674
governing each of the following: 59675

(a) Receiving reports of practitioner impairment; 59676

(b) Notifying practitioners of reports and eligibility 59677
determinations; 59678

(c) Referring eligible practitioners for evaluation or 59679
treatment; 59680

(d) Establishing individualized treatment plans for eligible 59681
practitioners, as recommended by treatment providers; 59682

(e) Establishing individualized terms and conditions with 59683
which eligible practitioners must comply for continued 59684
participation in and successful completion of the program. 59685

(2) The monitoring organization, in consultation with the 59686
board, shall develop procedures governing each of the following: 59687

(a) Providing reports to the board on a periodic basis on the 59688

total number of practitioners participating in the program, 59689
without disclosing the names or records of any program 59690
participants other than those about whom reports are required by 59691
this section; 59692

(b) Reporting to the board any practitioner who due to 59693
impairment presents an imminent danger to the public or to the 59694
practitioner; 59695

(c) Reporting to the board any practitioner who is unwilling 59696
or unable to complete or comply with any part of the program, 59697
including evaluation, treatment, or monitoring; 59698

(d) Reporting to the board any practitioner whose impairment 59699
was not substantially alleviated by participation in the program 59700
or who has relapsed. 59701

(F) The board may adopt any rules it considers necessary to 59702
implement this section and sections 4731.252 and 4731.253 of the 59703
Revised Code, including rules regarding the monitoring 59704
organization and treatment providers that provide treatment to 59705
practitioners referred by the monitoring organization. Any such 59706
rules shall be adopted in accordance with Chapter 119. of the 59707
Revised Code. 59708

Sec. 4731.254. (A) Subject to division (B) of this section, 59709
the state medical board shall not limit, revoke, or suspend a 59710
license or certificate, refuse to issue a license or certificate, 59711
refuse to renew a license or certificate, refuse to reinstate a 59712
license or certificate, or reprimand or place on probation a 59713
practitioner or applicant solely on the grounds of impairment 59714
occurring prior to the practitioner or applicant seeking authority 59715
to practice in this state. 59716

(B) (1) A practitioner or applicant who was authorized to 59717
practice in another jurisdiction before seeking authority to 59718

practice in this state is not subject to disciplinary action, as 59719
provided by division (A) of this section, only if all of the 59720
following are the case: 59721

(a) As part of the process of applying for authority to 59722
practice in this state, the practitioner or applicant disclosed to 59723
the board impairment that occurred while practicing in the other 59724
jurisdiction. 59725

(b) In the other jurisdiction, the practitioner or applicant 59726
participated in a confidential treatment and monitoring program 59727
for impairment. 59728

(c) The practitioner or applicant remained in good standing 59729
with the other jurisdiction's confidential treatment and 59730
monitoring program. 59731

(2) A practitioner or applicant who was not authorized to 59732
practice in any jurisdiction before seeking authority to practice 59733
in this state is not subject to disciplinary action, as provided 59734
by division (A) of this section, only if all of the following are 59735
the case: 59736

(a) As part of the process of applying for authority to 59737
practice in this state, the practitioner or applicant disclosed to 59738
the board impairment that occurred before applying for authority 59739
to practice. 59740

(b) The practitioner or applicant participated in and 59741
successfully completed a treatment program for impairment. 59742

(c) The practitioner or applicant provides to the board 59743
evidence of the practitioner's or applicant's participation and 59744
successful completion of treatment and any terms of aftercare. 59745

(C) If the board grants a practitioner or applicant described 59746
in this section authority to practice in this state, the board 59747
shall refer the practitioner or applicant to the monitoring 59748

organization conducting the program established by the board under 59749
section 4731.251 of the Revised Code. 59750

Sec. 4731.36. (A) Sections 4731.01 to 4731.47 of the Revised 59751
Code shall not prohibit service in case of emergency, domestic 59752
administration of family remedies, or provision of assistance to 59753
another individual who is self-administering drugs. 59754

Sections 4731.01 to 4731.47 of the Revised Code shall not 59755
apply to any of the following: 59756

(1) A commissioned medical officer of the armed forces of the 59757
United States or an employee of the veterans administration of the 59758
United States or the United States public health service in the 59759
discharge of the officer's or employee's professional duties; 59760

(2) A dentist authorized under Chapter 4715. of the Revised 59761
Code to practice dentistry when engaged exclusively in the 59762
practice of dentistry or when administering anesthetics in the 59763
practice of dentistry; 59764

(3) A physician or surgeon in another state or territory who 59765
is a legal practitioner of medicine or surgery therein when 59766
providing consultation to an individual holding a license to 59767
practice issued under this chapter ~~who is responsible for the~~ 59768
~~examination, diagnosis, and treatment of the patient who is the~~ 59769
~~subject of the consultation,~~ if one of the following applies: 59770

(a) The physician or surgeon does not provide consultation in 59771
this state on a regular or frequent basis. 59772

(b) The physician or surgeon provides the consultation 59773
without compensation of any kind, direct or indirect, for the 59774
consultation. 59775

(c) The consultation is part of the curriculum of a medical 59776
school or osteopathic medical school of this state or a program 59777
described in division (A)(2) of section 4731.291 of the Revised 59778

Code. 59779

(4) A physician or surgeon in another state or territory who 59780
is a legal practitioner of medicine or surgery therein and 59781
provided services to a patient in that state or territory, when 59782
providing, not later than one year after the last date services 59783
were provided in another state or territory, follow-up services in 59784
person or through the use of any communication, including oral, 59785
written, or electronic communication, in this state to the patient 59786
for the same condition; 59787

(5) A physician or surgeon residing on the border of a 59788
contiguous state and authorized under the laws thereof to practice 59789
medicine and surgery therein, whose practice extends within the 59790
limits of this state. Such practitioner shall not either in person 59791
or through the use of any communication, including oral, written, 59792
or electronic communication, open an office or appoint a place to 59793
see patients or receive calls within the limits of this state. 59794

(6) A board, committee, or corporation engaged in the conduct 59795
described in division (A) of section 2305.251 of the Revised Code 59796
when acting within the scope of the functions of the board, 59797
committee, or corporation; 59798

(7) The conduct of an independent review organization 59799
accredited by the superintendent of insurance under section 59800
3922.13 of the Revised Code for the purpose of external reviews 59801
conducted under Chapter 3922. of the Revised Code. 59802

As used in division (A) (1) of this section, "armed forces of 59803
the United States" means the army, air force, navy, marine corps, 59804
coast guard, and any other military service branch that is 59805
designated by congress as a part of the armed forces of the United 59806
States. 59807

(B) (1) Subject to division (B) (2) of this section, this 59808
chapter does not apply to a person who holds a current, 59809

unrestricted license to practice medicine and surgery or 59810
osteopathic medicine and surgery in another state when the person, 59811
pursuant to a written agreement with an athletic team located in 59812
the state in which the person holds the license, provides medical 59813
services to any of the following while the team is traveling to or 59814
from or participating in a sporting event in this state: 59815

(a) A member of the athletic team; 59816

(b) A member of the athletic team's coaching, communications, 59817
equipment, or sports medicine staff; 59818

(c) A member of a band or cheerleading squad accompanying the 59819
athletic team; 59820

(d) The athletic team's mascot. 59821

(2) In providing medical services pursuant to division (B) (1) 59822
of this section, the person shall not provide medical services at 59823
a health care facility, including a hospital, an ambulatory 59824
surgical facility, or any other facility in which medical care, 59825
diagnosis, or treatment is provided on an inpatient or outpatient 59826
basis. 59827

(C) Sections 4731.51 to 4731.61 of the Revised Code do not 59828
apply to any graduate of a podiatric school or college while 59829
performing those acts that may be prescribed by or incidental to 59830
participation in an accredited podiatric internship, residency, or 59831
fellowship program situated in this state approved by the state 59832
medical board. 59833

(D) This chapter does not apply to an individual engaged in 59834
the practice of oriental medicine, or to an acupuncturist who 59835
complies with Chapter 4762. of the Revised Code. 59836

(E) This chapter does not prohibit the administration of 59837
drugs by any of the following: 59838

(1) An individual who is licensed or otherwise specifically 59839

authorized by the Revised Code to administer drugs; 59840

(2) An individual who is not licensed or otherwise 59841
specifically authorized by the Revised Code to administer drugs, 59842
but is acting pursuant to the rules for delegation of medical 59843
tasks adopted under section 4731.053 of the Revised Code; 59844

(3) An individual specifically authorized to administer drugs 59845
pursuant to a rule adopted under the Revised Code that is in 59846
effect on April 10, 2001, as long as the rule remains in effect, 59847
specifically authorizing an individual to administer drugs. 59848

(F) The exemptions described in divisions (A) (3), (4), and 59849
(5) of this section do not apply to a physician or surgeon whose 59850
license to practice issued under this chapter is under suspension 59851
or has been revoked or permanently revoked by action of the state 59852
medical board. 59853

Sec. 4731.90. A physician who has established a protocol that 59854
meets the requirements of section 4729.284 of the Revised Code and 59855
the rules adopted under that section may authorize one or more 59856
pharmacists to use the protocol for the purpose of dispensing 59857
nicotine replacement therapy under section 4729.284 of the Revised 59858
Code. 59859

Sec. 4735.05. (A) The Ohio real estate commission is a part 59860
of the department of commerce for administrative purposes. The 59861
director of commerce is ex officio the executive officer of the 59862
commission, or the director may designate any employee of the 59863
department as superintendent of real estate and professional 59864
licensing to act as executive officer of the commission. 59865

The commission and the real estate appraiser board created 59866
pursuant to section 4763.02 of the Revised Code shall each submit 59867
to the director a list of three persons whom the commission and 59868
the board consider qualified to be superintendent within sixty 59869

days after the office of superintendent becomes vacant. The 59870
director shall appoint a superintendent from the lists submitted 59871
by the commission and the board, and the superintendent shall 59872
serve at the pleasure of the director. 59873

(B) The superintendent, except as otherwise provided, shall 59874
do all of the following in regard to this chapter: 59875

(1) Administer this chapter; 59876

(2) Issue all orders necessary to implement this chapter; 59877

(3) Investigate complaints concerning the violation of this 59878
chapter or the conduct of any licensee; 59879

(4) Establish and maintain an investigation and audit section 59880
to investigate complaints and conduct inspections, audits, and 59881
other inquiries as in the judgment of the superintendent are 59882
appropriate to enforce this chapter. The investigators or auditors 59883
have the right to review and audit the business records of 59884
licensees and continuing education course providers during normal 59885
business hours. 59886

(5) Appoint a hearing examiner for any proceeding involving 59887
disciplinary action under section 3123.47, 4735.052, or 4735.18 of 59888
the Revised Code; 59889

(6) Administer the real estate recovery fund. 59890

(C) The superintendent may do all of the following: 59891

(1) In connection with investigations and audits under 59892
division (B) of this section, subpoena witnesses as provided in 59893
section 4735.04 of the Revised Code; 59894

(2) Apply to the appropriate court to enjoin any violation of 59895
this chapter. Upon a showing by the superintendent that any person 59896
has violated or is about to violate any provision of this chapter, 59897
the court shall grant an injunction, restraining order, or other 59898
appropriate order. 59899

(3) ~~Upon~~ Recommend the appointment of an ancillary trustee 59900
who is qualified as determined by the superintendent in any of the 59901
following instances: 59902

(a) Upon the death of a licensed broker ~~or the revocation or~~ 59903
~~suspension of the broker's license,~~ if there is no other licensed 59904
broker within the ~~business entity of the broker~~ brokerage, appoint 59905
upon application by any interested party, ~~or, in the case of a~~ 59906
~~deceased broker,~~ subject to the approval by the appropriate 59907
probate court, ~~recommend the appointment of, an ancillary trustee~~ 59908
~~who is qualified as determined by the superintendent~~ to conclude 59909
the business transactions of the deceased, ~~revoked, or suspended~~ 59910
broker; 59911

(b) Upon the revocation of a licensed broker, if there is no 59912
other licensed broker within the brokerage, to conclude the 59913
business transactions of the revoked broker; 59914

(c) Upon the incapacitation, suspension, or incarceration of 59915
a licensed broker, if there is no other licensed broker within the 59916
brokerage, to continue the business transactions of the brokerage 59917
for a period of time not to exceed the period of incapacitation, 59918
suspension, or incarceration. 59919

(4) In conjunction with the enforcement of this chapter, when 59920
the superintendent of real estate has reasonable cause to believe 59921
that an applicant or licensee has committed a criminal offense, 59922
the superintendent of real estate may request the superintendent 59923
of the bureau of criminal identification and investigation to 59924
conduct a criminal records check of the applicant or licensee. The 59925
superintendent of the bureau of criminal identification and 59926
investigation shall obtain information from the federal bureau of 59927
investigation as part of the criminal records check of the 59928
applicant or licensee. The superintendent of real estate may 59929
assess the applicant or licensee a fee equal to the fee assessed 59930
for the criminal records check. 59931

(5) In conjunction with the enforcement of this chapter, 59932
issue advisory letters in lieu of initiating disciplinary action 59933
under section 4735.051 or 4735.052 of the Revised Code or issuing 59934
a citation under section 4735.16 or 4735.181 of the Revised Code. 59935

(D) All information that is obtained by investigators and 59936
auditors performing investigations or conducting inspections, 59937
audits, and other inquiries pursuant to division (B)(4) of this 59938
section, from licensees, complainants, or other persons, and all 59939
reports, documents, and other work products that arise from that 59940
information and that are prepared by the investigators, auditors, 59941
or other personnel of the department, shall be held in confidence 59942
by the superintendent, the investigators and auditors, and other 59943
personnel of the department. Notwithstanding division (D) of 59944
section 2317.023 of the Revised Code, all information obtained by 59945
investigators or auditors from an informal mediation meeting held 59946
pursuant to section 4735.051 of the Revised Code, including but 59947
not limited to the agreement to mediate and the accommodation 59948
agreement, shall be held in confidence by the superintendent, 59949
investigators, auditors, and other personnel of the department. 59950

(E) This section does not prevent the division of real estate 59951
and professional licensing from releasing information relating to 59952
licensees to the superintendent of financial institutions for 59953
purposes relating to the administration of Chapter 1322. of the 59954
Revised Code, to the superintendent of insurance for purposes 59955
relating to the administration of Chapter 3953. of the Revised 59956
Code, to the attorney general, or to local law enforcement 59957
agencies and local prosecutors. Information released by the 59958
division pursuant to this section remains confidential. 59959

Sec. 4735.14. (A) Each license issued under this chapter, 59960
shall be valid without further recommendation or examination until 59961
it is placed in an inactive or resigned status, is revoked or 59962

suspended, or such license expires by operation of law. 59963

(B) Except for a licensee who has placed the licensee's 59964
license in resigned status pursuant to section 4735.142 of the 59965
Revised Code, each licensed broker, brokerage, or salesperson 59966
shall file, on or before the date the Ohio real estate commission 59967
has adopted by rule for that licensee in accordance with division 59968
(A) (2) (f) of section 4735.10 of the Revised Code, a notice of 59969
renewal on a form prescribed by the superintendent of real estate. 59970
The notice of renewal shall be mailed by the superintendent two 59971
months prior to the filing deadline to the personal residence 59972
address of each broker or salesperson that is on file with the 59973
division. If the licensee is a partnership, association, limited 59974
liability company, limited liability partnership, or corporation, 59975
the notice of renewal shall be mailed by the superintendent two 59976
months prior to the filing deadline to the brokerage's business 59977
address on file with the division. A licensee shall not renew the 59978
licensee's license any earlier than two months prior to the filing 59979
deadline. 59980

(C) Except as otherwise provided in division (B) of this 59981
section, the license of any real estate broker, brokerage, or 59982
salesperson that fails to file a notice of renewal on or before 59983
the filing deadline of each ensuing year shall be suspended 59984
automatically without the taking of any action by the 59985
superintendent. A suspended license may be reactivated within 59986
twelve months of the date of suspension, provided that the renewal 59987
fee plus a penalty fee of fifty per cent of the renewal fee is 59988
paid to the superintendent. Failure to reactivate the license as 59989
provided in this division shall result in automatic revocation of 59990
the license without the taking of any action by the 59991
superintendent. No person, partnership, association, corporation, 59992
limited liability company, or limited partnership shall engage in 59993
any act or acts for which a real estate license is required while 59994

that entity's license is placed in an inactive or resigned status, 59995
or is suspended, or revoked. The commission shall adopt rules in 59996
accordance with Chapter 119. of the Revised Code to provide to 59997
licensees notice of suspension or revocation or both. 59998

(D) Each licensee shall notify the superintendent of a change 59999
in personal residence address within thirty days after the change 60000
of location. A licensee's failure to notify the superintendent of 60001
a change in personal residence address does not negate the 60002
requirement to file the license renewal by the required deadline 60003
established by the commission by rule under division (A) (2) (f) of 60004
section 4735.10 of the Revised Code. Each licensee shall maintain 60005
a valid electronic mail address on file with the division and 60006
notify the superintendent of any change in electronic mail address 60007
within thirty days after the change. 60008

(E) The superintendent shall not renew a license if the 60009
licensee fails to comply with section 4735.141 of the Revised Code 60010
or is otherwise not in compliance with this chapter. 60011

(F) The superintendent shall make notice of successful 60012
renewal available electronically to licensees as soon as 60013
practicable, but not later than thirty days after receipt by the 60014
division of a complete application and renewal fee. This notice 60015
shall serve as a notice of renewal for purposes of section 4745.02 60016
of the Revised Code. 60017

Sec. 4735.15. (A) The nonrefundable fees for reactivation or 60018
transfer of a license shall be as follows: 60019

(1) Reactivation or transfer of a broker's license into or 60020
out of a partnership, association, limited liability company, 60021
limited liability partnership, or corporation or from one 60022
partnership, association, limited liability company, limited 60023
liability partnership, or corporation to another partnership, 60024
association, limited liability company, limited liability 60025

partnership, or corporation, thirty-four dollars. An application 60026
for such transfer shall be made to the superintendent of real 60027
estate on forms provided by the superintendent. 60028

(2) Reactivation or transfer of a license by a real estate 60029
salesperson, thirty-four dollars. 60030

(B) Except as may otherwise be specified pursuant to division 60031
(F) of this section or any rules adopted by the Ohio real estate 60032
commission pursuant to division (A)(2)(b) of section 4735.10 of 60033
the Revised Code, the nonrefundable fees are as follows for each 60034
licensing period: 60035

(1) Branch office license, twenty dollars; 60036

(2) Renewal of a three-year real estate broker's license, two 60037
hundred forty-three dollars. If the licensee is a partnership, 60038
association, limited liability company, limited liability 60039
partnership, or corporation, the full broker's renewal fee shall 60040
be required for each member of such partnership, association, 60041
limited liability company, limited liability partnership, or 60042
corporation that is a real estate broker. If the real estate 60043
broker has not less than eleven nor more than twenty real estate 60044
salespersons associated with the broker, an additional fee of 60045
sixty-four dollars shall be assessed to the brokerage. For every 60046
additional ten real estate salespersons or fraction of that 60047
number, the brokerage assessment fee shall be increased in the 60048
amount of thirty-seven dollars. 60049

(3) Renewal of a three-year real estate salesperson's 60050
license, one hundred eighty-two dollars; 60051

(4) Renewal of a real estate broker's or salesperson's 60052
license filed within twelve months after the licensee's renewal 60053
date, an additional late filing penalty of fifty per cent of the 60054
required three-year fee; 60055

(5) Foreign real estate dealer's license and each renewal of 60056

the license, thirty dollars per salesperson employed by the 60057
dealer, but not less than two hundred three dollars; 60058

(6) Foreign real estate salesperson's license and each 60059
renewal of the license, sixty-eight dollars. 60060

(C) All fees collected under this section shall be paid to 60061
the treasurer of state. One dollar of each such fee shall be 60062
credited to the real estate education and research fund, except 60063
that for fees that are assessed only once every three years, ~~three~~ 60064
~~dollars~~ one dollar and fifty cents of each triennial fee shall be 60065
credited to the real estate education and research fund. 60066

(D) In all cases, the fee and any penalty shall accompany the 60067
application for the license, license transfer, or license 60068
reactivation or shall accompany the filing of the renewal. 60069

(E) The commission may establish by rule reasonable fees for 60070
services not otherwise established by this chapter. 60071

(F) The commission may adopt rules that provide for a 60072
reduction in the fees established in divisions (B)(2) and (3) of 60073
this section. 60074

Sec. 4735.211. All fines imposed under section 4735.051 of 60075
the Revised Code, and all fees and charges collected under 60076
sections 4735.06, 4735.09, 4735.13, 4735.15, 4735.25, 4735.27, 60077
4735.28, and 4735.29 of the Revised Code, except such fees as are 60078
paid to the real estate education and research fund and real 60079
estate recovery fund as provided in this chapter, shall be paid 60080
into the state treasury to the credit of the division of real 60081
estate operating fund, which is hereby created. All operating 60082
expenses of the division of real estate shall be paid from the 60083
division of real estate operating fund. 60084

The division of real estate operating fund shall be assessed 60085
a proportionate share of the administrative costs of the 60086

department of commerce in accordance with procedures prescribed by 60087
the director of commerce ~~and approved by the director of budget~~ 60088
~~and management~~. Such assessments shall be paid from the division 60089
of real estate operating fund to the division of administration 60090
fund. 60091

If funds in the division of real estate operating fund are 60092
determined by the director of commerce to be in excess of those 60093
necessary to fund all the expenses of the division in any 60094
biennium, the director may pay the excess funds to the real estate 60095
education and research fund. 60096

Sec. 4743.10. (A) As used in this section: 60097

(1) "Health care service" means medical care provided to any 60098
patient at any time over the entire course of the patient's 60099
treatment and may include one or more of the following: testing; 60100
diagnosis; referral; dispensing or administering a drug, 60101
medication, or device; psychological therapy or counseling; 60102
research; prognosis; therapy; record making procedures and notes 60103
related to treatment; preparation for or performance of a surgery 60104
or procedure; or any other care or services performed or provided 60105
by any medical practitioner. 60106

(2) "Medical practitioner" means any person who facilitates 60107
or participates in the provision of health care services, 60108
including nursing, physician services, counseling and social work, 60109
psychological and psychiatric services, research services, 60110
surgical services, laboratory services, and the provision of 60111
pharmaceuticals and may include any of the following: any student 60112
or faculty at a medical, nursing, mental health, or counseling 60113
institution of higher education or an allied health professional, 60114
paraprofessional, or employee or contractor of a health care 60115
institution. 60116

(3) "Participation in a health care service" means to 60117

provide, perform, assist with, facilitate, refer for, counsel for, 60118
advise with regard to, admit for the purposes of providing, or 60119
take part in any way in providing, any health care service. 60120

(B) Notwithstanding any conflicting provision of the Revised 60121
Code, a medical practitioner, health care institution, or health 60122
care payer has the freedom to decline to perform, participate in, 60123
or pay for any health care service which violates the 60124
practitioner's, institution's, or payer's conscience as informed 60125
by the moral, ethical, or religious beliefs or principles held by 60126
the practitioner, institution, or payer. Exercise of the right of 60127
conscience is limited to conscience-based objections to a 60128
particular health care service. 60129

(C) Whenever a situation arises in which a requested course 60130
of treatment includes a particular health care service that 60131
conflicts with the moral, ethical, or religious beliefs or 60132
convictions of a medical practitioner, the medical practitioner 60133
shall be excused from participating in the particular health care 60134
service to which the practitioner has a conflict. 60135

When a medical practitioner becomes aware of the conflict, 60136
the medical practitioner shall notify the practitioner's 60137
supervisor, if applicable, and request to be excused from 60138
participating in the particular health care service that conflicts 60139
with the practitioner's beliefs or convictions. 60140

When possible and when the medical practitioner is willing, 60141
the medical practitioner shall seek to transfer the patient to a 60142
colleague who will provide the requested health care service. 60143

If participation in a transfer of care for a particular 60144
health care service violates the medical practitioner's beliefs or 60145
convictions or no willing colleague is identified, the patient 60146
shall be notified and provided the opportunity to seek an 60147
alternate medical practitioner. Upon patient request, the 60148

patient's medical records shall be promptly released to the 60149
patient. 60150

The medical practitioner is responsible for providing all 60151
appropriate health care services, other than the particular health 60152
care service that conflicts with the medical practitioner's 60153
beliefs or convictions, until another medical practitioner or 60154
facility is available. 60155

(D) A medical practitioner, health care institution, or 60156
health care payer shall not be civilly, criminally, or 60157
administratively liable for exercising the practitioner's, 60158
institution's, or payer's right of conscience by declining to 60159
participate in or pay for a particular health care service. 60160

A health care institution shall not be civilly, criminally, 60161
or administratively liable for the exercise of conscience rights 60162
not to participate in a particular health care service by a 60163
medical practitioner who is employed by, under contract with, or 60164
granted admitting privileges by the health care institution. 60165

A medical practitioner, health care institution, or health 60166
care payer shall not be discriminated against or suffer any other 60167
adverse action as a result of declining to participate in or pay 60168
for a particular health care service on the basis of conscience. 60169

(E) Unless specifically prohibited by law, a medical 60170
practitioner shall not be discriminated against or suffer any 60171
adverse action for disclosing any information that the medical 60172
practitioner reasonably believes evinces any violation of this 60173
section or any other law, rule, or regulation; any violation of 60174
any standard of care or other ethical guidelines for the provision 60175
of any health care service; or gross mismanagement, a gross waste 60176
of funds, an abuse of authority, or a substantial and specific 60177
danger to public health or safety. 60178

(F) A civil action for damages, injunctive relief, or any 60179

other appropriate relief may be brought by any medical practitioner, health care institution, or health care payer for any violation of any provision of this section. 60180
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Upon a finding of a violation of the rights of conscience in this section, a court shall award threefold the actual damages sustained and reasonable costs and attorney's fees. A court considering such civil action may also award injunctive relief, which may include reinstatement of a medical practitioner to the practitioner's previous position, reinstatement of board certification, and relicensure of a health care institution or health care payer. 60183
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(G) This section shall not be construed to override the requirement to provide emergency medical treatment to all patients as set forth in 42 U.S.C. § 1395dd. 60191
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Sec. 4755.01. (A) There is hereby created the Ohio occupational therapy, physical therapy, and athletic trainers board consisting of sixteen residents of this state, who shall be appointed by the governor with the advice and consent of the senate. The board shall be composed of a physical therapy section, an occupational therapy section, and an athletic trainers section. 60194
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(1) Five members of the board shall be physical therapists who are licensed to practice physical therapy and who have been engaged in or actively associated with the practice of physical therapy in this state for at least five years immediately preceding appointment. Such members of the board shall sit on the physical therapy section. The physical therapy section also shall consist of four additional members, appointed by the governor with the advice and consent of the senate, who satisfy the same qualifications as the members of the board sitting on the physical therapy section, but who are not members of the board. Of the additional physical therapy section members whose terms commence 60200
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on August 28, 2007, one shall be for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Such additional members of the physical therapy section are vested with only such powers and shall perform only such duties as relate to the affairs of that section.

(2) Four members of the board shall be occupational therapists and one member shall be a licensed occupational therapy assistant, all of whom have been engaged in or actively associated with the practice of occupational therapy or practice as an occupational therapy assistant in this state for at least five years immediately preceding appointment. Such members of the board shall sit on the occupational therapy section.

(3) Four members of the board shall be athletic trainers who have been engaged in the practice of athletic training in Ohio for at least five years immediately preceding appointment. One member of the board shall be a physician licensed to practice medicine and surgery in this state. Such members of the board shall sit on the athletic trainers section.

(4) One member of the board shall represent the public. This member shall sit on the board and shall attend each year at least three meetings of the physical therapy section, three meetings of the occupational therapy section, and three meetings of the athletic trainers section.

(B) Except for the terms of office specified in division (A) (1) of this section for the additional members of the physical therapy section commencing on August 28, 2007, terms for the members of the board and the additional members of the physical therapy section are for three years. Each member's term shall commence on the twenty-eighth day of August and end on the twenty-seventh day of August. Each member shall serve subsequent to the expiration of the member's term until the member's successor is appointed and qualifies, or until a period of ~~sixty~~

ninety days has elapsed, whichever occurs first. A member shall 60243
not serve for more than three consecutive terms. All vacancies 60244
shall be filled in the manner prescribed for the regular 60245
appointments and are limited to the unexpired terms. 60246

(C) Each member of the board and each additional member of 60247
the physical therapy section, before entering upon the official 60248
duties of office, shall do both of the following: 60249

(1) Subscribe to and file with the secretary of state the 60250
constitutional oath of office; 60251

(2) Sign and file with the executive director of the board a 60252
notarized statement that the member has read and understands 60253
sections 121.22 and 149.43 of the Revised Code and the provisions 60254
of Chapter 119. of the Revised Code that are applicable to the 60255
duties of the board. 60256

(D) Annually, upon the qualification of the member or members 60257
appointed in that year, the board shall organize by selecting from 60258
its members a president and secretary. Each section of the board 60259
shall independently organize by selecting from its members a 60260
chairperson and secretary. 60261

(E) A majority of the members of the board constitutes a 60262
quorum to transact and vote on the business of the board. A 60263
majority of the members of each section constitutes a quorum to 60264
transact and vote on the affairs of that section. 60265

(F) Each member of the board and each additional member of 60266
the physical therapy section shall receive an amount fixed 60267
pursuant to division (J) of section 124.15 of the Revised Code for 60268
each day employed in the discharge of official duties. In 60269
addition, each member of the board and each additional member of 60270
the physical therapy section shall receive the member's actual and 60271
necessary expenses incurred in the performance of official duties. 60272

(G) The board of trustees of the Ohio occupational therapy 60273

association may recommend, after any term expires or vacancy 60274
occurs in an occupational therapy position, at least three persons 60275
to fill each such position or vacancy on the board, and the 60276
governor may make the appointment from the persons so recommended. 60277
The executive board of the Ohio chapter of the American physical 60278
therapy association may recommend, after any term expires or 60279
vacancy occurs in a physical therapy position, at least three 60280
persons to fill each such vacancy on the board, and the governor 60281
may make appointments from the persons so recommended. The Ohio 60282
athletic trainers association shall recommend to the governor at 60283
least three persons when any term expires or any vacancy occurs in 60284
an athletic trainer position. The governor may select one of the 60285
association's recommendations in making such an appointment. 60286

(H) The board shall meet as a whole to determine all 60287
administrative, personnel, and budgetary matters. The executive 60288
director of the board appointed by the board shall not be a 60289
physical therapist, an occupational therapist, or an athletic 60290
trainer who has been licensed to practice physical therapy, 60291
occupational therapy, or as an athletic trainer in this state 60292
within three years immediately preceding appointment. The 60293
executive director shall execute, under the direction of the 60294
board, the policies, orders, directives, and administrative 60295
functions of the board and shall direct, under rules adopted by 60296
the board, the work of all persons employed by the board. Upon the 60297
request of the board, the executive director shall report to the 60298
board on any matter. The executive director shall serve at the 60299
pleasure of the board. 60300

(I) The occupational therapy section of the board shall have 60301
the authority to act on behalf of the board on matters concerning 60302
the practice of occupational therapy and, in particular, the 60303
examination of applicants, the issuance of licenses ~~and limited~~ 60304
~~permits~~, and the suspension or revocation of licenses ~~and limited~~ 60305

~~permits~~ to practice as an occupational therapist or occupational 60306
therapy assistant. The physical therapy section of the board shall 60307
have the authority to act on behalf of the board on matters 60308
concerning the practice of physical therapy and, in particular, 60309
the examination, licensure, and suspension or revocation of 60310
licensure of applicants, physical therapists, and physical 60311
therapist assistants. The athletic trainers section of the board 60312
shall have the authority to act on behalf of the board on matters 60313
concerning the practice of athletic training and, in particular, 60314
the examination, licensure, and suspension or revocation of 60315
licensure of applicants and athletic trainers. All actions taken 60316
by any section of the board under this division shall be in 60317
accordance with Chapter 119. of the Revised Code. 60318

Sec. 4755.02. (A) The appropriate section of the Ohio 60319
occupational therapy, physical therapy, and athletic trainers 60320
board shall investigate compliance with this chapter or any rule 60321
or order issued under this chapter and shall investigate alleged 60322
grounds for the suspension, revocation, or refusal to issue or 60323
renew licenses ~~or limited permits~~ under section 3123.47, 4755.11, 60324
4755.47, or 4755.64 of the Revised Code. The appropriate section 60325
may subpoena witnesses and documents in connection with its 60326
investigations. 60327

(B) Through the attorney general or an appropriate 60328
prosecuting attorney, the appropriate section may apply to an 60329
appropriate court for an order enjoining the violation of this 60330
chapter. On the filing of a verified petition, the court shall 60331
conduct a hearing on the petition and give the same preference to 60332
the proceeding as is given to all proceedings under Chapter 119. 60333
of the Revised Code, irrespective of the position of the 60334
proceeding on the court's calendar. On a showing that a person has 60335
violated or is about to violate this chapter, the court shall 60336
grant an injunction, restraining order, or other order as 60337

appropriate. The injunction proceedings provided by this division 60338
are in addition to all penalties and other remedies provided in 60339
this chapter. 60340

(C) When requested by the appropriate section, the 60341
prosecuting attorney of a county, or the village solicitor or city 60342
director of law of a municipal corporation, where a violation of 60343
this chapter allegedly occurs, shall take charge of and conduct 60344
the prosecution. 60345

(D) The appropriate section may employ investigators who 60346
shall investigate complaints, conduct inspections, and make 60347
inquiries as in the judgment of the section are appropriate to 60348
enforce sections 3123.41 to 3123.50 of the Revised Code or this 60349
chapter. These investigators have the right to review, obtain 60350
copies, and audit the patient records and personnel files of 60351
licensees ~~and limited permit holders~~ at the place of business of 60352
the licensees ~~or limited permit holders~~ or any other place where 60353
such documents may be and shall be given access to such documents 60354
during normal business hours. 60355

(E) (1) Subject to division (E) (2) of this section, 60356
information and records received or generated by the board 60357
pursuant to an investigation are confidential, are not public 60358
records as defined in section 149.43 of the Revised Code, and are 60359
not subject to discovery in any civil or administrative action. 60360

(2) For good cause, the board may disclose information 60361
gathered pursuant to an investigation to any federal, state, or 60362
local law enforcement, prosecutorial, or regulatory agency or its 60363
officers or agents engaging in an investigation the board believes 60364
is within the agency's jurisdiction. An agency that receives 60365
confidential information shall comply with the same requirements 60366
regarding confidentiality as those with which the board must 60367
comply, notwithstanding any conflicting provision of the Revised 60368
Code or procedure of the agency that applies when the agency is 60369

dealing with other information in its possession. The information 60370
may be admitted into evidence in a criminal trial in accordance 60371
with the Rules of Evidence, or in an administrative hearing 60372
conducted by an agency, but the court or agency shall require that 60373
appropriate measures be taken to ensure that confidentiality is 60374
maintained with respect to any part of the information that 60375
contains names or other identifying information about patients, 60376
complainants, or others whose confidentiality was protected by the 60377
board when the information was in the board's possession. Measures 60378
to ensure confidentiality that may be taken by the court or agency 60379
include sealing its records or redacting specific information from 60380
its records. 60381

(F) The appropriate section shall conduct hearings, keep 60382
records and minutes, and enforce the relevant sections of this 60383
chapter. 60384

(G) Each section of the board shall publish and make 60385
available, upon request and for a fee not to exceed the actual 60386
cost of printing and mailing, the licensure standards prescribed 60387
by the relevant sections of this chapter and the Administrative 60388
Code. 60389

(H) The board shall submit to the governor and to the general 60390
assembly each year a report of all its official actions during the 60391
preceding year, together with any recommendations and findings 60392
with regard to the status of the professions of physical therapy, 60393
occupational therapy, and athletic training. 60394

Sec. 4755.04. As used in sections 4755.04 to 4755.13 and 60395
section 4755.99 of the Revised Code: 60396

(A) "Occupational therapy" means the therapeutic use of 60397
everyday life activities or occupations with individuals or groups 60398
for the purpose of participation in roles and situations in the 60399
home, school, workplace, community, and other settings. The 60400

practice of occupational therapy includes all of the following: 60401

(1) Methods or strategies selected to direct the process of 60402
interventions, including, but not limited to, establishment, 60403
remediation, or restoration of a skill or ability that has not yet 60404
developed or is impaired and compensation, modification, or 60405
adaptation of activity or environment to enhance performance; 60406

(2) Evaluation of factors affecting activities of daily 60407
living, instrumental activities of daily living, education, work, 60408
play, leisure, and social participation, including, but not 60409
limited to, sensory motor abilities, vision, perception, 60410
cognition, psychosocial, and communication and interaction skills; 60411

(3) Interventions and procedures to promote or enhance safety 60412
and performance in activities of daily living, education, work, 60413
play, leisure, and social participation, including, but not 60414
limited to, application of physical agent modalities, use of a 60415
range of specific therapeutic procedures to enhance performance 60416
skills, rehabilitation of driving skills to facilitate community 60417
mobility, and management of feeding, eating, and swallowing to 60418
enable eating and feeding performance; 60419

(4) Consultative services, case management, and education of 60420
patients, clients, or other individuals to promote 60421
self-management, home management, and community and work 60422
reintegration; 60423

(5) Designing, fabricating, applying, recommending, and 60424
instructing in the use of selected orthotic or prosthetic devices 60425
and other equipment which assists the individual to adapt to the 60426
individual's potential or actual impairment; 60427

(6) Administration of topical drugs that have been prescribed 60428
by a licensed health professional authorized to prescribe drugs, 60429
as defined in section 4729.01 of the Revised Code. 60430

(B) "Occupational therapist" means a person who is licensed 60431

~~or holds a limited permit~~ to practice occupational therapy and who 60432
offers such services to the public under any title incorporating 60433
the words "occupational therapy," "occupational therapist," or any 60434
similar title or description of services. 60435

(C) "Occupational therapy assistant" means a person who holds 60436
a license ~~or limited permit~~ to provide occupational therapy 60437
techniques under the general supervision of an occupational 60438
therapist. 60439

Sec. 4755.05. No person who does not hold a current license 60440
~~or limited permit~~ under sections 4755.04 to 4755.13 of the Revised 60441
Code shall practice or offer to practice occupational therapy, or 60442
use in connection with the person's name, or otherwise assume, 60443
use, or advertise, any title, initials, or description tending to 60444
convey the impression that the person is an occupational therapist 60445
or an occupational therapy assistant. No partnership, association, 60446
or corporation shall advertise or otherwise offer to provide or 60447
convey the impression that it is providing occupational therapy 60448
unless an individual holding a current license ~~or limited permit~~ 60449
under sections 4755.04 to 4755.13 of the Revised Code is or will 60450
at the appropriate time be rendering the occupational therapy 60451
services to which reference is made. 60452

Sec. 4755.06. The occupational therapy section of the Ohio 60453
occupational therapy, physical therapy, and athletic trainers 60454
board may make reasonable rules in accordance with Chapter 119. of 60455
the Revised Code relating to, but not limited to, the following: 60456

(A) The form and manner for filing applications for licensure 60457
under sections 4755.04 to 4755.13 of the Revised Code; 60458

(B) The issuance, suspension, and revocation of the licenses 60459
and the conducting of investigations and hearings; 60460

(C) Standards for approval of courses of study relative to 60461

the practice of occupational therapy;	60462
(D) The time and form of examination for the licensure;	60463
(E) Standards of ethical conduct in the practice of occupational therapy;	60464 60465
(F) The form and manner for filing applications for renewal and a schedule of deadlines for renewal;	60466 60467
(G) The conditions under which a license of a licensee who files a late application for renewal will be reinstated;	60468 60469
(H) Placing an existing license in escrow;	60470
(I) The amount, scope, and nature of continuing education activities required for license renewal, including waivers of the continuing education requirements;	60471 60472 60473
(J) Guidelines for limited permits;	60474
(K) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	60475 60476
(L) (K) Subject to section 4755.061 of the Revised Code, the amount for each fee specified in section 4755.12 of the Revised Code that the section charges;	60477 60478 60479
(M) (L) The amount and content of corrective action courses required by the board under section 4755.11 of the Revised Code.	60480 60481
The section may hear testimony in matters relating to the duties imposed upon it, and the chairperson and secretary of the section may administer oaths. The section may require proof, beyond the evidence found in the application, of the honesty and truthfulness of any person named in an application for licensure, before admitting the applicant to an examination or issuing a license.	60482 60483 60484 60485 60486 60487 60488
Sec. 4755.08. The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers	60489 60490

board shall issue a license to every applicant who has passed the
appropriate examination designated by the section and who
otherwise complies with the licensure requirements of sections
4755.04 to 4755.13 of the Revised Code. The license entitles the
holder to practice occupational therapy or to assist in the
practice of occupational therapy. The licensee shall display the
license in a conspicuous place at the licensee's principal place
of business.

~~The section may issue a limited permit to persons who have
satisfied the requirements of divisions (A) and (B) of section
4755.07 of the Revised Code. This permit allows the person to
practice as an occupational therapist or occupational therapy
assistant under the supervision of a licensed occupational
therapist and is valid until the date on which the results of the
examination are made public. This limited permit shall not be
renewed if the applicant has failed the examination.~~

Sec. 4755.11. (A) In accordance with Chapter 119. of the
Revised Code, the occupational therapy section of the Ohio
occupational therapy, physical therapy, and athletic trainers
board may suspend, revoke, or, except as provided in division (B)
of this section, refuse to issue or renew an occupational
therapist license, or occupational therapy assistant license,
~~occupational therapist limited permit, occupational therapy
assistant limited permit,~~ or may reprimand, fine, place a license
~~or limited permit~~ holder on probation, or require the license ~~or~~
~~limited permit~~ holder to take corrective action courses, for any
of the following:

(1) Conviction of an offense involving moral turpitude or a
felony, regardless of the state or country in which the conviction
occurred;

- (2) Violation of any provision of sections 4755.04 to 4755.13 of the Revised Code; 60521
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- (3) Violation of any lawful order or rule of the occupational therapy section; 60523
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- (4) Obtaining or attempting to obtain a license ~~or limited permit~~ issued by the occupational therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statement in relation to these activities; 60525
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- (5) Negligence, unprofessional conduct, or gross misconduct in the practice of the profession of occupational therapy; 60529
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- (6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals; 60531
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- (7) Communicating, without authorization, information received in professional confidence; 60533
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- (8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist, or occupational therapy assistant, ~~occupational therapist limited permit holder, or occupational therapy assistant limited permit holder~~; 60535
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- (9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent; 60540
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- (10) Failing the licensing or Ohio jurisprudence examination; 60542
- (11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy; 60543
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- (12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction; 60545
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- (13) Except as provided in division (C) of this section: 60549

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.

(14) Working or representing oneself as an occupational therapist, or occupational therapy assistant, ~~occupational therapist limited permit holder, or occupational therapy assistant limited permit holder~~ without a current and valid license ~~or limited permit~~ issued by the occupational therapy section;

(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;

(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section;

(17) A departure from, or the failure to conform to, minimal standards of care required of licensees ~~or limited permit holders~~, whether or not actual injury to a patient is established;

(18) An adjudication by a court that the applicant, or licensee, ~~or limited permit holder~~ is incompetent for the purpose of holding a license ~~or limited permit~~ and has not thereafter been restored to legal capacity for that purpose;

(19) (a) Except as provided in division (A) (19) (b) of this section, failure to cooperate with an investigation conducted by the occupational therapy section, including failure to comply with

a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.

(20) Conviction of a misdemeanor reasonably related to the practice of occupational therapy, regardless of the state or country in which the conviction occurred;

(21) Inability to practice according to acceptable and prevailing standards of care because of mental or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;

(22) Violation of conditions, limitations, or agreements placed by the occupational therapy section on a license ~~or limited permit~~ to practice;

(23) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of occupational therapy;

(24) Failure to complete continuing education requirements as prescribed in rules adopted by the occupational therapy section under section 4755.06 of the Revised Code;

(25) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the occupational therapist or occupational therapy assistant:

(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;

(b) Sexual contact, as defined in section 2907.01 of the

Revised Code; 60611

(c) Verbal behavior that is sexually demeaning to the patient 60612
or may be reasonably interpreted by the patient as sexually 60613
demeaning. 60614

(B) The occupational therapy section shall not refuse to 60615
issue a license ~~or limited permit~~ to an applicant because of a 60616
criminal conviction unless the refusal is in accordance with 60617
section 9.79 of the Revised Code. 60618

(C) Sanctions shall not be imposed under division (A) (13) of 60619
this section against any individual who waives deductibles and 60620
copayments as follows: 60621

(1) In compliance with the health benefit plan that expressly 60622
allows such a practice. Waiver of the deductibles or copayments 60623
shall be made only with the full knowledge and consent of the plan 60624
purchaser, payer, and third-party administrator. Documentation of 60625
the consent shall be made available to the section upon request. 60626

(2) For professional services rendered to any other person 60627
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 60628
Code to the extent allowed by those sections and the rules of the 60629
occupational therapy section. 60630

(D) Except as provided in division (E) of this section, the 60631
suspension or revocation of a license ~~or limited permit~~ under this 60632
section is not effective until either the order for suspension or 60633
revocation has been affirmed following an adjudication hearing, or 60634
the time for requesting a hearing has elapsed. 60635

When a license ~~or limited permit~~ is revoked under this 60636
section, application for reinstatement may not be made sooner than 60637
one year after the date of revocation. The occupational therapy 60638
section may accept or refuse an application for reinstatement and 60639
may require that the applicant pass an examination as a condition 60640
of reinstatement. 60641

When a license ~~or limited permit~~ holder is placed on 60642
probation under this section, the occupational therapy section's 60643
probation order shall be accompanied by a statement of the 60644
conditions under which the individual may be removed from 60645
probation and restored to unrestricted practice. 60646

(E) On receipt of a complaint that a person who holds a 60647
license ~~or limited permit~~ issued by the occupational therapy 60648
section has committed any of the prohibited actions listed in 60649
division (A) of this section, the section may immediately suspend 60650
the license ~~or limited permit~~ prior to holding a hearing in 60651
accordance with Chapter 119. of the Revised Code if it determines, 60652
based on the complaint, that the licensee ~~or limited permit holder~~ 60653
poses an immediate threat to the public. The section may review 60654
the allegations and vote on the suspension by telephone conference 60655
call. If the section votes to suspend a license ~~or limited permit~~ 60656
under this division, the section shall issue a written order of 60657
summary suspension to the licensee ~~or limited permit holder~~ in 60658
accordance with section 119.07 of the Revised Code. If the 60659
individual whose license ~~or limited permit~~ is suspended fails to 60660
make a timely request for an adjudication under Chapter 119. of 60661
the Revised Code, the section shall enter a final order 60662
permanently revoking the individual's license ~~or limited permit~~. 60663
Notwithstanding section 119.12 of the Revised Code, a court of 60664
common pleas shall not grant a suspension of the section's order 60665
of summary suspension pending the determination of an appeal filed 60666
under that section. Any order of summary suspension issued under 60667
this division shall remain in effect, unless reversed on appeal, 60668
until a final adjudication order issued by the section pursuant to 60669
division (A) of this section becomes effective. The section shall 60670
issue its final adjudication order regarding an order of summary 60671
suspension issued under this division not later than ninety days 60672
after completion of its hearing. Failure to issue the order within 60673
ninety days shall result in immediate dissolution of the 60674

suspension order, but shall not invalidate any subsequent, final 60675
adjudication order. 60676

(F) If any person other than a person who holds a license ~~or~~ 60677
~~limited permit~~ issued under section 4755.08 of the Revised Code 60678
has engaged in any practice that is prohibited under sections 60679
4755.04 to 4755.13 of the Revised Code or the rules of the 60680
occupational therapy section, the section may apply to the court 60681
of common pleas of the county in which the violation occurred, for 60682
an injunction or other appropriate order restraining this conduct, 60683
and the court shall issue this order. 60684

Sec. 4755.12. (A) The occupational therapy section of the 60685
Ohio occupational therapy, physical therapy, and athletic trainers 60686
board may charge any or all of the following fees: 60687

(1) A nonrefundable examination fee, which is to be paid at 60688
the time of application for licensure; 60689

(2) An application fee for an initial license; 60690

(3) An initial licensure fee; 60691

(4) A fee for biennial renewal of a license; 60692

(5) A fee for late renewal of a license; 60693

(6) A fee for the review of continuing education activities; 60694

(7) ~~A fee for a limited permit;~~ 60695

~~(8)~~ A fee for verification of a license. 60696

(B) Any person who is qualified to practice occupational 60697
therapy as certified by the section, but who is not in the active 60698
practice, as defined by section rule, may register with the 60699
section as a nonactive licensee at a biennial fee. 60700

(C) The section may, by rule, provide for the waiver of all 60701
or part of a fee when the license is issued less than one hundred 60702
days before the date on which it will expire. 60703

(D) Except when all or part of a fee is waived under division 60704
(C) of this section, the amount charged by the occupational 60705
therapy section for each of its fees shall be the applicable 60706
amount established in rules adopted under section 4755.06 of the 60707
Revised Code. 60708

Sec. 4755.42. (A) Each person ~~who desires to practice~~ seeking 60709
licensure as a physical therapy therapist shall file with the 60710
physical therapy section of the Ohio occupational therapy, 60711
physical therapy, and athletic trainers board an application that 60712
includes the following: 60713

(1) Name; 60714

(2) Current address; 60715

(3) ~~Physical description and photograph;~~ 60716

~~(4)~~ Proof of completion of a master's or doctorate program of 60717
physical therapy education that is accredited by a national 60718
physical therapy accreditation agency recognized by the United 60719
States department of education and that includes: 60720

(a) A minimum of one hundred twenty academic semester credits 60721
or its equivalent, including courses in the biological and other 60722
physical sciences; 60723

(b) A course in physical therapy education that has provided 60724
instruction in basic sciences, clinical sciences, and physical 60725
therapy theory and procedures. 60726

(B) On making application under division (A) of this section, 60727
the applicant shall pay a fee of not more than one hundred 60728
twenty-five dollars for the license. 60729

(C) The physical therapy section shall approve an ~~application~~ 60730
applicant to sit for the examination required under division (A) 60731
of section 4755.43 of the Revised Code not later than one hundred 60732
twenty days after receiving an application that the section 60733

considers complete unless the board has done either of the following: 60734
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(1) Requested documents relevant to the section's evaluation of the application; 60736
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(2) Notified the applicant in writing of the section's intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the section's intent to deny a license. 60738
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(D) If the section fails to comply with division (C) of this section, the section shall refund one-half of the application fee to the applicant. 60742
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Sec. 4755.421. (A) Each ~~applicant~~ person seeking licensure as a physical therapist assistant shall file with the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board an application that includes the following: 60745
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(1) Name; 60750

(2) Current address; 60751

(3) ~~Physical description and photograph;~~ 60752

~~(4)~~ Proof of completion of a physical therapist assistant program of education that is accredited by a national physical therapy accreditation agency recognized by the United States department of education. 60753
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(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred twenty-five dollars for the license. 60757
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(C) (1) The physical therapy section shall approve an applicant to sit for the examination required under division (A) of section 4755.431 of the Revised Code not later than one hundred 60760
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twenty days after receiving an application that the section
considers complete unless the board has done either of the
following:

(a) Requested documents relevant to the section's evaluation
of the application;

(b) Notified the applicant in writing of the section's intent
to deny a license and the applicant's right to request a hearing
in accordance with Chapter 119. of the Revised Code to appeal the
section's intent to deny a license.

(2) If the section fails to comply with division (C)(1) of
this section, the section shall refund half of the application fee
to the applicant.

Sec. 4755.47. (A) In accordance with Chapter 119. of the
Revised Code, the physical therapy section of the Ohio
occupational therapy, physical therapy, and athletic trainers
board may, except as provided in division (B) of this section,
refuse to grant a license to an applicant for an initial or
renewed license as a physical therapist or physical therapist
assistant or, by an affirmative vote of not less than five
members, may limit, suspend, or revoke the license of a physical
therapist or physical therapist assistant or reprimand, fine,
place a license holder on probation, or require the license holder
to take corrective action courses, on any of the following
grounds:

(1) Habitual indulgence in the use of controlled substances,
other habit-forming drugs, or alcohol to an extent that affects
the individual's professional competency;

(2) Conviction of a felony or a crime involving moral
turpitude, regardless of the state or country in which the
conviction occurred;

- (3) Obtaining or attempting to obtain a license issued by the physical therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statement; 60793
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- (4) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the applicant or licensee is incompetent for the purpose of holding the license and has not thereafter been restored to legal capacity for that purpose; 60796
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- (5) Subject to section 4755.471 of the Revised Code, violation of the code of ethics adopted by the physical therapy section; 60800
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- (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections; 60803
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- (7) Failure of one or both of the examinations required under section 4755.43 or 4755.431 of the Revised Code; 60807
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- (8) Permitting the use of one's name or license by a person, group, or corporation when the one permitting the use is not directing the treatment given; 60809
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- (9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction; 60812
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- (10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific methods in the selection of drugs, as defined in section 4729.01 of the Revised Code, or other modalities for treatment; 60816
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- (11) Willful betrayal of a professional confidence; 60821
- (12) Making a false, fraudulent, deceptive, or misleading 60822

statement in the solicitation of or advertising for patients in 60823
relation to the practice of physical therapy; 60824

(13) A departure from, or the failure to conform to, minimal 60825
standards of care required of licensees when under the same or 60826
similar circumstances, whether or not actual injury to a patient 60827
is established; 60828

(14) Obtaining, or attempting to obtain, money or anything of 60829
value by fraudulent misrepresentations in the course of practice; 60830

(15) Violation of the conditions of limitation or agreements 60831
placed by the physical therapy section on a license to practice; 60832

(16) Failure to renew a license in accordance with section 60833
4755.46 of the Revised Code; 60834

(17) Except as provided in section 4755.471 of the Revised 60835
Code, engaging in the division of fees for referral of patients or 60836
receiving anything of value in return for a specific referral of a 60837
patient to utilize a particular service or business; 60838

(18) Inability to practice according to acceptable and 60839
prevailing standards of care because of mental illness or physical 60840
illness, including physical deterioration that adversely affects 60841
cognitive, motor, or perception skills; 60842

(19) The revocation, suspension, restriction, or termination 60843
of clinical privileges by the United States department of defense 60844
or department of veterans affairs; 60845

(20) Termination or suspension from participation in the 60846
medicare or medicaid program established under Title XVIII and 60847
Title XIX, respectively, of the "Social Security Act," 49 Stat. 60848
620 (1935), 42 U.S.C. 301, as amended, for an act or acts that 60849
constitute a violation of sections 4755.40 to 4755.56 of the 60850
Revised Code; 60851

(21) Failure of a physical therapist to maintain supervision 60852

of a student, physical therapist assistant, unlicensed support 60853
personnel, other assistant personnel, or a license applicant in 60854
accordance with the requirements of sections 4755.40 to 4755.56 of 60855
the Revised Code and rules adopted under those sections; 60856

(22) Failure to complete continuing education requirements as 60857
prescribed in section 4755.51 or 4755.511 of the Revised Code or 60858
to satisfy any rules applicable to continuing education 60859
requirements that are adopted by the physical therapy section; 60860

(23) Conviction of a misdemeanor when the act that 60861
constitutes the misdemeanor occurs during the practice of physical 60862
therapy; 60863

(24) (a) Except as provided in division (A) (24) (b) of this 60864
section, failure to cooperate with an investigation conducted by 60865
the physical therapy section, including failure to comply with a 60866
subpoena or orders issued by the section or failure to answer 60867
truthfully a question presented by the section at a deposition or 60868
in written interrogatories. 60869

(b) Failure to cooperate with an investigation does not 60870
constitute grounds for discipline under this section if a court of 60871
competent jurisdiction issues an order that either quashes a 60872
subpoena or permits the individual to withhold the testimony or 60873
evidence at issue. 60874

(25) Regardless of whether ~~the contact or verbal behavior~~ it 60875
is consensual, engaging in any of the following with a patient 60876
other than the spouse of the physical therapist or physical 60877
therapist assistant, ~~in any of the following:~~ 60878

(a) Sexual conduct, as defined in section 2907.01 of the 60879
Revised Code; 60880

(b) Sexual contact, as defined in section 2907.01 of the 60881
Revised Code; 60882

~~(b)~~(c) Verbal behavior that is sexually demeaning to the 60883
patient or may be reasonably interpreted by the patient as 60884
sexually demeaning. 60885

(26) Failure to notify the physical therapy section of a 60886
change in name, business address, or home address within thirty 60887
days after the date of change; 60888

(27) Except as provided in division (C) of this section: 60889

(a) Waiving the payment of all or any part of a deductible or 60890
copayment that a patient, pursuant to a health insurance or health 60891
care policy, contract, or plan that covers physical therapy, would 60892
otherwise be required to pay if the waiver is used as an 60893
enticement to a patient or group of patients to receive health 60894
care services from that provider; 60895

(b) Advertising that the individual will waive the payment of 60896
all or any part of a deductible or copayment that a patient, 60897
pursuant to a health insurance or health care policy, contract, or 60898
plan that covers physical therapy, would otherwise be required to 60899
pay. 60900

(28) Violation of any section of this chapter or rule adopted 60901
under it. 60902

(B) The physical therapy section shall not refuse to issue a 60903
license to an applicant because of a criminal conviction unless 60904
the refusal is in accordance with section 9.79 of the Revised 60905
Code. 60906

(C) Sanctions shall not be imposed under division (A) (27) of 60907
this section against any individual who waives deductibles and 60908
copayments as follows: 60909

(1) In compliance with the health benefit plan that expressly 60910
allows such a practice. Waiver of the deductibles or copayments 60911
shall be made only with the full knowledge and consent of the plan 60912

purchaser, payer, and third-party administrator. Documentation of 60913
the consent shall be made available to the physical therapy 60914
section upon request. 60915

(2) For professional services rendered to any other person 60916
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 60917
Code to the extent allowed by those sections and the rules of the 60918
physical therapy section. 60919

(D) When a license is revoked under this section, application 60920
for reinstatement may not be made sooner than one year after the 60921
date of revocation. The physical therapy section may accept or 60922
refuse an application for reinstatement and may require that the 60923
applicant pass an examination as a condition for reinstatement. 60924

When a license holder is placed on probation under this 60925
section, the physical therapy section's order for placement on 60926
probation shall be accompanied by a statement of the conditions 60927
under which the individual may be removed from probation and 60928
restored to unrestricted practice. 60929

(E) When an application for an initial or renewed license is 60930
refused under this section, the physical therapy section shall 60931
notify the applicant in writing of the section's decision to 60932
refuse issuance of a license and the reason for its decision. 60933

(F) On receipt of a complaint that a person licensed by the 60934
physical therapy section has committed any of the actions listed 60935
in division (A) of this section, the physical therapy section may 60936
immediately suspend the license of the physical therapist or 60937
physical therapist assistant prior to holding a hearing in 60938
accordance with Chapter 119. of the Revised Code if it determines, 60939
based on the complaint, that the person poses an immediate threat 60940
to the public. The physical therapy section may review the 60941
allegations and vote on the suspension by telephone conference 60942
call. If the physical therapy section votes to suspend a license 60943

under this division, the physical therapy section shall issue a written order of summary suspension to the person in accordance with section 119.07 of the Revised Code. If the person fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the physical therapy section shall enter a final order permanently revoking the person's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the physical therapy section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the physical therapy section pursuant to division (A) of this section becomes effective. The physical therapy section shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

Sec. 4755.64. (A) In accordance with Chapter 119. of the Revised Code, the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or, except as provided in division (B) of this section, refuse to issue or renew an athletic trainers license, or reprimand, fine, or place a licensee on probation, for any of the following:

(1) Conviction of a felony or offense involving moral turpitude, regardless of the state or country in which the conviction occurred;

(2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;

(3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;	60975 60976
(4) Negligence or gross misconduct in the practice of athletic training;	60977 60978
(5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section 4755.61 of the Revised Code;	60979 60980 60981
(6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;	60982 60983 60984
(7) Practicing in an area of athletic training for which the individual is untrained, incompetent, or practicing without the referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, or a physical therapist licensed under this chapter;	60985 60986 60987 60988 60989 60990
(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;	60991 60992 60993
(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;	60994 60995 60996 60997
(10) Failing the licensing examination;	60998
(11) Aiding or abetting the unlicensed practice of athletic training;	60999 61000
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	61001 61002 61003 61004

(13) Regardless of whether it is consensual, engaging in any 61005
of the following with a patient other than the spouse of the 61006
athletic trainer: 61007

(a) Sexual conduct, as defined in section 2907.01 of the 61008
Revised Code; 61009

(b) Sexual contact, as defined in section 2907.01 of the 61010
Revised Code; 61011

(c) Verbal behavior that is sexually demeaning to the patient 61012
or may be reasonably interpreted by the patient as sexually 61013
demeaning. 61014

(B) The athletic trainers section shall not refuse to issue a 61015
license to an applicant because of a criminal conviction unless 61016
the refusal is in accordance with section 9.79 of the Revised 61017
Code. 61018

(C) If the athletic trainers section places a licensee on 61019
probation under division (A) of this section, the section's order 61020
for placement on probation shall be accompanied by a written 61021
statement of the conditions under which the person may be removed 61022
from probation and restored to unrestricted practice. 61023

(D) A licensee whose license has been revoked under division 61024
(A) of this section may apply to the athletic trainers section for 61025
reinstatement of the license one year following the date of 61026
revocation. The athletic trainers section may accept or deny the 61027
application for reinstatement and may require that the applicant 61028
pass an examination as a condition for reinstatement. 61029

(E) On receipt of a complaint that a person licensed by the 61030
athletic trainers section has committed any of the prohibited 61031
actions listed in division (A) of this section, the section may 61032
immediately suspend the license of a licensed athletic trainer 61033
prior to holding a hearing in accordance with Chapter 119. of the 61034
Revised Code if it determines, based on the complaint, that the 61035

licensee poses an immediate threat to the public. The section may 61036
review the allegations and vote on the suspension by telephone 61037
conference call. If the section votes to suspend a license under 61038
this division, the section shall issue a written order of summary 61039
suspension to the licensed athletic trainer in accordance with 61040
section 119.07 of the Revised Code. If the individual whose 61041
license is suspended fails to make a timely request for an 61042
adjudication under Chapter 119. of the Revised Code, the section 61043
shall enter a final order permanently revoking the individual's 61044
license. Notwithstanding section 119.12 of the Revised Code, a 61045
court of common pleas shall not grant a suspension of the 61046
section's order of summary suspension pending the determination of 61047
an appeal filed under that section. Any order of summary 61048
suspension issued under this division shall remain in effect, 61049
unless reversed on appeal, until a final adjudication order issued 61050
by the section pursuant to division (A) of this section becomes 61051
effective. The section shall issue its final adjudication order 61052
regarding an order of summary suspension issued under this 61053
division not later than ninety days after completion of its 61054
hearing. Failure to issue the order within ninety days shall 61055
result in immediate dissolution of the suspension order, but shall 61056
not invalidate any subsequent, final adjudication order. 61057

Sec. 4757.10. (A) The counselor, social worker, and marriage 61058
and family therapist board may adopt any rules necessary to carry 61059
out this chapter. 61060

(B) The board shall adopt rules that do all of the following: 61061

(1) Concern intervention for and treatment of any impaired 61062
person holding a license or certificate of registration issued 61063
under this chapter; 61064

(2) Establish standards for training and experience of 61065
supervisors described in division (C) of section 4757.30 of the 61066

Revised Code;	61067
(3) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	61068 61069
(4) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code;	61070 61071 61072 61073 61074
(5) Establish the amount and content of corrective action courses required by the board under section 4757.36 of the Revised Code;	61075 61076 61077
(6) Provide for voluntary registration of all of the following:	61078 61079
(a) Master's level counselor trainees enrolled in practice and internships;	61080 61081
(b) Master's level social worker trainees enrolled in fieldwork, practice, and internships;	61082 61083
(c) Master's level marriage and family therapist trainees enrolled in practice and internships.	61084 61085
(7) <u>In the case of an individual who is voluntarily registered as a trainee under division (B)(6) of this section and who has graduated but not yet completed all requirements for licensure, provide for an extension of the individual's registration for a period of six months beginning on the date of the individual's graduation.</u>	61086 61087 61088 61089 61090 61091
<u>(8)</u> Establish a schedule of deadlines for renewal.	61092
(C) Rules adopted under division (B)(6) of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board.	61093 61094 61095 61096

(D) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling, social work, or marriage and family therapy.

Sec. 4759.10. Sections 4759.01 to 4759.08 of the Revised Code do not apply to any of the following:

(A) A person licensed under Title XLVII of the Revised Code who is acting within the scope of the person's profession, provided that the person complies with division (B) of section 4759.02 of the Revised Code;

(B) A person who is a graduate of an associate degree program approved by the academy of nutrition and dietetics or the state medical board who is working as a dietetic technician under the supervision of a dietitian licensed under section 4759.06 of the Revised Code or registered by the commission on dietetic registration, except that the person is subject to division (B) of section 4759.02 of the Revised Code if the person uses a title other than "dietetic technician";

(C) A person who practices dietetics related to employment in the armed forces, veteran's administration, or the public health service of the United States;

(D) Persons employed by a nonprofit agency approved by the board or by a federal, state, municipal or county government, or by any other political subdivision, elementary or secondary school, or an institution of higher education approved by the state medical board or by a regional agency recognized by the council on postsecondary accreditation, who performs only nutritional education activities and such other nutritional

activities as the board, by rule, permits, provided the person 61128
does not violate division (B) of section 4759.02 of the Revised 61129
Code; 61130

(E) A person who has completed a program meeting the academic 61131
standards set for dietitians by the academy of nutrition and 61132
dietetics, received a baccalaureate or higher degree from a 61133
school, college, or university approved by a regional 61134
accreditation agency recognized by the council on postsecondary 61135
accreditation, works under the supervision of a licensed dietitian 61136
or registered dietitian, and does not violate division (B) of 61137
section 4759.02 of the Revised Code; 61138

(F) A person when acting, under the direction and supervision 61139
of a person licensed under Title XLVII of the Revised Code, in the 61140
execution of a plan of treatment authorized by the licensed 61141
person, provided the person complies with division (B) of section 61142
4759.02 of the Revised Code; 61143

(G) The free dissemination of literature in the state; 61144

(H) Provided that the persons involved in the sale, 61145
promotion, or explanation of the sale of food, food materials, or 61146
dietary supplements do not violate division (B) of section 4759.02 61147
of the Revised Code, the sale of food, food materials, or dietary 61148
supplements and the marketing and distribution of food, food 61149
materials, or dietary supplements and the promotion or explanation 61150
of the use of food, food materials, or dietary supplements 61151
provided that the promotion or explanation does not violate 61152
Chapter 1345. of the Revised Code; 61153

(I) A person who offers dietary supplements for sale and who 61154
makes the following statements about the product if the statements 61155
are consistent with the dietary supplement's label or labeling: 61156

(1) Claim a benefit related to a classical nutrient 61157
deficiency disease and disclose the prevalence of the disease in 61158

the United States; 61159

(2) Describe the role of a nutrient or dietary ingredient 61160
intended to affect the structure or function of the human body; 61161

(3) Characterize the documented mechanism by which a nutrient 61162
or dietary ingredient acts to maintain the structure or function 61163
of the human body; 61164

(4) Describe general well-being from the consumption of a 61165
nutrient or dietary ingredient. 61166

(J) Provided that the persons involved in presenting a 61167
general program of instruction for weight control do not violate 61168
division (B) of section 4759.02 of the Revised Code, a general 61169
program of instruction for weight control approved in writing by a 61170
licensed dietitian, a physician licensed under Chapter 4731. of 61171
the Revised Code to practice medicine or surgery or osteopathic 61172
medicine or surgery, a person licensed in another state that the 61173
board considers to have substantially equivalent licensure 61174
requirements as this state, or a registered dietitian; 61175

(K) The continued practice of dietetics at a hospital by a 61176
person employed at that same hospital to practice dietetics for 61177
the twenty years immediately prior to July 1, 1987, so long as the 61178
person works under the supervision of a dietitian licensed under 61179
section 4759.06 of the Revised Code and does not violate division 61180
(B) of section 4759.02 of the Revised Code. This division does not 61181
apply to any person who has held a license issued under this 61182
chapter to practice dietetics. As used in this division, 61183
"hospital" has the same meaning as in section 3727.01 of the 61184
Revised Code. 61185

(L) A person who provides any of the following, so long as 61186
the person involved does not violate division (B) of section 61187
4759.02 of the Revised Code while doing so: wellness and lifestyle 61188
recommendations, individualized nutritional guidance or 61189

counseling, or individualized food and diet assessment or 61190
education. 61191

Sec. 4763.15. Except for moneys required to be transferred 61192
into the real estate appraiser recovery fund pursuant to section 61193
4763.16 of the Revised Code or as required pursuant to this 61194
section, the superintendent of real estate may deposit all fees 61195
collected under this chapter into the state treasury to the credit 61196
of the real estate appraiser operating fund, which is hereby 61197
created. All operating expenses of the real estate appraiser board 61198
and the superintendent of real estate relating to the 61199
administration and enforcement of this chapter and Chapter 4768. 61200
of the Revised Code shall be paid from this fund. The fund shall 61201
be assessed a proportionate share of the administrative cost of 61202
the department of commerce in accordance with procedures 61203
prescribed by the director of commerce ~~and approved by the~~ 61204
~~director of budget and management,~~ and the assessment shall be 61205
paid from the operating fund to the division of administration 61206
fund. 61207

If, in any biennium, the director of commerce determines that 61208
moneys in the operating fund exceed those necessary to fund the 61209
activities of the board and of the superintendent of real estate 61210
that relate to this chapter and Chapter 4768. of the Revised Code, 61211
the director may pay the excess funds to the real estate appraiser 61212
recovery fund. 61213

Sec. 4779.28. (A) The Ohio occupational therapy, physical 61214
therapy, and athletic trainers board ~~may~~, pursuant to an 61215
adjudication under Chapter 119. of the Revised Code, and except as 61216
provided in division (B) of this section, may limit, revoke, or 61217
suspend a license issued under this chapter, may refuse to issue a 61218
license to an applicant, or may reprimand ~~or~~, fine, place a 61219
license holder on probation ~~a~~, or may require the license holder 61220

<u>to take corrective action courses,</u> for any of the following	61221
reasons:	61222
(1) Conviction of, or a plea of guilty to, a misdemeanor or	61223
felony involving moral turpitude;	61224
(2) Any violation of this chapter;	61225
(3) Committing fraud, misrepresentation, or deception in	61226
applying for or securing a license issued under this chapter;	61227
(4) Habitual use of drugs or intoxicants to the extent that	61228
it renders the person unfit to practice;	61229
(5) Violation of any rule adopted by the board under section	61230
4779.08 of the Revised Code;	61231
(6) A departure from, or failure to conform to, minimal	61232
standards of care of similar orthotists, prosthetists,	61233
orthotists-prosthetists, or pedorthists under the same or similar	61234
circumstances, regardless of whether actual injury to a patient is	61235
established;	61236
(7) Obtaining or attempting to obtain money or anything of	61237
value by fraudulent misrepresentation in the course of practice;	61238
(8) Publishing a false, fraudulent, deceptive, or misleading	61239
statement;	61240
(9) Waiving the payment of all or part of a deductible or	61241
copayment that a patient, pursuant to a health insurance or health	61242
care policy, contract, or plan, would otherwise be required to	61243
pay, if the waiver is used as an enticement to a patient or group	61244
of patients to receive health care services from a person who	61245
holds a license issued under this chapter;	61246
(10) Advertising that a person who holds a license issued	61247
under this chapter will waive the payment of all or part of a	61248
deductible or copayment that a patient, pursuant to a health	61249

insurance or health care policy, contract, or plan, that covers 61250
the person's services, would otherwise be required to pay; 61251

(11) Denial, revocation, suspension, or restriction of 61252
authority to practice a health care occupation, including 61253
orthotics, prosthetics, or pedorthics, for any reason other than a 61254
failure to renew, in Ohio or another state or jurisdiction; 61255

(12) Regardless of whether it is consensual, engaging in any 61256
of the following with a patient other than the spouse of the 61257
orthotist, prosthetist, orthotist-prosthetist, or pedorthist: 61258

(a) Sexual contact, as defined in section 2907.01 of the 61259
Revised Code; 61260

(b) Sexual conduct, as defined in section 2907.01 of the 61261
Revised Code; 61262

(c) Verbal behavior that is sexually demeaning to the patient 61263
or may be reasonably interpreted by the patient as sexually 61264
demeaning. 61265

(B) The board shall not refuse to issue a license to an 61266
applicant because of a conviction of or plea of guilty to an 61267
offense unless the refusal is in accordance with section 9.79 of 61268
the Revised Code. 61269

(C) For the purpose of investigating whether a person is 61270
engaging or has engaged in conduct described in division (A) of 61271
this section, the board may administer oaths, order the taking of 61272
depositions, issue subpoenas, examine witnesses, and compel the 61273
attendance of witnesses and production of books, accounts, papers, 61274
records, documents, and testimony. 61275

Sec. 4779.281. A person sanctioned under section 4779.28 of 61276
the Revised Code shall pay a fee in the amount of the actual cost 61277
of the administrative hearing, including the cost of the court 61278
reporter, the hearing officer, transcripts, and any witness fees 61279

for lodging and travel, as determined by the Ohio occupational 61280
therapy, physical therapy, and athletic trainers board. The fee 61281
shall be collected by the board. 61282

Sec. 4779.33. (A) The Ohio occupational therapy, physical 61283
therapy, and athletic trainers board shall enforce the laws 61284
relating to the practice of orthotics, prosthetics, and 61285
pedorthics. If the ~~secretary of the~~ board has knowledge of a 61286
violation, the ~~secretary~~ board shall investigate the violation and 61287
notify the prosecuting attorney of the proper county. 61288

(B) (1) Subject to division (B) (2) of this section, 61289
information and records received or generated by the board 61290
pursuant to an investigation are confidential, are not public 61291
records as defined in section 149.43 of the Revised Code, and are 61292
not subject to discovery in any civil or administrative action. 61293

(2) For good cause, the board may disclose information 61294
gathered pursuant to an investigation to any federal, state, or 61295
local law enforcement, prosecutorial, or regulatory agency or its 61296
officers or agents engaging in an investigation the board believes 61297
is within the agency's jurisdiction. An agency that receives 61298
confidential information shall comply with the same requirements 61299
regarding confidentiality as those with which the board must 61300
comply, notwithstanding any conflicting provision of the Revised 61301
Code or procedure of the agency that applies when the agency is 61302
dealing with other information in its possession. The information 61303
may be admitted into evidence in a criminal trial in accordance 61304
with the Rules of Evidence, or in an administrative hearing 61305
conducted by an agency, but the court or agency shall require that 61306
appropriate measures be taken to ensure that confidentiality is 61307
maintained with respect to any part of the information that 61308
contains names or other identifying information about patients, 61309
complainants, or others whose confidentiality was protected by the 61310

board when the information was in the board's possession. Measures 61311
to ensure confidentiality that may be taken by the court or agency 61312
include sealing its records or redacting specific information from 61313
its records. 61314

Sec. 4781.07. (A) Pursuant to rules the division of 61315
industrial compliance adopts, the division may certify municipal, 61316
township, and county building departments and the personnel of 61317
those departments, or any private third party, to exercise the 61318
division's enforcement authority, accept and approve plans and 61319
specifications for foundations, support systems and installations, 61320
and inspect manufactured housing foundations, support systems, and 61321
manufactured housing installations. Any certification is effective 61322
for three years. 61323

(B) Following an investigation and finding of facts that 61324
support its action, the division of industrial compliance may 61325
revoke or suspend certification. The division may initiate an 61326
investigation on the division's own motion or the petition of a 61327
person affected by the enforcement or approval of plans. 61328

(C) (1) If a township, municipal corporation, or county does 61329
not have a building department that is certified pursuant to this 61330
section, it may designate by resolution or ordinance another 61331
building department that has been certified pursuant to this 61332
section to exercise the ~~commission's~~ division's enforcement 61333
authority, accept and approve plans and specifications for 61334
foundations, support systems and installations, and inspect 61335
manufactured housing foundations, support systems, and 61336
manufactured housing installations. The designation is effective 61337
upon acceptance by the designee. 61338

(2) An owner of a manufactured home or an operator of a 61339
manufactured home park may request an inspection and obtain an 61340
approval described in division (C) (1) of this section from any 61341

building department certified pursuant to this section designated 61342
by the township, municipal corporation, or county in which the 61343
owner's manufactured home or operator's manufactured home park is 61344
located. 61345

Sec. 4781.281. (A) The ~~manufactured homes commission~~ division 61346
of industrial compliance may charge a fee for inspector 61347
certification. The fees shall include all of the following: 61348

(1) The nonrefundable certification fee for inspectors shall 61349
not be greater than fifty dollars for each three-year 61350
certification period. 61351

(2) The nonrefundable certification renewal fee for 61352
inspectors shall not be greater than fifty dollars. 61353

(3) The nonrefundable late fee for certification renewal 61354
shall not be greater than twenty-five dollars in addition to the 61355
renewal fee. 61356

(B) The ~~commission~~ division may adopt rules pursuant to 61357
Chapter 119. of the Revised Code establishing fees less than those 61358
described in division (A) of this section. 61359

Sec. 4781.56. (A) The ~~manufactured homes commission~~ division 61360
of industrial compliance may contract with the board of health of 61361
a city or general health district to permit the ~~commission~~ 61362
division to abate and remove, in accordance with sections 3707.01 61363
to 3707.021 of the Revised Code, any abandoned or unoccupied 61364
manufactured home, mobile home, or recreational vehicle that 61365
constitutes a nuisance and that is located in a manufactured home 61366
park within the board of health's jurisdiction. Under the 61367
contract, the ~~commission~~ division may receive complaints of 61368
abandoned or unoccupied manufactured homes, mobile homes, or 61369
recreational vehicles that constitute a nuisance and may, by 61370
order, compel the park operator to abate and remove the nuisance. 61371

The park operator shall pay any costs for the removal. 61372

(B) The sheriff, police officer, constable, or bailiff shall 61373
not be liable pursuant to the abatement or removal of any 61374
abandoned or unoccupied manufactured home, mobile home, or 61375
recreational vehicle pursuant to this section. 61376

Sec. 4781.57. The park operator of a manufactured home park 61377
shall ensure that all manufactured home park buildings, lots, 61378
streets, walkways, manufactured homes, mobile homes, and other 61379
facilities located in the manufactured home park shall be 61380
maintained in a condition satisfactory to the ~~commission~~ division 61381
at all times. 61382

Sec. 4901.10. The office of the public utilities commission 61383
shall be at the seat of government in Columbus, in suitable 61384
quarters provided by the state, and shall be open ~~between~~ 61385
~~eight thirty a.m. and five thirty p.m.~~ throughout the year, 61386
Saturdays, Sundays, and legal holidays excepted. The commission 61387
shall hold its sessions at least once in each calendar month in 61388
Columbus, but also may meet at such other times and places as are 61389
necessary for the proper performance of its duties. For the 61390
purpose of holding sessions in places other than the seat of 61391
government, the commission may rent quarters or offices, the 61392
expense of which, in connection therewith, shall be paid in the 61393
same manner as other authorized expenses. 61394

Sec. 4906.02. (A) There is hereby created within the public 61395
utilities commission the power siting board, composed of the 61396
~~chairman~~ chairperson of the public utilities commission, the 61397
director of environmental protection, the director of health, the 61398
director of development, the director of natural resources, the 61399
director of agriculture, and a representative of the public who 61400

shall be an engineer and shall be appointed by the governor, from 61401
a list of three nominees submitted to the governor by the office 61402
of the consumers' counsel, with the advice and consent of the 61403
senate and shall serve for a term of four years. The ~~chairman~~ 61404
chairperson of the public utilities commission shall be ~~chairman~~ 61405
chairperson of the board and its chief executive officer. The 61406
~~chairman~~ chairperson shall designate one of the voting members of 61407
the board to act as ~~vice-chairman~~ vice-chairperson who shall 61408
possess during the absence or disability of the ~~chairman~~ 61409
chairperson all of the powers of the ~~chairman~~ chairperson. All 61410
hearings, studies, and consideration of applications for 61411
certificates shall be conducted by the board or representatives of 61412
its members. 61413

In addition, the board shall include four legislative members 61414
who may participate fully in all the board's deliberations and 61415
activities except that they shall serve as nonvoting members. The 61416
speaker of the house of representatives shall appoint one 61417
legislative member, and the president of the senate and minority 61418
leader of each house shall each appoint one legislative member. 61419
Each such legislative leader shall designate an alternate to 61420
attend meetings of the board when the regular legislative member 61421
~~he~~ appointed by the legislative leader is unable to attend. Each 61422
legislative member and alternate shall serve for the duration of 61423
the elected term that ~~he~~ the legislative member is serving at the 61424
time of ~~his~~ appointment. A quorum of the board is a majority of 61425
its voting members. 61426

The representative of the public and, notwithstanding section 61427
101.26 of the Revised Code, legislative members of the board or 61428
their designated alternates, when engaged in their duties as 61429
members of the board, shall be paid at the per diem rate of step 61430
1, pay range 32, under schedule B of section 124.15 of the Revised 61431
Code and shall be reimbursed for the actual and necessary expenses 61432

they incur in the discharge of their official duties. 61433

(B) The ~~chairman~~ chairperson shall keep a complete record of 61434
all proceedings of the board, issue all necessary process, writs, 61435
warrants, and notices, keep all books, maps, documents, and papers 61436
ordered filed by the board, conduct investigations pursuant to 61437
section 4906.07 of the Revised Code, and perform such other duties 61438
as the board may prescribe. 61439

(C) The ~~chairman~~ chairperson of the public utilities 61440
commission may assign or transfer duties among the commission's 61441
staff. However, the board's authority to grant certificates under 61442
section 4906.10 of the Revised Code shall not be exercised by any 61443
officer, employee, or body other than the board itself. 61444

~~(D)~~ (D) (1) The ~~chairman~~ chairperson may call to ~~his~~ the 61445
chairperson's assistance, temporarily, any employee of the 61446
environmental protection agency, the department of natural 61447
resources, the department of agriculture, the department of 61448
health, or the department of development, for the purpose of 61449
making studies, conducting hearings, investigating applications, 61450
or preparing any report required or authorized under this chapter. 61451
Such employees shall not receive any additional compensation over 61452
that which they receive from the agency by which they are 61453
employed, but they shall be reimbursed for their actual and 61454
necessary expenses incurred while working under the direction of 61455
the ~~chairman~~ chairperson. All contracts for special services are 61456
subject to the approval of the ~~chairman~~ chairperson. 61457

(2) Subject to controlling board approval, the board may 61458
contract for the services of any expert or analyst, other than an 61459
employee described in division (D) (1) of this section, for the 61460
purposes of carrying out the board's powers and duties as 61461
described in Chapter 4906. of the Revised Code. Any such expert or 61462
analyst shall be compensated from the application fee, or if 61463
necessary, supplemental application fees assessed in accordance 61464

with division (F) of section 4906.06 of the Revised Code. 61465

(E) The board's offices shall be located in those of the 61466
public utilities commission. 61467

Sec. 4927.01. (A) As used in this chapter: 61468

(1) "Basic local exchange service" means residential-end-user 61469
access to and usage of telephone-company-provided services over a 61470
single line or small-business-end-user access to and usage of 61471
telephone-company-provided services over the primary access line 61472
of service, which in the case of residential and small-business 61473
access and usage is not part of a bundle or package of services, 61474
that does both of the following: 61475

(a) Enables a customer to originate or receive voice 61476
communications within a local service area as that area exists on 61477
September 13, 2010, or as that area is changed with the approval 61478
of the public utilities commission; 61479

(b) Consists of all of the following services: 61480

(i) Local dial tone service; 61481

(ii) For residential end users, flat-rate telephone exchange 61482
service; 61483

(iii) Touch tone dialing service; 61484

(iv) Access to and usage of 9-1-1 services, where such 61485
services are available; 61486

(v) Access to operator services and directory assistance; 61487

(vi) Provision of a telephone directory in any reasonable 61488
format, which includes, at the telephone company's option, an 61489
internet-accessible database of directory listings, for no 61490
additional charge and a listing in that directory, with reasonable 61491
accommodations made for private listings, and for a telephone 61492
company that no longer offers a printed directory, provision of 61493

<u>reasonable customer notice of the available options to obtain</u>	61494
<u>directory information;</u>	61495
(vii) Per call, caller identification blocking services;	61496
(viii) Access to telecommunications relay service; and	61497
(ix) Access to toll presubscription, interexchange or toll	61498
providers or both, and networks of other telephone companies.	61499
"Basic local exchange service" excludes any voice service to	61500
which customers are transitioned following a withdrawal of basic	61501
local exchange service under section 4927.10 of the Revised Code.	61502
(2) "Bundle or package of services" means one or more	61503
telecommunications services or other services offered together as	61504
one service option at a single price.	61505
(3) "Carrier access" means access to and usage of telephone	61506
company-provided facilities that enable end user customers	61507
originating or receiving voice grade, data, or image	61508
communications, over a local exchange telephone company network	61509
operated within a local service area, to access interexchange or	61510
other networks and includes special access.	61511
(4) "Federal poverty level" means the income level	61512
represented by the poverty guidelines as revised annually by the	61513
United States department of health and human services in	61514
accordance with section 673(2) of the "Omnibus Reconciliation Act	61515
of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family	61516
size equal to the size of the family of the person whose income is	61517
being determined.	61518
(5) "Incumbent local exchange carrier" means, with respect to	61519
an area, the local exchange carrier that:	61520
(a) On February 8, 1996, provided telephone exchange service	61521
in such area; and	61522
(b) (i) On February 8, 1996, was deemed to be a member of the	61523

exchange carrier association pursuant to 47 C.F.R. 69.601(b); or 61524

(ii) Is a person or entity that, on or after February 8, 61525
1996, became a successor or assign of a member described in 61526
division (A) (5) (b) (i) of this section. 61527

(6) "Internet protocol-enabled services" means any services, 61528
capabilities, functionalities, or applications that are provided 61529
using internet protocol or a successor protocol to enable an end 61530
user to send or receive communications in internet protocol format 61531
or a successor format, regardless of how any particular such 61532
service is classified by the federal communications commission, 61533
and includes voice over internet protocol service. 61534

(7) "Interstate-access component" means the portion of 61535
carrier access that is within the jurisdiction of the federal 61536
communications commission. 61537

(8) "Local exchange carrier" means any person engaged in the 61538
provision of telephone exchange service, or the offering of access 61539
to telephone exchange service or facilities for the purpose of 61540
originating or terminating telephone toll service. 61541

(9) "Local service area" means the geographic area that may 61542
encompass more than one exchange area and within which a telephone 61543
customer, by paying the rate for basic local exchange service, may 61544
complete calls to other telephone customers without being assessed 61545
long distance toll charges. 61546

(10) "Small business" means a nonresidential service customer 61547
with three or fewer service access lines. 61548

(11) "Telecommunications" means the transmission, between or 61549
among points specified by the user, of information of the user's 61550
choosing, without change in the form or content of the information 61551
as sent and received. 61552

(12) "Telecommunications carrier" has the same meaning as in 61553

the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 153. 61554

(13) "Telecommunications service" means the offering of 61555
telecommunications for a fee directly to the public, or to such 61556
classes of users as to be effectively available directly to the 61557
public, regardless of the facilities used. 61558

(14) "Telephone company" means a company described in 61559
division (A) of section 4905.03 of the Revised Code that is a 61560
public utility under section 4905.02 of the Revised Code. 61561

(15) "Telephone exchange service" means telecommunications 61562
service that is within a telephone exchange, or within a connected 61563
system of telephone exchanges within the same exchange area 61564
operated to furnish to subscribers intercommunicating service of 61565
the character ordinarily furnished by a single exchange, and that 61566
is covered by the exchange service charge; or comparable service 61567
provided through a system of switches, transmission equipment, or 61568
other facilities, or combination thereof, by which a customer can 61569
originate and terminate a telecommunications service. 61570

(16) "Telephone toll service" means telephone service between 61571
stations in different exchange areas for which there is made a 61572
separate charge not included in contracts with customers for 61573
exchange service. 61574

(17) "Voice over internet protocol service" means a service 61575
that enables real-time, two-way, voice communications that 61576
originate or terminate from the user's location using internet 61577
protocol or a successor protocol, including, but not limited to, 61578
any such service that permits an end user to receive calls from 61579
and terminate calls to the public switched network. 61580

(18) "Voice service" includes all of the applicable 61581
functionalities described in 47 C.F.R. 54.101(a). "Voice service" 61582
is not the same as basic local exchange service. 61583

(19) "Wireless service" means federally licensed commercial 61584

mobile service as defined in the "Telecommunications Act of 1996," 61585
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 61586
commercial mobile radio service in 47 C.F.R. 20.3. Under division 61587
(A) (19) of this section, commercial mobile radio service is 61588
specifically limited to mobile telephone, mobile cellular 61589
telephone, paging, personal communications services, and 61590
specialized mobile radio service provided by a common carrier in 61591
this state and excludes fixed wireless service. 61592

(20) "Wireless service provider" means a facilities-based 61593
provider of wireless service to one or more end users in this 61594
state. 61595

(B) The definitions of this section shall be applied 61596
consistent with the definitions in the "Telecommunications Act of 61597
1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with 61598
federal decisions interpreting those definitions. 61599

Sec. 5101.04. Notwithstanding any provision of law or 61600
regulation to the contrary, in order to improve the timeliness of 61601
public assistance benefit deliveries, to maximize operational 61602
efficiencies, increase cost savings, and minimize fraud, the 61603
department of job and family services may contract with a 61604
third-party commercial consumer reporting agency, in accordance 61605
with the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq., for 61606
the purpose of assisting the department with eligibility 61607
determinations for supplemental nutrition assistance supplemental 61608
program benefits, benefits funded by the temporary assistance for 61609
needy families block grant, and unemployment compensation 61610
benefits. The department shall undertake efforts to incorporate 61611
real-time employment and income information into existing 61612
verification and eligibility determination procedures. 61613

Sec. 5101.041. (A) The director of job and family services 61614

shall enter into the following data matching agreements: 61615

(1) An agreement with the department of rehabilitation and correction, under which the director of rehabilitation and correction is required to provide the director of job and family services with a searchable list, updated weekly, identifying all persons committed to the several institutions governed by the department of rehabilitation and correction. 61616
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(2) Agreements with the director of the state lottery commission and executive director of the Ohio casino control commission, under which the director and executive director provide the director of job and family services with a searchable list identifying all individuals with substantial lottery or gambling winnings. The director of job and family services shall check the list at least monthly to determine if the information affects any public assistance recipient's eligibility. 61622
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(3) An agreement with the director of health, under which the director of health is required to provide the director of job and family services with a searchable list identifying new and updated vital statistics records, including death records. The director of job and family services shall check the list at least monthly for vital statistics records involving public assistance recipients that may affect a recipient's eligibility. 61630
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(B) The agreements required by division (A) of this section shall describe the manner in which each agency is to report the information to the department of job and family services. 61637
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Sec. 5101.141. (A) As used in sections 5101.141 to ~~5101.1414~~ 5101.1417 of the Revised Code: 61640
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(1) "Adopted young adult" means a person: 61642

(a) Who was in the temporary or permanent custody of a public children services agency; 61643
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- (b) Who was adopted at the age of sixteen or seventeen and
attained the age of sixteen before a Title IV-E adoption
assistance agreement became effective; 61645
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- (c) Who has attained the age of eighteen; and 61648
- (d) Who has not yet attained the age of twenty-one. 61649
- (2) "Child" means any of the following: 61650
- (a) A person who meets the requirements of division (B) (3) of
section 5153.01 of the Revised Code; 61651
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- (b) An adopted young adult; 61653
- (c) An emancipated young adult. 61654
- (3) "Emancipated young adult" means a person: 61655
- (a) Who was in the temporary or permanent custody of a public
children services agency, a planned permanent living arrangement,
or in the Title-IV-E-eligible care and placement responsibility of
a juvenile court or other governmental agency that provides Title
IV-E reimbursable placement services; 61656
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- (b) Whose custody, arrangement, or care and placement was
terminated on or after the person's eighteenth birthday; and 61661
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- (c) Who has not yet attained the age of twenty-one. 61663
- (4) "Kinship guardianship young adult" means an individual
that meets the following criteria: 61664
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- (a) Was in the temporary or permanent custody of a public
children services agency or a planned permanent living arrangement
prior to the commitment described in division (A) (4) (b) of this
section; 61666
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- (b) Was committed to the legal custody or legal guardianship
of a kinship caregiver at the age of sixteen or seventeen and
attained the age of sixteen before a Title IV-E kinship
guardianship assistance agreement became effective; 61670
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- (c) Has attained the age of eighteen; 61674
- (d) Has not yet attained the age of twenty-one. 61675
- (5) "Relative" means, with respect to a child, any of the 61676
following who is eighteen years of age or older: 61677
- (a) The following individuals related by blood or adoption to 61678
the child: 61679
- (i) Grandparents, including grandparents with the prefix 61680
"great," "great-great," or "great-great-great"; 61681
- (ii) Siblings; 61682
- (iii) Aunts, uncles, nephews, and nieces, including such 61683
relatives with the prefix "great," "great-great," "grand," or 61684
"great-grand"; 61685
- (iv) First cousins and first cousins once removed. 61686
- (b) Stepparents and stepsiblings of the child; 61687
- (c) Spouses and former spouses of individuals named in 61688
divisions (A) (5) (a) and (b) of this section; 61689
- (d) A legal guardian of the child; 61690
- (e) A legal custodian of the child; 61691
- (f) Any nonrelative adult that has a familiar and 61692
long-standing relationship or bond with the child or the family, 61693
which relationship or bond will ensure the child's social ties. 61694
- (6) "Representative" means a person with whom the department 61695
of job and family services has entered into a contract, pursuant 61696
to division (B) (2) (b) of this section. 61697
- ~~(5)~~(7) "Title IV-E" means Title IV-E of the "Social Security 61698
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 61699
- (B) (1) Except as provided in ~~division~~ divisions (B) (2), (3), 61700
and (4) of this section, the department of job and family services 61701

shall act as the single state agency to administer federal 61702
payments for foster care, kinship guardianship assistance, and 61703
adoption assistance made pursuant to Title IV-E. The director of 61704
job and family services shall adopt rules to implement this 61705
authority. Rules governing financial and administrative 61706
requirements applicable to public children services agencies and 61707
government entities that provide Title IV-E reimbursable placement 61708
services to children shall be adopted in accordance with section 61709
111.15 of the Revised Code, as if they were internal management 61710
rules. Rules governing requirements applicable to private child 61711
placing agencies and private noncustodial agencies and rules 61712
establishing eligibility, program participation, and other 61713
requirements concerning Title IV-E shall be adopted in accordance 61714
with Chapter 119. of the Revised Code. A public children services 61715
agency to which the department distributes Title IV-E funds shall 61716
administer the funds in accordance with those rules. 61717

(2) If the state plan is amended under divisions (A) and (B) 61718
of section 5101.1411 of the Revised Code, both of the following 61719
shall apply: 61720

(a) Implementation of the amendments to the plan shall begin 61721
fifteen months after September 13, 2016, the effective date of 61722
H.B. 50 of the 131st general assembly, if both of the following 61723
apply: 61724

(i) The plan as amended is approved by the secretary of 61725
health and human services; 61726

(ii) The general assembly has appropriated sufficient funds 61727
to operate the program required under the plan as amended. 61728

(b) The department shall have, exercise, and perform all new 61729
duties required under the plan as amended. In doing so, the 61730
department may contract with another person to carry out those new 61731
duties, to the extent permitted under Title IV-E. 61732

(3) If the state plan is amended under division (C) of section 5101.1411 of the Revised Code, both of the following apply: 61733
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(a) Implementation of the amendments to the plan shall begin fifteen months after the effective date of this section, if both of the following apply: 61736
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(i) The plan as amended is approved by the secretary of health and human services. 61739
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(ii) The general assembly has appropriated sufficient funds to operate the program required under the plan as amended. 61741
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(b) The department shall perform all new duties required under the amended plan. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E. 61743
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(4) If the state plan is amended under section 5101.1416 of the Revised Code, and is approved by the secretary of health and human services, implementation of the amendments to the plan shall begin fifteen months after the effective date of this section. 61747
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(C) (1) Except with regard to the new duties imposed on the department or its contractor under ~~division~~ divisions (B) (2) (b) and (B) (3) (b) of this section that are not imposed on the county, the county, on behalf of each child eligible for foster care maintenance payments under Title IV-E, shall make payments to cover the cost of providing all of the following: 61751
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(a) The child's food, clothing, shelter, daily supervision, and school supplies; 61757
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(b) The child's personal incidentals; 61759

(c) Reasonable travel to the child's home for visitation. 61760

(2) In addition to payments made under division (C) (1) of this section, the county may, on behalf of each child eligible for 61761
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foster care maintenance payments under Title IV-E, make payments 61763
to cover the cost of providing the following: 61764

(a) Liability insurance with respect to the child; 61765

(b) If the county is participating in the demonstration 61766
project established under division (A) of section 5101.142 of the 61767
Revised Code, services provided under the project. 61768

(3) With respect to a child who is in a child-care 61769
institution, including any type of group home designed for the 61770
care of children or any privately operated program consisting of 61771
two or more certified foster homes operated by a common 61772
administrative unit, the foster care maintenance payments made by 61773
the county on behalf of the child shall include the reasonable 61774
cost of the administration and operation of the institution, group 61775
home, or program, as necessary to provide the items described in 61776
divisions (C) (1) and (2) of this section. 61777

(D) To the extent that either foster care maintenance 61778
payments under division (C) of this section, Title IV-E kinship 61779
guardianship assistance, or Title IV-E adoption assistance 61780
payments for maintenance costs require the expenditure of county 61781
funds, the board of county commissioners shall report the nature 61782
and amount of each expenditure of county funds to the department. 61783

(E) The department shall distribute to public children 61784
services agencies that incur and report expenditures of the type 61785
described in division (D) of this section federal financial 61786
participation received for administrative and training costs 61787
incurred in the operation of foster care maintenance, kinship 61788
guardianship assistance, and adoption assistance programs. The 61789
department may withhold not more than three per cent of the 61790
federal financial participation received. The funds withheld may 61791
be used only to fund the following: 61792

(1) The Ohio child welfare training program established under 61793

section 5103.30 of the Revised Code; 61794

(2) The university partnership program for college and 61795
university students majoring in social work who have committed to 61796
work for a public children services agency upon graduation; 61797

(3) Efforts supporting organizational excellence, including 61798
voluntary activities to be accredited by a nationally recognized 61799
accreditation organization. 61800

The funds withheld shall be in addition to any administration 61801
and training cost for which the department is reimbursed through 61802
its own cost allocation plan. 61803

(F) All federal financial participation funds received by a 61804
county pursuant to this section shall be deposited into the 61805
county's children services fund created pursuant to section 61806
5101.144 of the Revised Code. 61807

(G) The department shall periodically publish and distribute 61808
the maximum amounts that the department will reimburse public 61809
children services agencies for making payments on behalf of 61810
children eligible for foster care maintenance payments. 61811

(H) The department, by and through its director, is hereby 61812
authorized to develop, participate in the development of, 61813
negotiate, and enter into one or more interstate compacts on 61814
behalf of this state with agencies of any other states, for the 61815
provision of social services to children in relation to whom all 61816
of the following apply: 61817

(1) They have special needs. 61818

(2) This state or another state that is a party to the 61819
interstate compact is providing kinship guardianship assistance or 61820
adoption assistance on their behalf. 61821

(3) They move into this state from another state or move out 61822
of this state to another state. 61823

Sec. 5101.1411. (A) (1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for foster care under Title IV-E directly to, or on behalf of, any emancipated young adult who meets the following requirements:

(a) The emancipated young adult signs a voluntary participation agreement.

(b) The emancipated young adult satisfies division ~~(C)~~(D) of this section.

(2) Any emancipated young adult who meets the requirements of division (A) (1) of this section may apply for foster care payments and make the appropriate application at any time.

(B) (1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for adoption assistance under Title IV-E available to any parent who meets all of the following requirements:

(a) The parent adopted a person who is an adopted young adult and the parent entered into an adoption assistance agreement under 42 U.S.C. 673 while the adopted person was age sixteen or seventeen.

(b) The parent maintains parental responsibility for the adopted young adult.

(c) The adopted young adult satisfies division ~~(C)~~(D) of this

section. 61854

(2) Any parent who meets the requirements of division (B) (1) 61855
of this section that are applicable to a parent may request an 61856
extension of adoption assistance payments at any time before the 61857
adopted young adult reaches age twenty-one. 61858

(3) An adopted young adult who is eligible to receive 61859
adoption assistance payments is not considered an emancipated 61860
young adult and is therefore not eligible to receive payment under 61861
division (A) of this section. 61862

(C) (1) The director of job and family services shall, not 61863
later than nine months after the effective date of this amendment, 61864
submit an amendment to the state plan required by 42 U.S.C. 671 to 61865
the United States secretary of health and human services to 61866
implement 42 U.S.C. 673(d) to provide kinship guardianship 61867
assistance under Title IV-E available to any relative who meets 61868
all of the following requirements: 61869

(a) Both of the following apply: 61870

(i) A juvenile court issued an order granting legal custody 61871
of a person who is a kinship guardianship young adult to the 61872
relative, or a probate court issued an order granting guardianship 61873
of a person who is a kinship guardianship young adult to the 61874
relative, and the order is not a temporary court order. 61875

(ii) The relative entered into a kinship guardianship 61876
assistance agreement under 42 U.S.C. 673(d) while the kinship 61877
guardianship young adult was age sixteen or seventeen. 61878

(b) The relative maintains parental responsibility for the 61879
kinship guardianship young adult. 61880

(c) The kinship guardianship young adult satisfies division 61881
(D) of this section. 61882

(2) Any person who meets the requirements of division (C) (1) 61883

of this section may request an extension of kinship guardianship assistance at any time before the kinship guardianship young adult reaches age twenty-one. 61884
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(3) A kinship guardianship young adult who is eligible to receive kinship guardianship assistance is not considered an emancipated young adult and is therefore not eligible to receive assistance under division (A) of this section. 61887
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(D) In addition to other requirements, an adopted, kinship guardianship, or emancipated young adult must meet at least one of the following criteria: 61891
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(1) Is completing secondary education or a program leading to an equivalent credential; 61894
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(2) Is enrolled in an institution that provides post-secondary or vocational education; 61896
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(3) Is participating in a program or activity designed to promote, or remove barriers to, employment; 61898
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(4) Is employed for at least eighty hours per month; 61900

(5) Is incapable of doing any of the activities described in divisions ~~(C)(1)~~ (D)(1) to (4) of this section due to a physical or mental condition, which incapacity is supported by regularly updated information in the person's case record or plan. 61901
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~~(D)~~ (E) Any emancipated young adult described in division (A) (1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any relative described in division (C) (1) of this section who is receiving kinship guardianship assistance, or any parent receiving adoption assistance payments, may refuse the payments at any time. 61905
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~~(E)(1)~~ (F)(1) An emancipated young adult described in division (A) (1) of this section who is directly receiving foster care 61912
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payments, or on whose behalf such foster care payments are 61914
received, or any relative described in division (C)(1) of this 61915
section who is receiving kinship guardianship assistance and the 61916
kinship guardianship young adult, or a parent receiving adoption 61917
assistance payments and the adopted young adult shall be eligible 61918
for services set forth in the federal, "Fostering Connections to 61919
Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 61920
Stat. 3949. 61921

(2) An emancipated young adult described in division (A)(1) 61922
of this section who is directly receiving foster care payments, or 61923
on whose behalf such foster care payments are received, pursuant 61924
to this section, may be eligible to reside in a supervised 61925
independent living setting, including apartment living, room and 61926
board arrangements, college or university dormitories, host homes, 61927
and shared roommate settings. 61928

~~(F)~~(G) Any determination by the department that denies or 61929
terminates foster care assistance, kinship guardianship 61930
assistance, kinship support program payments, or adoption 61931
assistance payments shall be subject to a state hearing pursuant 61932
to section 5101.35 of the Revised Code. 61933

Sec. 5101.1412. (A) Without the approval of a court, an 61934
emancipated young adult who receives payments, or on whose behalf 61935
payments are received, under division (A) of section 5101.1411 of 61936
the Revised Code, may enter into a voluntary participation 61937
agreement with the department of job and family services, or its 61938
representative, for the emancipated young adult's care and 61939
placement. The agreement shall stay in effect until one of the 61940
following occurs: 61941

(1) The emancipated young adult enrolled in the program 61942
notifies the department, or its representative, that they want to 61943
terminate the agreement. 61944

(2) The emancipated young adult becomes ineligible for the program. 61945
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~~(B) During the one hundred eighty day period after the voluntary participation agreement becomes effective, the department or its representative shall seek approval from the court that the emancipated young adult's best interest is served by continuing the care and placement with the department or its representative.~~ 61947
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~~(C)~~ In order to maintain Title IV-E eligibility for the emancipated young adult, ~~not~~ both of the following apply: 61953
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(1) Not later than one hundred eighty days after the effective date of the voluntary participation agreement, the department or its representative must petition the court for, and obtain, a judicial determination that the emancipated young adult's best interest is served by continuing the care and placement with the department or its representative. 61955
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(2) Not later than twelve months after the effective date of the voluntary participation agreement, and at least once every twelve months thereafter, the department or its representative must petition the court for, and obtain, a judicial determination that the department or its representative has made reasonable efforts to finalize a permanency plan ~~that addresses the department's or its representative's efforts~~ to prepare the emancipated young adult for independence. 61961
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Sec. 5101.1415. The provisions of divisions (A) and ~~(C)~~(D) to ~~(F)~~(G) of section 5101.1411 of the Revised Code shall not apply if the person is eligible for temporary or permanent custody until age twenty-one pursuant to a dispositional order under sections 2151.353, 2151.414, and 2151.415 of the Revised Code. 61969
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Sec. 5101.1416. (A) Not later than nine months after the 61974

effective date of this section, the director of job and family services shall submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 673(d) to provide kinship guardianship assistance under Title IV-E on behalf of a child to a relative who meets the following requirements: 61975
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(1) The relative has cared for the eligible child pursuant to division (B) of this section as a foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months. 61981
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(2) Both of the following apply: 61985

(a) A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order is not a temporary court order. 61986
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(b) The relative has committed to care for the child on a permanent basis. 61990
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(3) The relative signs a kinship guardianship assistance agreement required by 42 U.S.C. 673. 61992
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(B) A child is an eligible child for kinship guardianship assistance under this section if the following are met: 61994
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(1) The child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 61996
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(2) The child has been eligible for foster care maintenance payments under section 5101.141 of the Revised Code while residing for at least six consecutive months in the home of a relative described in division (A) of this section. 62000
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(3) Returning the child home or adoption of the child are not 62004

appropriate permanency options for the child. 62005

(4) The child demonstrates a strong attachment to the child's relative described in division (A) of this section and the relative has a strong commitment to caring permanently for the child. 62006
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(5) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the kinship guardianship arrangement. 62010
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Sec. 5101.1417. Not later than nine months after the effective date of this section, the department of job and family services shall adopt rules necessary to carry out the purposes of sections 5101.141, 5101.1411, and 5101.1416 of the Revised Code, and 42 U.S.C. 673(d) of the "Social Security Act," including rules that do all of the following: 62013
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(A) Allow a kinship guardianship young adult described in division (C) of section 5101.1411 of the Revised Code on whose behalf kinship guardianship assistance is received, to maintain eligibility while transitioning into, or out of, qualified employment or educational activities; 62019
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(B) Require that a thirty-day notice of termination be given by the department to a person receiving kinship guardianship assistance for a kinship guardianship young adult described in division (C) of section 5101.1411 of the Revised Code, who is determined to be ineligible for assistance. 62024
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Sec. 5101.1418. (A) (1) If, after a child's adoption is finalized, the department of job and family services considers the child to be in need of public care or protective services, the department may, to the extent state funds are available for this purpose, enter into an agreement with the child's adoptive parent under which the department may make post adoption special services 62029
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subsidy payments on behalf of the child as needed when both of the following apply: 62035
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(a) The child has a physical or developmental disability or mental or emotional condition that either: 62037
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(i) Existed before the adoption petition was filed; or 62039

(ii) Developed after the adoption petition was filed and can be directly attributed to factors in the child's preadoption background, medical history, or biological family's background or medical history. 62040
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(b) The department determines the expenses necessitated by the child's disability or condition are beyond the adoptive parent's economic resources. 62044
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(2) Services for which the department may make post adoption special services subsidy payments on behalf of a child under this section shall include medical, surgical, psychiatric, psychological, and counseling services, including residential treatment. 62047
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(3) The department shall establish clinical standards to evaluate a child's physical or developmental disability or mental or emotional condition and assess the child's need for services. 62052
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(4) The total dollar value of post adoption special services subsidy payments made on a child's behalf shall not exceed ten thousand dollars in any fiscal year, unless the department determines that extraordinary circumstances exist that necessitate further funding of services for the child. Under such extraordinary circumstances, the value of the payments made on the child's behalf shall not exceed fifteen thousand dollars in any fiscal year. 62055
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(5) The adoptive parent or parents of a child who receives post adoption special services subsidy payments shall pay at least 62063
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five per cent of the total cost of all services provided to the 62065
child; except that the department may waive this requirement if 62066
the gross annual income of the child's adoptive family is not more 62067
than two hundred per cent of the federal poverty guideline. 62068

(6) The department may use other sources of revenue to make 62069
post adoption special services subsidy payments, in addition to 62070
any state funds appropriated for that purpose. 62071

(7) The department may contract with another person to carry 62072
out any of the duties described in this section. 62073

(B) No payment shall be made on behalf of any person eighteen 62074
years of age or older beyond the end of the school year during 62075
which the person attains the age of eighteen or on behalf of a 62076
mentally or physically disabled person twenty-one years of age or 62077
older. 62078

(C) The director of job and family services, not later than 62079
July 1, 2022, shall adopt rules in accordance with Chapter 119. of 62080
the Revised Code necessary to implement this section. The rules 62081
shall establish all of the following: 62082

(1) The application process for all forms of assistance 62083
provided under this section; 62084

(2) Standards for determining the children who qualify to 62085
receive assistance provided under this section; 62086

(3) The method of determining the amount, duration, and scope 62087
of services provided to a child; 62088

(4) The method of transitioning the post adoption special 62089
services subsidy program from public children services agencies to 62090
the department; 62091

(5) Any other rule, requirement, or procedure the department 62092
considers appropriate for the implementation of this section. 62093

(D) The department shall implement this section not later 62094

than July 1, 2022. 62095

Sec. 5101.341. (A) The Ohio commission on fatherhood ~~annually~~ 62096
shall elect a chairperson from among its members in every 62097
odd-numbered year. 62098

(B) The governor shall appoint an individual to serve as the 62099
commission's executive director. The executive director shall 62100
serve at the pleasure of the governor and shall report to the 62101
director of job and family services or the director's designee. 62102

The governor shall fix the executive director's salary on the 62103
basis of the executive director's experience and the executive 62104
director's responsibilities and duties. The executive director 62105
shall be in the unclassified civil service. 62106

The department of job and family services shall provide staff 62107
and other support services as necessary for the commission to 62108
fulfill its duties. 62109

(C) The commission may accept gifts, grants, donations, 62110
contributions, benefits, and other funds from any public agency or 62111
private source to carry out any or all of the commission's duties. 62112
The funds shall be deposited into the Ohio commission on 62113
fatherhood fund, which is hereby created in the state treasury. 62114
All gifts, grants, donations, contributions, benefits, and other 62115
funds received by the commission pursuant to this division shall 62116
be used solely to support the operations of the commission. 62117

Sec. 5101.54. (A) The director of job and family services 62118
shall administer the supplemental nutrition assistance program in 62119
accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 62120
et seq.). The department of job and family services may: 62121

(1) Prepare and submit to the secretary of the United States 62122
department of agriculture a plan for the administration of the 62123
supplemental nutrition assistance program; 62124

(2) Prescribe forms for applications, certificates, reports, records, and accounts of county departments of job and family services, and other matters;

(3) Require such reports and information from each county department of job and family services as may be necessary and advisable;

(4) Administer and expend any sums appropriated by the general assembly for the purposes of the supplemental nutrition assistance program and all sums paid to the state by the United States as authorized by the Food and Nutrition Act of 2008;

(5) Conduct such investigations as are necessary;

(6) Enter into interagency agreements and cooperate with investigations conducted by the department of public safety, including providing information for investigative purposes, exchanging property and records, passing through federal financial participation, modifying any agreements with the United States department of agriculture, providing for the supply, security, and accounting of supplemental nutrition assistance program benefits for investigative purposes, and meeting any other requirements necessary for the detection and deterrence of illegal activities in the supplemental nutrition assistance program;

(7) Adopt rules in accordance with Chapter 119. of the Revised Code governing employment and training requirements of recipients of supplemental nutrition assistance program benefits, including rules specifying which recipients are subject to the requirements and establishing sanctions for failure to satisfy the requirements. The rules shall require cooperation with the child support enforcement program, to be verified as part of the requirement to fulfill individual employment and training programs. The rules shall be consistent with sections 5101.546 to 5101.548 of the Revised Code. The rules shall be consistent with 7

U.S.C. 2015, including its work and employment and training requirements, and, to the extent practicable, shall provide for the recipients to participate in work activities, developmental activities, and alternative work activities described in sections 5107.40 to 5107.69 of the Revised Code that are comparable to programs authorized by 7 U.S.C. 2015(d)(4). The rules may reference rules adopted under section 5107.05 of the Revised Code governing work activities, developmental activities, and alternative work activities described in sections 5107.40 to 5107.69 of the Revised Code.

(8) ~~Adopt~~ Subject to sections 5101.546 to 5101.548 of the Revised Code, rules in accordance with section 111.15 of the Revised Code that are consistent with the Food and Nutrition Act of 2008, the regulations adopted thereunder, and this section governing the following:

(a) Eligibility requirements for the supplemental nutrition assistance program;

(b) Sanctions for failure to comply with eligibility requirements;

(c) Allotment of supplemental nutrition assistance program benefits;

(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of supplemental nutrition assistance program benefits subject to employment and training requirements established by rules adopted under division (A)(7) of this section receive the benefits after satisfying the requirements;

(e) Administration of the program by county departments of job and family services;

(f) Other requirements necessary for the efficient administration of the program.

(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified supplemental nutrition assistance program pursuant to 7 U.S.C. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the supplemental nutrition assistance program in the case of households receiving supplemental nutrition assistance program benefits and participating in Ohio works first.

(10) Collect information on suspicious electronic benefit transfer card transactions and provide the information to each impacted county department for analysis and investigation. Such information shall include transactions of even dollar amounts, full monthly benefit amounts, multiple same-day transactions, out-of-state transactions, and any other suspicious trends.

(B) A household that is entitled to receive supplemental nutrition assistance program benefits and that is determined to be in immediate need of nutrition assistance shall receive certification of eligibility for program benefits, pending verification, within twenty-four hours, or, if mitigating circumstances occur, within seventy-two hours, after application, if:

(1) The results of the application interview indicate that the household will be eligible upon full verification;

(2) Information sufficient to confirm the statements in the application has been obtained from at least one additional source, not a member of the applicant's household. Such information shall be recorded in the case file and shall include:

(a) The name of the person who provided the name of the information source;

(b) The name and address of the information source;

(c) A summary of the information obtained.

The period of temporary eligibility shall not exceed one 62218
month from the date of certification of temporary eligibility. If 62219
eligibility is established by full verification, benefits shall 62220
continue without interruption as long as eligibility continues. 62221

There is no limit on the number of times a household may 62222
receive expedited certification of eligibility under this division 62223
as long as before each expedited certification all of the 62224
information identified in division (F)(1) of this section was 62225
verified for the household at the last expedited certification or 62226
the household's eligibility was certified under normal processing 62227
standards since the last expedited certification. 62228

At the time of application, the county department of job and 62229
family services shall provide to a household described in this 62230
division a list of community assistance programs that provide 62231
emergency food. 62232

(C) Before certifying supplemental nutrition assistance 62233
program benefits, the department shall verify the eligibility of 62234
each household in accordance with division (F) of this section. 62235
All applications shall be approved or denied through full 62236
verification within thirty days from receipt of the application by 62237
the county department of job and family services. 62238

(D) Nothing in this section shall be construed to prohibit 62239
the certification of households that qualify under federal 62240
regulations to receive supplemental nutrition assistance program 62241
benefits without charge under the Food and Nutrition Act of 2008. 62242

(E) Any person who applies for the supplemental nutrition 62243
assistance program shall receive a voter registration application 62244
under section 3503.10 of the Revised Code. 62245

(F)(1) In order to verify household eligibility as required 62246
by federal regulations and this section, the department shall, 62247
except as provided in division (F)(2) of this section, verify at 62248

least the following information before certifying supplemental	62249
nutrition assistance program benefits:	62250
(a) Household composition;	62251
(b) Identity;	62252
(c) Citizenship and alien eligibility status;	62253
(d) Social security numbers;	62254
(e) State residency status;	62255
(f) Disability status;	62256
(g) Gross nonexempt income;	62257
(h) Utility expenses;	62258
(i) Medical expenses;	62259
(j) Enrollment status in other state-administered public	62260
assistance programs within and outside this state;	62261
(k) Any available information related to potential identity	62262
fraud or identity theft.	62263
(2) A household's eligibility for supplemental nutrition	62264
assistance program benefits may be certified before all of the	62265
information identified in division (F)(1) of this section is	62266
verified if the household's certification is being expedited under	62267
division (B) of this section.	62268
(3) On at least a quarterly basis and consistent with federal	62269
regulations, as information is received by a county department of	62270
job and family services, the county department shall review and	62271
act on information identified in division (F)(1) of this section	62272
that indicates a change in circumstances that may affect	62273
eligibility, to the extent such information is available to the	62274
department.	62275
(4) Consistent with federal regulations, as part of the	62276
application for public assistance and before certifying benefits	62277

under the supplemental nutrition assistance program, the 62278
department shall require an applicant, or a person acting on the 62279
applicant's behalf, to verify the identity of the members of the 62280
applicant household. 62281

(5) (a) The department shall sign a memorandum of 62282
understanding with any department, agency, or division as needed 62283
to obtain the information identified in division (F) (1) of this 62284
section. 62285

(b) The department may contract with one or more independent 62286
vendors to provide the information identified in division (F) (1) 62287
of this section. 62288

(c) Nothing in this section prevents the department or a 62289
county department of job and family services from receiving or 62290
reviewing additional information related to eligibility not 62291
identified in this section or from contracting with one or more 62292
independent vendors to provide additional information not 62293
identified in this section. 62294

(6) The department shall explore joining a multistate 62295
cooperative, such as the national accuracy clearinghouse, to 62296
identify individuals enrolled in public assistance programs 62297
outside of this state. 62298

(G) If the department receives information concerning a 62299
household certified to receive supplemental nutrition assistance 62300
program benefits that indicates a change in circumstances that may 62301
affect eligibility, the department shall take action in accordance 62302
with federal regulations, including verifying unclear information, 62303
providing prior written notice of a change or adverse action, and 62304
notifying the household of the right to a fair hearing. 62305

(H) In the case of suspected fraud, the department shall 62306
refer the case for an administrative disqualification hearing or 62307
to the county prosecutor of the county in which the applicant or 62308

recipient resides for investigation, or both. 62309

(I) The department shall adopt rules in accordance with 62310
Chapter 119. of the Revised Code to implement divisions (F) to (H) 62311
of this section. 62312

(J) Except as prohibited by federal law, the department may 62313
assign any of the duties described in this section to any county 62314
department of job and family services. 62315

Sec. 5101.545. The director of job and family services shall 62316
submit an application to the United States department of 62317
agriculture for participation in the elderly simplified 62318
application project within the supplemental nutrition assistance 62319
program. 62320

Sec. 5101.546. To the maximum extent permitted by federal 62321
law, the department of job and family services shall require a 62322
household receiving supplemental nutrition assistance program 62323
benefits to report, not later than thirty days after the change 62324
becomes known to the household, a change in income of more than 62325
five hundred dollars or any of the changes in circumstances 62326
enumerated for certified change reporting households under 7 62327
C.F.R. 273.12(a)(1). 62328

Sec. 5101.547. (A) For the purpose of determining eligibility 62329
for supplemental nutrition assistance program benefits, the 62330
department of job and family services shall conduct an asset test 62331
for all members of a household. At a minimum, the department shall 62332
access information for every member of the household from a 62333
nationwide, public records data source of physical asset 62334
ownership. The information accessed shall include ownership of 62335
real property, automobiles, watercraft, aircraft, luxury vehicles, 62336
or any other vehicle owned by a member of the household. The 62337
search shall include a review of national and state financial 62338

institutions to determine whether any member of the household has 62339
undisclosed depository accounts and to verify account balances 62340
disclosed by the household. The department shall enter into a 62341
memorandum of understanding with any department, division, bureau, 62342
section, unit, or any other subunit of a department to obtain the 62343
information specified in this section. 62344

(B) The allowable financial resources included and excluded 62345
when determining a household's eligibility for supplemental 62346
nutrition assistance program benefits shall not exceed the 62347
standards specified in section (5)(g) of the "Food and Nutrition 62348
Act of 2008," 7 U.S.C. 2014(g), and the department shall not 62349
exempt any noncash, in-kind, or other similar benefit from this 62350
determination. 62351

(C) Unless required by federal law, the department shall not 62352
grant exemptions from the gross income limits for an eligible 62353
household under the supplemental nutrition assistance program 62354
specified in section (5)(c) of the "Food and Nutrition Act of 62355
2008," 7 U.S.C. 2014(c). 62356

Sec. 5101.548. (A) The department of job and family services 62357
shall compile a written report addressing the implementation and 62358
enforcement of the supplemental nutrition assistance program, 62359
including all of the following information about the program: 62360

(1) The number of households investigated for fraud or 62361
intentional program violations; 62362

(2) The total number of those cases referred to the attorney 62363
general for prosecution; 62364

(3) Any improper program payments or expenditures and total 62365
monies recovered from those payments or expenditures; 62366

(4) Aggregate data concerning improper program payments and 62367
ineligible recipients, reported as a percentage of those cases 62368

investigated and reviewed; 62369

(5) The aggregate amount of funds expended by Ohio recipients through electronic benefit card transactions in each state other than Ohio. 62370
62371
62372

(B) Not later than one hundred twenty days after the effective date of this section, the department shall submit a baseline report to the speaker of the house of representatives, the senate president, and the members of the standing legislative committees having jurisdiction over the supplemental nutrition assistance program. Thereafter, beginning one year after the effective date of this section, the department shall submit an updated report on a quarterly basis. The department shall submit these reports in accordance with section 101.68 of the Revised Code. 62373
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Sec. 5101.63. (A) (1) Any individual listed in division (A) (2) of this section having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation shall immediately report such belief to the county department of job and family services. 62383
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(2) All of the following are subject to division (A) (1) of this section: 62389
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(a) An attorney admitted to the practice of law in this state; 62391
62392

(b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; 62393
62394
62395

(c) An individual licensed under Chapter 4734. of the Revised Code as a chiropractor; 62396
62397

(d) An individual licensed under Chapter 4715. of the Revised 62398

Code as a dentist;	62399
(e) An individual licensed under Chapter 4723. of the Revised Code as a registered nurse or licensed practical nurse;	62400 62401
(f) An individual licensed under Chapter 4732. of the Revised Code as a psychologist;	62402 62403
(g) An individual licensed under Chapter 4757. of the Revised Code as a social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or independent marriage and family therapist;	62404 62405 62406 62407
(h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;	62408 62409
(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;	62410 62411 62412
(j) An employee of a home health agency, as defined in section 3701.881 <u>3740.01</u> of the Revised Code;	62413 62414
(k) An employee of an outpatient health facility;	62415
(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;	62416 62417
(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;	62418 62419
(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	62420 62421
(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	62422 62423 62424 62425
(p) An employee of a health department operated by the board of health of a city or general health district or the authority	62426 62427

having the duties of a board of health under section 3709.05 of	62428
the Revised Code;	62429
(q) An employee of a community mental health agency, as	62430
defined in section 5122.01 of the Revised Code;	62431
(r) A humane society agent appointed under section 1717.06 of	62432
the Revised Code;	62433
(s) An individual who is a firefighter for a lawfully	62434
constituted fire department;	62435
(t) An individual who is an ambulance driver for an emergency	62436
medical service organization, as defined in section 4765.01 of the	62437
Revised Code;	62438
(u) A first responder, emergency medical technician-basic,	62439
emergency medical technician-intermediate, or paramedic, as those	62440
terms are defined in section 4765.01 of the Revised Code;	62441
(v) An official employed by a local building department to	62442
conduct inspections of houses and other residential buildings;	62443
(w) A peace officer;	62444
(x) A coroner;	62445
(y) A member of the clergy;	62446
(z) An individual who holds a certificate issued under	62447
Chapter 4701. of the Revised Code as a certified public accountant	62448
or is registered under that chapter as a public accountant;	62449
(aa) An individual licensed under Chapter 4735. of the	62450
Revised Code as a real estate broker or real estate salesperson;	62451
(bb) An individual appointed and commissioned under section	62452
147.01 of the Revised Code as a notary public;	62453
(cc) An employee of a bank, savings bank, savings and loan	62454
association, or credit union organized under the laws of this	62455
state, another state, or the United States;	62456

(dd) A dealer, investment adviser, sales person, or 62457
investment advisor representative licensed under Chapter 1707. of 62458
the Revised Code; 62459

(ee) A financial planner accredited by a national 62460
accreditation agency; 62461

(ff) Any other individual who is a senior service provider, 62462
other than a representative of the office of the state long-term 62463
care ombudsman program as defined in section 173.14 of the Revised 62464
Code. 62465

(B) Any person having reasonable cause to believe that an 62466
adult has suffered abuse, neglect, or exploitation may report, or 62467
cause a report to be made of such belief to the county department 62468
of job and family services. 62469

This division applies to a representative of the office of 62470
the state long-term care ombudsman program only to the extent 62471
permitted by federal law. 62472

(C) The reports made under this section shall be made orally 62473
or in writing except that oral reports shall be followed by a 62474
written report if a written report is requested by the department. 62475
Written reports shall include: 62476

(1) The name, address, and approximate age of the adult who 62477
is the subject of the report; 62478

(2) The name and address of the individual responsible for 62479
the adult's care, if any individual is, and if the individual is 62480
known; 62481

(3) The nature and extent of the alleged abuse, neglect, or 62482
exploitation of the adult; 62483

(4) The basis of the reporter's belief that the adult has 62484
been abused, neglected, or exploited. 62485

(D) Any person with reasonable cause to believe that an adult 62486

is suffering abuse, neglect, or exploitation who makes a report 62487
pursuant to this section or who testifies in any administrative or 62488
judicial proceeding arising from such a report, or any employee of 62489
the state or any of its subdivisions who is discharging 62490
responsibilities under section 5101.65 of the Revised Code shall 62491
be immune from civil or criminal liability on account of such 62492
investigation, report, or testimony, except liability for perjury, 62493
unless the person has acted in bad faith or with malicious 62494
purpose. 62495

(E) No employer or any other person with the authority to do 62496
so shall do any of the following as a result of an employee's 62497
having filed a report under this section: 62498

(1) Discharge, demote, transfer, or prepare a negative work 62499
performance evaluation; 62500

(2) Reduce benefits, pay, or work privileges; 62501

(3) Take any other action detrimental to an employee or in 62502
any way retaliate against the employee. 62503

(F) The written or oral report provided for in this section 62504
and the investigatory report provided for in section 5101.65 of 62505
the Revised Code are confidential and are not public records, as 62506
defined in section 149.43 of the Revised Code. In accordance with 62507
rules adopted by the department of job and family services, 62508
information contained in the report shall upon request be made 62509
available to the adult who is the subject of the report and to 62510
legal counsel for the adult. If it determines that there is a risk 62511
of harm to a person who makes a report under this section or to 62512
the adult who is the subject of the report, the county department 62513
of job and family services may redact the name and identifying 62514
information related to the person who made the report. 62515

(G) The county department of job and family services shall be 62516
available to receive the written or oral report provided for in 62517

this section twenty-four hours a day and seven days a week. 62518

Sec. 5101.741. (A) The elder abuse commission shall formulate 62519
and recommend strategies on all of the following: 62520

(1) Increasing awareness of and improving education on elder 62521
abuse; 62522

(2) Increasing research on elder abuse; 62523

(3) Improving policy, funding, and programming related to 62524
elder abuse, including estimated funding necessary to implement 62525
specific recommendations; 62526

(4) Improving the judicial response to elder abuse victims; 62527

(5) Identifying ways to coordinate statewide efforts to 62528
address elder abuse. 62529

~~(B) The commission shall review current funding of adult 62530
protective services and shall report on the cost to the state and 62531
county departments of job and family services of implementing its 62532
recommendations. 62533~~

~~(C) The commission shall prepare and issue a biennial report 62534
on a plan of action that may be used by local communities to aid 62535
in the development of efforts to combat elder abuse. The report 62536
shall include the commission's ~~findings and~~ recommendations made 62537
under ~~divisions~~ division (A) ~~and (B)~~ of this section. 62538~~

~~(D)~~ (C) The attorney general may adopt rules as necessary for 62539
the commission to carry out its duties. The rules shall be adopted 62540
in accordance with section 111.15 of the Revised Code. 62541

Sec. 5101.802. (A) As used in this section: 62542

(1) "Custodian," "guardian," and "minor child" have the same 62543
meanings as in section 5107.02 of the Revised Code. 62544

(2) "Federal poverty guidelines" has the same meaning as in 62545

section 5101.46 of the Revised Code. 62546

(3) "Kinship caregiver" has the same meaning as in section 62547
5101.85 of the Revised Code. 62548

(B) Subject to division (E) of section 5101.801 of the 62549
Revised Code, there is hereby created the kinship permanency 62550
incentive program to promote permanency for a minor child in the 62551
legal and physical custody of a kinship caregiver. The program 62552
shall provide an initial one-time incentive payment to the kinship 62553
caregiver to defray the costs of initial placement of the minor 62554
child in the kinship caregiver's home. The program may provide 62555
additional permanency incentive payments for the minor child at 62556
six-month intervals, based on the availability of funds. An 62557
eligible caregiver may receive a maximum of eight incentive 62558
payments per minor child. 62559

(C) A kinship caregiver may participate in the program if all 62560
of the following requirements are met: 62561

(1) The kinship caregiver applies to a public children 62562
services agency in accordance with the application process 62563
established in rules authorized by division (E) of this section; 62564

(2) Not earlier than July 1, 2005, a juvenile court issues an 62565
order granting legal custody to the kinship caregiver, or a 62566
probate court grants guardianship to the kinship caregiver, except 62567
that a temporary court order is not sufficient to meet this 62568
requirement; 62569

(3) The kinship caregiver is either the minor child's 62570
custodian or guardian; 62571

(4) The minor child resides with the kinship caregiver 62572
pursuant to a placement approval process established in rules 62573
authorized by division (E) of this section; 62574

(5) Excluding any income excluded under rules adopted under 62575

division (E) of this section, the gross income of the kinship
caregiver's family, including the minor child, does not exceed
three hundred per cent of the federal poverty guidelines.

(6) The kinship caregiver is not receiving kinship
guardianship assistance under Title IV-E of the "Social Security
Act," 42 U.S.C. 673(d), as amended, or the program described in
section 5101.1411 of the Revised Code or the program described in
section 5153.163 of the Revised Code.

(D) Public children services agencies shall make initial and
ongoing eligibility determinations for the kinship permanency
incentive program in accordance with rules authorized by division
(E) of this section. The director of job and family services shall
supervise public children services agencies' duties under this
section.

(E) The director of job and family services shall adopt rules
under division (C) of section 5101.801 of the Revised Code as
necessary to implement the kinship permanency incentive program.
The rules shall establish all of the following:

(1) The application process for the program;

(2) The placement approval process through which a minor
child is placed with a kinship caregiver for the kinship caregiver
to be eligible for the program;

(3) The initial and ongoing eligibility determination process
for the program, including the computation of income eligibility;

(4) The amount of the incentive payments provided under the
program;

(5) The method by which the incentive payments are provided
to a kinship caregiver.

(F) The amendments made to this section by Am. Sub. H.B. 119
of the 127th general assembly shall not affect the eligibility of

any kinship caregiver whose eligibility was established before 62606
June 30, 2007. 62607

Sec. 5101.806. (A) The department of job and family services 62608
shall prepare and submit to the governor not later than the first 62609
day of November in each even-numbered year a TANF spending plan 62610
describing the anticipated spending of temporary assistance for 62611
needy families block grant funds for the upcoming state fiscal 62612
biennium. The report shall be prepared in such a manner as to 62613
facilitate the inclusion of the information contained in the 62614
report in the governor's budget in accordance with division (D) (7) 62615
of section 107.03 of the Revised Code. 62616

(B) (1) Not later than thirty days after the end of the first 62617
state fiscal year of a fiscal biennium, the department shall 62618
prepare and submit an updated TANF spending plan to the 62619
chairperson of a standing committee of the house of 62620
representatives designated by the speaker of the house of 62621
representatives and the chairperson of a standing committee of the 62622
senate designated by the president of the senate. The updated TANF 62623
spending plan shall, at a minimum, include both of the following: 62624

(a) The total amount of temporary assistance for needy 62625
families block grant funds distributed during the first fiscal 62626
year of the fiscal biennium. 62627

(b) An updated estimate of the total amount of temporary 62628
assistance for needy families block grant funds that will be 62629
distributed during the second fiscal year of the fiscal biennium. 62630

(2) A chairperson of a standing committee designated by the 62631
speaker of the house of representatives or president of the senate 62632
under division (B) (1) of this section may call the director of job 62633
and family services to testify before the committee regarding the 62634
TANF spending plan. 62635

Sec. 5101.8812. Benefits and services provided under the 62636
kinship guardianship assistance program, extended kinship 62637
guardianship assistance program, kinship support program, and 62638
kinship permanency incentive program are inalienable whether by 62639
way of assignment, charge, or otherwise and exempt from execution, 62640
attachment, guardianship, and other like processes. 62641

~~Sec. 5101.971. (A) The department of human services shall~~ 62642
~~prepare an annual report on individual development account~~ 62643
~~programs established by county departments of human services based~~ 62644
~~on the information provided pursuant to division (E) of section~~ 62645
~~329.12 of the Revised Code and file the report with the governor,~~ 62646
~~president and minority leader of the senate, and speaker and~~ 62647
~~minority leader of the house of representatives. The department~~ 62648
~~shall file the report on the first day of October of each year,~~ 62649
~~beginning in 1998.~~ 62650

~~(B) The department of job and family services shall adopt~~ 62651
~~rules in accordance with Chapter 119. of the Revised Code to~~ 62652
~~govern the implementation of individual development account~~ 62653
~~programs under sections 329.11 to 329.14 of the Revised Code by~~ 62654
~~county departments of human job and family services, which shall~~ 62655
~~include rules covering all both of the following:~~ 62656

~~(1) (A) Imposing a penalty for unauthorized use of matching~~ 62657
~~contributions;~~ 62658

~~(2) Specifying the information that must be included in the~~ 62659
~~county department's report to the department under section 329.12~~ 62660
~~of the Revised Code;~~ 62661

~~(3) (B) Specifying the responsibilities of a fiduciary~~ 62662
~~organization under an individual development account program~~ 62663
~~established under section 329.12 of the Revised Code. The rules~~ 62664
~~shall be consistent with section 404(h) of the "Social Security~~ 62665

Act" as amended by the "Personal Responsibility and Work
Opportunity Reconciliation Act of 1996," ~~110 Stat. 2105~~, 42 U.S.C.
604 (h) .

The responsibilities of a fiduciary organization may include
marketing; soliciting matching contributions; counseling account
holders; conducting verification, compliance, and evaluation
activities; and any other responsibilities considered appropriate
by the state department.

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of the
Revised Code:

(A) (1) "Association" or "institution" includes all of the
following:

(a) Any incorporated or unincorporated organization, society,
association, or agency, public or private, that receives or cares
for children for two or more consecutive weeks;

(b) Any individual, including the operator of a foster home,
who, for hire, gain, or reward, receives or cares for children for
two or more consecutive weeks, unless the individual is related to
them by blood or marriage;

(c) Any individual not in the regular employ of a court, or
of an institution or association certified in accordance with
section 5103.03 of the Revised Code, who in any manner becomes a
party to the placing of children in foster homes, unless the
individual is related to such children by blood or marriage or is
the appointed guardian of such children.

(2) "Association" or "institution" does not include any of
the following:

(a) Any organization, society, association, school, agency,
child guidance center, detention or rehabilitation facility, or
children's clinic licensed, regulated, approved, operated under

the direction of, or otherwise certified by the department of 62696
education, a local board of education, the department of youth 62697
services, the department of mental health and addiction services, 62698
or the department of developmental disabilities; 62699

(b) Any individual who provides care for only a single-family 62700
group, placed there by their parents or other relative having 62701
custody; 62702

(c) A private, nonprofit therapeutic wilderness camp; 62703

(d) A qualified organization as defined in section 2151.90 of 62704
the Revised Code. 62705

(B) "Family foster home" means a foster home that is not a 62706
specialized foster home. 62707

(C) "Foster caregiver" means a person holding a valid foster 62708
home certificate issued under section 5103.03 of the Revised Code. 62709

(D) "Foster home" means a private residence in which children 62710
are received apart from their parents, guardian, or legal 62711
custodian, by an individual reimbursed for providing the children 62712
nonsecure care, supervision, or training twenty-four hours a day. 62713
"Foster home" does not include care provided for a child in the 62714
home of a person other than the child's parent, guardian, or legal 62715
custodian while the parent, guardian, or legal custodian is 62716
temporarily away. Family foster homes and specialized foster homes 62717
are types of foster homes. 62718

(E) Kinship caregiver" has the same meaning as in section 62719
5101.85 of the Revised Code. 62720

(F) "Medically fragile foster home" means a foster home that 62721
provides specialized medical services designed to meet the needs 62722
of children with intensive health care needs who meet all of the 62723
following criteria: 62724

(1) Under rules adopted by the medicaid director governing 62725

medicaid payments for long-term care services, the children 62726
require a skilled level of care. 62727

(2) The children require the services of a doctor of medicine 62728
or osteopathic medicine at least once a week due to the 62729
instability of their medical conditions. 62730

(3) The children require the services of a registered nurse 62731
on a daily basis. 62732

(4) The children are at risk of institutionalization in a 62733
hospital, skilled nursing facility, or intermediate care facility 62734
for individuals with intellectual disabilities. 62735

~~(F)~~(G) "Private, nonprofit therapeutic wilderness camp" means 62736
a structured, alternative residential setting for children who are 62737
experiencing emotional, behavioral, moral, social, or learning 62738
difficulties at home or school in which all of the following are 62739
the case: 62740

(1) The children spend the majority of their time, including 62741
overnight, either outdoors or in a primitive structure. 62742

(2) The children have been placed there by their parents or 62743
another relative having custody. 62744

(3) The camp accepts no public funds for use in its 62745
operations. 62746

~~(G)~~(H) "Recommending agency" means a public children services 62747
agency, private child placing agency, or private noncustodial 62748
agency that recommends that the department of job and family 62749
services take any of the following actions under section 5103.03 62750
of the Revised Code regarding a foster home: 62751

(1) Issue a certificate; 62752

(2) Deny a certificate; 62753

(3) Renew a certificate; 62754

(4) Deny renewal of a certificate; 62755

(5) Revoke a certificate. 62756

~~(H)~~(I) "Resource caregiver" means a foster caregiver or a 62757
kinship caregiver. 62758

(J) "Resource family" means a foster home or the kinship 62759
caregiver family. 62760

(K) "Specialized foster home" means a medically fragile 62761
foster home or a treatment foster home. 62762

~~(I)~~(L) "Treatment foster home" means a foster home that 62763
incorporates special rehabilitative services designed to treat the 62764
specific needs of the children received in the foster home and 62765
that receives and cares for children who are emotionally or 62766
behaviorally disturbed, who are chemically dependent, who have 62767
developmental disabilities, or who otherwise have exceptional 62768
needs. 62769

Sec. 5103.031. Except as provided in section 5103.033 of the 62770
Revised Code, the department of job and family services may not 62771
issue a certificate under section 5103.03 of the Revised Code to a 62772
foster home unless the prospective foster caregiver successfully 62773
completes preplacement training through a preplacement training 62774
program approved by the department of job and family services 62775
under section 5103.038 of the Revised Code or preplacement 62776
training provided under division (B) of section 5103.30 of the 62777
Revised Code. ~~Up to twenty per cent of the required preplacement 62778
training may be provided online.~~ 62779

Sec. 5103.0310. (A) Prior to employing a person or engaging a 62780
subcontractor, intern, or volunteer, an institution or 62781
association, as defined in division (A)(1)(a) of section 5103.02 62782
of the Revised Code, that is a residential facility, as defined in 62783
division (A)(6) of section 5103.05 of the Revised Code, shall do 62784

the following regarding the person, subcontractor, intern, or 62785
volunteer: 62786

(1) ~~Conduct~~ Obtain a search of the United States department 62787
of justice national sex offender public web site regarding the 62788
person; 62789

(2) ~~Request~~ Obtain a summary report of a search of the 62790
uniform statewide automated child welfare information system in 62791
accordance with divisions (A) and (B) of section 5103.18 of the 62792
Revised Code. 62793

(B) An institution or association, as defined in division 62794
(A) (1) (a) of section 5103.02 of the Revised Code, that is not a 62795
residential facility, as defined in division (A) (6) of section 62796
5103.05 of the Revised Code, shall obtain the search and summary 62797
report described in division (A) of this section before hiring a 62798
person, or engaging a subcontractor, intern, or volunteer, who 62799
will have access to children. 62800

(C) If, at the time of the effective date of this amendment, 62801
the institution or association has not obtained a report required 62802
under division (A) or (B) of this section for the person, 62803
subcontractor, intern, or volunteer, the institution or 62804
association shall obtain the report. 62805

(D) The institution or association may refuse to hire employ 62806
the person or engage the subcontractor, intern, or volunteer based 62807
solely on the results of the search described in division (A) (1) 62808
or (B) of this section or the findings of the summary report 62809
described in division (B) (1) (a) of section 5103.18 of the Revised 62810
Code. 62811

~~(C)~~ (E) The director of job and family services shall adopt 62812
rules in accordance with Chapter 119. of the Revised Code 62813
necessary for the implementation and execution of this section. 62814

Sec. 5103.0316. The department of job and family services 62815
shall adopt rules in accordance with Chapter 119. of the Revised 62816
Code as necessary for the efficient administration of sections 62817
5103.031 to 5103.0316 of the Revised Code. The rules shall provide 62818
for all of the following: 62819

(A) For the purpose of section 5103.038 of the Revised Code, 62820
the date by which a private child placing agency or private 62821
noncustodial agency that seeks to operate a preplacement training 62822
program or continuing training program under section 5103.034 of 62823
the Revised Code must submit to the department a proposal 62824
outlining the program; 62825

(B) Requirements governing the department's compensation of 62826
private child placing agencies and private noncustodial agencies 62827
under sections 5103.0312 and 5103.0313 of the Revised Code, 62828
including the allowance to reimburse the agencies for the cost of 62829
providing the training under sections 5103.031, 5103.032, and 62830
5103.033 of the Revised Code; 62831

(C) Requirements governing the continuing training required 62832
by sections 5103.032 and 5103.033 of the Revised Code; 62833

(D) The amount of training hours necessary for preplacement 62834
training and continuing training for purposes of sections 62835
5103.031, 5103.032, and 5103.033 of the Revised Code; 62836

(E) Courses necessary to meet the preplacement and continuing 62837
training requirements for foster homes under sections 5103.031, 62838
5103.032, and 5103.033 of the Revised Code; 62839

(F) Criteria used to create a written needs assessment and 62840
continuing training plan for each foster caregiver as required by 62841
section 5103.035 of the Revised Code; 62842

(G) The amount of preplacement and continuing training hours 62843
that may be completed online; 62844

(H) Any other matter the department considers appropriate. 62845

Sec. 5103.163. (A) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to establish and enforce a resource family bill of rights for resource families providing care for individuals who are in the custody or care and placement of an agency that provides Title IV-E reimbursable services pursuant to sections 5103.03 to 5103.181 of the Revised Code. 62846
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(B) If the rights of the resource family conflict with the rights of the individual established by section 2151.316 of the Revised Code, division (B) of section 2151.316 of the Revised Code shall apply. 62853
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(C) The rights established by rules under this section shall not create grounds for a civil action against the department, the recommending agency, or the custodial agency. 62857
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Sec. 5103.57. (A) As used in this section: 62860

(1) "Professional treatment staff" means a specialized foster home program agency employee or contractor with responsibility for any of the following: 62861
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(a) Providing rehabilitative services to a child placed in a specialized foster home program or to the child's family; 62864
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(b) Conducting home studies as an assessor for specialized foster homes; 62866
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(c) Providing clinical direction to specialized foster caregivers; 62868
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(d) Supervision of treatment team leaders. 62870

(2) "Specialized foster home" has the same meaning as in section 5103.02 of the Revised Code. 62871
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(B) Professional treatment staff employed by a public children services agency, private child placing agency, or private noncustodial agency who are not subject to the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of sections 5153.112 and 5153.122 of the Revised Code.

Sec. 5104.01. As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.

(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following:

(1) Communicate on the owner's behalf;

(2) Submit on the owner's behalf applications for licensure or approval;

(3) Enter into on the owner's behalf provider agreements for publicly funded child care.

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.

(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:

(1) Uses a framework approved by the director of job and

family services to document formal education, training, 62902
experience, and specialized credentials and certifications; 62903

(2) Allows the child-care staff member or administrator to 62904
achieve a designation as an early childhood professional level 62905
one, two, three, four, five, or six. 62906

(F) "Caretaker parent" means the father or mother of a child 62907
whose presence in the home is needed as the caretaker of the 62908
child, a person who has legal custody of a child and whose 62909
presence in the home is needed as the caretaker of the child, a 62910
guardian of a child whose presence in the home is needed as the 62911
caretaker of the child, and any other person who stands in loco 62912
parentis with respect to the child and whose presence in the home 62913
is needed as the caretaker of the child. 62914

(G) "Chartered nonpublic school" means a school that meets 62915
standards for nonpublic schools prescribed by the state board of 62916
education for nonpublic schools pursuant to section 3301.07 of the 62917
Revised Code. 62918

(H) "Child" includes an infant, toddler, preschool-age child, 62919
or school-age child. 62920

(I) "Child care block grant act" means the "Child Care and 62921
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 62922
U.S.C. 9858, as amended. 62923

(J) "Child day camp" means a program in which only school-age 62924
children attend or participate, that operates for no more than 62925
twelve hours per day and no more than fifteen weeks during the 62926
summer. For purposes of this division, the maximum twelve hours of 62927
operation time does not include transportation time from a child's 62928
home to a child day camp and from a child day camp to a child's 62929
home. 62930

(K) "Child care" means all of the following: 62931

- (1) Administering to the needs of infants, toddlers, 62932
preschool-age children, and school-age children outside of school 62933
hours; 62934
- (2) By persons other than their parents, guardians, or 62935
custodians; 62936
- (3) For part of the twenty-four-hour day; 62937
- (4) In a place other than a child's own home, except that an 62938
in-home aide provides child care in the child's own home; 62939
- (5) By a provider required by this chapter to be licensed or 62940
approved by the department of job and family services, certified 62941
by a county department of job and family services, or under 62942
contract with the department to provide publicly funded child care 62943
as described in section 5104.32 of the Revised Code. 62944
- (L) "Child day-care center" and "center" mean any place that 62945
is not the permanent residence of the licensee or administrator in 62946
which child care or publicly funded child care is provided for 62947
seven or more children at one time. "Child day-care center" and 62948
"center" do not include any of the following: 62949
- (1) A place located in and operated by a hospital, as defined 62950
in section 3727.01 of the Revised Code, in which the needs of 62951
children are administered to, if all the children whose needs are 62952
being administered to are monitored under the on-site supervision 62953
of a physician licensed under Chapter 4731. of the Revised Code or 62954
a registered nurse licensed under Chapter 4723. of the Revised 62955
Code, and the services are provided only for children who, in the 62956
opinion of the child's parent, guardian, or custodian, are 62957
exhibiting symptoms of a communicable disease or other illness or 62958
are injured; 62959
- (2) A child day camp; 62960
- (3) A place that provides care, if all of the following 62961

apply:	62962
(a) An organized religious body provides the care;	62963
(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;	62964 62965 62966
(c) The care is not provided for more than thirty days a year;	62967 62968
(d) The care is provided only for preschool-age and school-age children.	62969 62970
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	62971 62972 62973
(N) "Child care resource and referral services" means all of the following services:	62974 62975
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	62976 62977 62978
(2) Provision of individualized consumer education to families seeking child care;	62979 62980
(3) Provision of timely referrals of available child care providers to families seeking child care;	62981 62982
(4) Recruitment of child care providers;	62983
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	62984 62985 62986 62987
(6) Collection and analysis of data on the supply of and demand for child care in the community;	62988 62989
(7) Technical assistance concerning locally, state, and	62990

federally funded child care and early childhood education programs;	62991 62992
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	62993 62994 62995
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	62996 62997
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	62998 62999 63000 63001
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.	63002 63003 63004 63005
(O) "Child-care staff member" means an employee of a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care staff member when not involved in other duties.	63006 63007 63008 63009 63010 63011
(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	63012 63013 63014 63015
(Q) "Employee" means a person who either:	63016
(1) Receives compensation for duties performed in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp;	63017 63018 63019
(2) Is assigned specific working hours or duties in a child	63020

day-care center, type A family day-care home, licensed type B 63021
family day-care home, or approved child day camp. 63022

(R) "Employer" means a person, firm, institution, 63023
organization, or agency that operates a child day-care center, 63024
type A family day-care home, licensed type B family day-care home, 63025
or approved child day camp subject to licensure or approval under 63026
this chapter. 63027

(S) "Federal poverty line" means the official poverty 63028
guideline as revised annually in accordance with section 673(2) of 63029
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 63030
U.S.C. 9902, as amended, for a family size equal to the size of 63031
the family of the person whose income is being determined. 63032

(T) "Head start program" means a ~~comprehensive child~~ 63033
~~development~~ school-readiness program ~~serving birth to three years~~ 63034
~~old and preschool age children that receives~~ satisfies all of the
following: 63035
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(1) Is for children from birth to age five who are from 63037
low-income families; 63038

(2) Receives funds distributed under the "Improving Head 63039
Start for School-Readiness Act of 2007," ~~95 Stat. 499 (1981),~~ 42 63040
U.S.C.A. 9831, as amended, ~~and is;~~ 63041

(3) Is licensed as a child care program. 63042

(U) "Homeless child care" means child care provided to a 63043
child who satisfies any of the following: 63044

(1) Is homeless as defined in 42 U.S.C. 11302; 63045

(2) Is a homeless child or youth as defined in 42 U.S.C. 63046
11434a; 63047

(3) Resides temporarily with a caretaker in a facility 63048
providing emergency shelter for homeless families or is determined 63049
by a county department of job and family services to be homeless. 63050

(V) "Income" means gross income, as defined in section 63051
5107.10 of the Revised Code, less any amounts required by federal 63052
statutes or regulations to be disregarded. 63053

(W) "Indicator checklist" means an inspection tool, used in 63054
conjunction with an instrument-based program monitoring 63055
information system, that contains selected licensing requirements 63056
that are statistically reliable indicators or predictors of a 63057
child day-care center's type A family day-care home's, or licensed 63058
type B family day-care home's compliance with licensing 63059
requirements. 63060

(X) "Infant" means a child who is less than eighteen months 63061
of age. 63062

(Y) "In-home aide" means a person who does not reside with 63063
the child but provides care in the child's home and is certified 63064
by a county director of job and family services pursuant to 63065
section 5104.12 of the Revised Code to provide publicly funded 63066
child care to a child in a child's own home pursuant to this 63067
chapter and any rules adopted under it. 63068

(Z) "Instrument-based program monitoring information system" 63069
means a method to assess compliance with licensing requirements 63070
for child day-care centers, type A family day-care homes, and 63071
licensed type B family day-care homes in which each licensing 63072
requirement is assigned a weight indicative of the relative 63073
importance of the requirement to the health, growth, and safety of 63074
the children that is used to develop an indicator checklist. 63075

(AA) "License capacity" means the maximum number in each age 63076
category of children who may be cared for in a child day-care 63077
center, type A family day-care home, or licensed type B family 63078
day-care home at one time as determined by the director of job and 63079
family services considering building occupancy limits established 63080
by the department of commerce, amount of available indoor floor 63081

space and outdoor play space, and amount of available play equipment, materials, and supplies. 63082
63083

(BB) "Licensed child care program" means any of the following: 63084
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(1) A child day-care center licensed by the department of job and family services pursuant to this chapter; 63086
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(2) A type A family day-care home or type B family day-care home licensed by the department of job and family services pursuant to this chapter; 63088
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(3) A licensed preschool program or licensed school child program. 63091
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(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code. 63093
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(DD) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code. 63098
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(EE) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter. 63102
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(FF) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp. 63107
63108

(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity. 63109
63110

(HH) "Parent cooperative child day-care center," "parent 63111

cooperative center," "parent cooperative type A family day-care 63112
home," and "parent cooperative type A home" mean a corporation or 63113
association organized for providing educational services to the 63114
children of members of the corporation or association, without 63115
gain to the corporation or association as an entity, in which the 63116
services of the corporation or association are provided only to 63117
children of the members of the corporation or association, 63118
ownership and control of the corporation or association rests 63119
solely with the members of the corporation or association, and at 63120
least one parent-member of the corporation or association is on 63121
the premises of the center or type A home during its hours of 63122
operation. 63123

(II) "Part-time child day-care center," "part-time center," 63124
"part-time type A family day-care home," and "part-time type A 63125
home" mean a center or type A home that provides child care or 63126
publicly funded child care for not more than four hours a day for 63127
any child or not more than fifteen consecutive weeks per year, 63128
regardless of the number of hours per day. 63129

(JJ) "Place of worship" means a building where activities of 63130
an organized religious group are conducted and includes the 63131
grounds and any other buildings on the grounds used for such 63132
activities. 63133

(KK) "Preschool-age child" means a child who is three years 63134
old or older but is not a school-age child. 63135

(LL) "Protective child care" means publicly funded child care 63136
for the direct care and protection of a child to whom all of the 63137
following apply: 63138

(1) A case plan has been prepared and maintained for the 63139
child pursuant to section 2151.412 of the Revised Code. 63140

(2) The case plan indicates a need for protective care. 63141

(3) The child resides with a parent, stepparent, guardian, or 63142

another person who stands in loco parentis as defined in rules 63143
adopted under section 5104.38 of the Revised Code. 63144

(MM) "Publicly funded child care" means administering to the 63145
needs of infants, toddlers, preschool-age children, and school-age 63146
children under age thirteen during any part of the 63147
twenty-four-hour day by persons other than their caretaker parents 63148
for remuneration wholly or in part with federal or state funds, 63149
including funds available under the child care block grant act, 63150
Title IV-A, and Title XX, distributed by the department of job and 63151
family services. 63152

(NN) "Religious activities" means any of the following: 63153
worship or other religious services; religious instruction; Sunday 63154
school classes or other religious classes conducted during or 63155
prior to worship or other religious services; youth or adult 63156
fellowship activities; choir or other musical group practices or 63157
programs; meals; festivals; or meetings conducted by an organized 63158
religious group. 63159

(OO) "School-age child" means a child who is enrolled in or 63160
is eligible to be enrolled in a grade of kindergarten or above but 63161
is less than fifteen years old or, in the case of a child who is 63162
receiving special needs child care, is less than eighteen years 63163
old. 63164

(PP) "Serious risk noncompliance" means a licensure or 63165
certification rule violation that leads to a great risk of harm 63166
to, or death of, a child, and is observable, not inferable. 63167

(QQ) "Special needs child care" means child care provided to 63168
a child who is less than eighteen years of age and either has one 63169
or more chronic health conditions or does not meet age appropriate 63170
expectations in one or more areas of development, including 63171
social, emotional, cognitive, communicative, perceptual, motor, 63172
physical, and behavioral development and that may include on a 63173

regular basis such services, adaptations, modifications, or 63174
adjustments needed to assist in the child's function or 63175
development. 63176

(RR) "Title IV-A" means Title IV-A of the "Social Security 63177
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 63178

(SS) "Title XX" means Title XX of the "Social Security Act," 63179
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 63180

(TT) "Toddler" means a child who is at least eighteen months 63181
of age but less than three years of age. 63182

(UU) "Type A family day-care home" and "type A home" mean the 63183
permanent residence of the administrator in which child care or 63184
publicly funded child care is provided for seven to twelve 63185
children at one time or a permanent residence of the administrator 63186
in which child care is provided for four to twelve children at one 63187
time if four or more children at one time are under two years of 63188
age. In counting children for the purposes of this division, any 63189
children under six years of age who are related to a licensee, 63190
administrator, or employee and who are on the premises of the type 63191
A home shall be counted. "Type A family day-care home" and "type A 63192
home" do not include any child day camp. 63193

(VV) "Type B family day-care home" and "type B home" mean a 63194
permanent residence of the provider in which care is provided for 63195
one to six children at one time and in which no more than three 63196
children are under two years of age at one time. In counting 63197
children for the purposes of this division, any children under six 63198
years of age who are related to the provider and who are on the 63199
premises of the type B home shall be counted. "Type B family 63200
day-care home" and "type B home" do not include any child day 63201
camp. 63202

Sec. 5104.017. The director of job and family services shall 63203

adopt rules pursuant to Chapter 119. of the Revised Code governing 63204
the operation of type A family day-care homes, including parent 63205
cooperative type A homes, part-time type A homes, and drop-in type 63206
A homes, ~~and school-age child type A homes~~. The rules shall 63207
reflect the various forms of child care and the needs of children 63208
receiving child care. The rules shall include the following: 63209

(A) Submission of a site plan and descriptive plan of 63210
operation to demonstrate how the type A home proposes to meet the 63211
requirements of this chapter and rules adopted pursuant to this 63212
chapter for the initial license application; 63213

(B) Standards for ensuring that the physical surroundings of 63214
the type A home are safe and sanitary, including the physical 63215
environment, the physical plant, and the equipment of the type A 63216
home; 63217

(C) Standards for the supervision, care, and discipline of 63218
children receiving child care or publicly funded child care in the 63219
type A home; 63220

(D) Standards for a program of activities, and for play 63221
equipment, materials, and supplies, to enhance the development of 63222
each child; however, any educational curricula, philosophies, and 63223
methodologies that are developmentally appropriate and that 63224
enhance the social, emotional, intellectual, and physical 63225
development of each child shall be permissible; 63226

(E) Admissions policies and procedures; 63227

(F) Health care policies and procedures, including procedures 63228
for the isolation of children with communicable diseases; 63229

(G) First aid and emergency procedures; 63230

(H) Procedures for discipline and supervision of children; 63231

(I) Standards for the provision of nutritious meals and 63232
snacks; 63233

(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	63234 63235 63236
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	63237 63238
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	63239 63240 63241 63242
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	63243 63244 63245
(N) Procedures for record keeping, organization, and administration;	63246 63247
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	63248 63249 63250
(P) Inspection procedures;	63251
(Q) Procedures and standards for setting initial license application fees;	63252 63253
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	63254 63255
(S) Procedures for enforcing section 5104.04 of the Revised Code;	63256 63257
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	63258 63259 63260 63261 63262
(U) Requirements for the training of administrators and	63263

child-care staff members in first aid, in prevention, recognition,	63264
and management of communicable diseases, and in child abuse	63265
recognition and prevention;	63266
(V) Standards providing for the special needs of children who	63267
are handicapped or who require treatment for health conditions	63268
while the child is receiving child care or publicly funded child	63269
care in the type A home;	63270
(W) Standards for the maximum number of children per	63271
child-care staff member;	63272
(X) Requirements for the amount of usable indoor floor space	63273
for each child;	63274
(Y) Requirements for safe outdoor play space;	63275
(Z) Qualifications and training requirements for	63276
administrators and for child-care staff members;	63277
(AA) Procedures for granting a parent who is the residential	63278
parent and legal custodian, or a custodian or guardian access to	63279
the type A home during its hours of operation;	63280
(BB) Standards for the preparation and distribution of a	63281
roster of parents, custodians, and guardians;	63282
(CC) Minimum requirements for instructional time for type A	63283
homes rated through the step up to quality program established	63284
pursuant to section 5104.29 of the Revised Code;	63285
(DD) <u>(CC)</u> Any other procedures and standards necessary to	63286
carry out the provisions of this chapter regarding type A homes.	63287
Sec. 5104.07. (A) The director of job and family services may	63288
prescribe additional requirements for licensing child day-care	63289
centers or type A family day-care homes that provide publicly	63290
funded child care pursuant to this chapter and any rules adopted	63291
under it. The director shall develop standards as required by	63292

federal laws and regulations for child care programs supported by federal funds.

(B) (1) On or before February 28, 1992, the department of job and family services shall develop a statewide plan for child care resource and referral services. The plan shall be based upon the experiences of other states with respect to child care resource and referral services, the experiences of communities in this state that have child care resource and referral service organizations, and the needs of communities in this state that do not have child care resource and referral service organizations. The plan shall be designed to ensure that child care resource and referral services are available in each county in the state to families who need child care. The department shall consider the special needs of migrant workers when it develops the plan and shall include in the plan procedures designed to accommodate the needs of migrant workers.

~~(2) The director of job and family services shall adopt rules for funding child care resource and referral service organizations. The rules~~ In addition to the requirements described in division (B) (1) of this section, the plan shall include all of the following:

(a) A description of the services that a child care resource and referral service organization is required to provide to families who need child care;

(b) The qualifications for a child care resource and referral service organization;

(c) A description of the procedures for providing federal and state funding for county or multicounty child care resource and referral service organizations;

(d) A timetable for providing child care resource and referral services to all communities in the state;

(e) Uniform information gathering and reporting procedures 63324
that are designed to be used in compatible computer systems; 63325

(f) Procedures for establishing statewide nonprofit technical 63326
assistance services to coordinate uniform data collection and to 63327
publish reports on child care supply, demand, and cost and to 63328
provide technical assistance to communities that do not have child 63329
care resource and referral service organizations and to existing 63330
child care resource and referral service organizations; 63331

(g) Requirements governing contracts entered into under 63332
division (C) of this section, which may include limits on the 63333
percentage of funds distributed by the department that may be used 63334
for the contracts. 63335

(C) Child care resource and referral service organizations 63336
receiving funds distributed by the department may, ~~in accordance~~ 63337
~~with rules adopted under division (B) (2) of this section,~~ enter 63338
into contracts with local governmental entities, nonprofit 63339
organizations including nonprofit organizations that provide child 63340
care, and individuals under which the entities, organizations, or 63341
individuals may provide child care resource and referral services 63342
in the community with those funds, if the contracts are submitted 63343
to and approved by the department prior to execution. 63344

Sec. 5104.29. (A) As used in this section, "early learning 63345
and development program" has the same meaning as "licensed child 63346
care program" as defined in section 5104.01 of the Revised Code. 63347

(B) There is hereby created in the department of job and 63348
family services the step up to quality program, under which the 63349
department of job and family services, in cooperation with the 63350
department of education, shall develop a tiered quality rating and 63351
improvement system for all early learning and development programs 63352
in this state. The step up to quality program shall include all of 63353
the following components: 63354

(1) Quality program standards for early learning and development programs;	63355 63356
(2) Accountability measures that include tiered ratings representing each program's level of quality;	63357 63358
(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;	63359 63360 63361
(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;	63362 63363 63364
(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.	63365 63366 63367
(C) The step up to quality program shall have the following goals:	63368 63369
(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;	63370 63371 63372
(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;	63373 63374
(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;	63375 63376
(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.	63377 63378 63379
(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.	63380 63381 63382 63383 63384

(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains:

- (1) Learning and development;
- (2) Administration and leadership practices;
- (3) Staff quality and professional development;
- (4) Family and community partnerships.

(F) The director of job and family services, in collaboration with the superintendent of public instruction, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section.

~~(G) (1) The department of job and family services shall ensure that the following percentages of early learning and development programs that provide publicly funded child care are rated in the third highest tier or above in the step up to quality program:~~

- ~~(a) By June 30, 2017, twenty five per cent;~~
- ~~(b) By June 30, 2019, forty per cent;~~
- ~~(c) By June 30, 2021, sixty per cent;~~
- ~~(d) By June 30, 2023, eighty per cent;~~
- ~~(e) By June 30, 2025, one hundred per cent.~~

~~(2) This division does not apply to early learning and development programs that are either of the following:~~

- ~~(a) Licensed type B family day care homes;~~
- ~~(b) Providers described in division (C) (2) of section 5104.31 of the Revised Code.~~

Sec. 5104.31. (A) Publicly funded child care may be provided only by the following:

(1) Any of the following licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code: 63413
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(a) A child day-care center, including a parent cooperative child day-care center; 63417
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(b) A type A family day-care home, including a parent cooperative type A family day-care home; 63419
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(c) A licensed type B family day-care home. 63421

(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code; 63422
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(3) A child day camp approved pursuant to section 5104.22 of the Revised Code; 63425
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(4) A licensed preschool program; 63427

(5) A licensed school child program; 63428

(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located. 63429
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(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide. 63433
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~~(C) (1) Beginning September 1, 2020, and except as provided in division (C) (2) of this section, a licensed child care program may provide publicly funded child care only if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code.~~ 63435
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~~(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program:~~ 63440
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- ~~(a) A program that operates only during the summer and for not more than fifteen consecutive weeks;~~ 63443
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- ~~(b) A program that operates only during school breaks;~~ 63445
- ~~(c) A program that operates only on weekday evenings, weekends, or both;~~ 63446
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- ~~(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;~~ 63448
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- ~~(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;~~ 63450
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- ~~(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked.~~ 63453
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Sec. 5107.10. (A) As used in this section: 63456

(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code. 63457
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(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code, except that references to a person's family in the definition shall be deemed to be references to the person's assistance group. 63460
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(3) "Gross income" means gross earned income and gross unearned income. 63464
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(4) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a 63466
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stoppage of work by employees in good faith because of dangerous 63472
or unhealthful working conditions at the place of employment that 63473
are abnormal to the place of employment. 63474

(B) Under the Ohio works first program, an assistance group 63475
shall receive, except as otherwise provided by this chapter, 63476
time-limited cash assistance. In the case of an assistance group 63477
that includes a minor head of household or adult, assistance shall 63478
be provided in accordance with the self-sufficiency contract 63479
entered into under section 5107.14 of the Revised Code. 63480

(C) (1) To be eligible to participate in Ohio works first, an 63481
assistance group must meet all of the following requirements: 63482

(a) The assistance group, except as provided in division (E) 63483
of this section, must include at least one of the following: 63484

(i) A minor child who, except as provided in section 5107.24 63485
of the Revised Code, resides with a parent, or specified relative 63486
caring for the child, or, to the extent permitted by Title IV-A 63487
and federal regulations adopted until Title IV-A, resides with a 63488
guardian or custodian caring for the child; 63489

(ii) A parent residing with and caring for the parent's minor 63490
child who receives supplemental security income under Title XVI of 63491
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 63492
as amended, or federal, state, or local adoption assistance; 63493

(iii) A specified relative residing with and caring for a 63494
minor child who is related to the specified relative in a manner 63495
that makes the specified relative a specified relative and 63496
receives supplemental security income or federal, state, or local 63497
foster care assistance, kinship guardianship assistance, kinship 63498
support program payments, or adoption assistance; 63499

(iv) A woman at least six months pregnant. 63500

(b) The assistance group must meet the income requirements 63501

established by division (D) of this section. 63502

(c) No member of the assistance group may be involved in a 63503
strike. 63504

(d) The assistance group must satisfy the requirements for 63505
Ohio works first established by this chapter and section 5101.83 63506
of the Revised Code. 63507

(e) The assistance group must meet requirements for Ohio 63508
works first established by rules adopted under section 5107.05 of 63509
the Revised Code. 63510

(2) In addition to meeting the requirements specified in 63511
division (C)(1) of this section, a member of an assistance group 63512
who is required by section 5116.10 of the Revised Code to 63513
participate in the comprehensive case management and employment 63514
program must participate in that program to be eligible to 63515
participate in Ohio works first. 63516

(D)(1) Except as provided in division (D)(4) of this section, 63517
to determine whether an assistance group is initially eligible to 63518
participate in Ohio works first, a county department of job and 63519
family services shall do the following: 63520

(a) Determine whether the assistance group's gross income 63521
exceeds fifty per cent of the federal poverty guidelines. In 63522
making this determination, the county department shall disregard 63523
amounts that federal statutes or regulations and sections 5101.17 63524
and 5117.10 of the Revised Code require be disregarded. The 63525
assistance group is ineligible to participate in Ohio works first 63526
if the assistance group's gross income, less the amounts 63527
disregarded, exceeds fifty per cent of the federal poverty 63528
guidelines. 63529

(b) If the assistance group's gross income, less the amounts 63530
disregarded pursuant to division (D)(1)(a) of this section, does 63531
not exceed fifty per cent of the federal poverty guidelines, 63532

determine whether the assistance group's countable income is less than the payment standard. The assistance group is ineligible to participate in Ohio works first if the assistance group's countable income equals or exceeds the payment standard.

(2) For the purpose of determining whether an assistance group meets the income requirement established by division (D) (1) (a) of this section, the annual revision that the United States department of health and human services makes to the federal poverty guidelines shall go into effect on the first day of July of the year for which the revision is made.

(3) To determine whether an assistance group participating in Ohio works first continues to be eligible to participate, a county department of job and family services shall determine whether the assistance group's countable income continues to be less than the payment standard. In making this determination, the county department shall disregard an amount specified in rules adopted under section 5107.05 of the Revised Code and fifty per cent of the remainder of the assistance group's gross earned income. No amounts shall be disregarded from the assistance group's gross unearned income. The assistance group ceases to be eligible to participate in Ohio works first if its countable income, less the amounts disregarded, equals or exceeds the payment standard.

(4) If an assistance group reapplies to participate in Ohio works first not more than four months after ceasing to participate, a county department of job and family services shall use the income requirement established by division (D) (3) of this section to determine eligibility for resumed participation rather than the income requirement established by division (D) (1) of this section.

(E) (1) An assistance group may continue to participate in Ohio works first even though a public children services agency removes the assistance group's minor children from the assistance

group's home due to abuse, neglect, or dependency if the agency 63565
does both of the following: 63566

(a) Notifies the county department of job and family services 63567
at the time the agency removes the children that it believes the 63568
children will be able to return to the assistance group within six 63569
months; 63570

(b) Informs the county department at the end of each of the 63571
first five months after the agency removes the children that the 63572
parent, guardian, custodian, or specified relative of the children 63573
is cooperating with the case plans prepared for the children under 63574
section 2151.412 of the Revised Code and that the agency is making 63575
reasonable efforts to return the children to the assistance group. 63576

(2) An assistance group may continue to participate in Ohio 63577
works first pursuant to division (E)(1) of this section for not 63578
more than six payment months. This division does not affect the 63579
eligibility of an assistance group that includes a woman at least 63580
six months pregnant. 63581

Sec. 5116.30. (A) As used in this section, "public assistance 63582
recipient" means an individual who receives any of the following: 63583

(1) Supplemental nutrition assistance program benefits; 63584

(2) Assistance funded by the TANF block grant; 63585

(3) Medicaid. 63586

(B) Each county department of job and family services or 63587
county workforce development agency, in conjunction with the local 63588
workforce development board, may establish an employment 63589
connection incentive program to assist public assistance 63590
recipients in obtaining and maintaining employment. 63591

(C) A public assistance recipient may volunteer to 63592
participate in an employment connection incentive program 63593
established under this section. No recipient is required to 63594

participate. 63595

(D) The assistance provided to a public assistance recipient participating in an employment connection incentive program established under this section shall include assistance in obtaining and maintaining meaningful employment. Such assistance may include all of the following as appropriate for the recipient: 63596

(1) Education programs, including the following types of education programs: 63597

(a) English as a second language; 63598

(b) Literacy; 63599

(c) Programs designed to lead to the attainment of the equivalent of a high school diploma; 63600

(d) Financial literacy; 63601

(e) Post-secondary. 63602

(2) Job training, placement, and retention programs; 63603

(3) Apprenticeship programs; 63604

(4) Mentoring programs; 63605

(5) Other activities the county department of job and family services or county workforce development agency may specify; 63606

(6) Other activities the department of job and family services, in consultation with the department of medicaid, may specify. 63607

(E) The department of job and family services, in consultation with the department of medicaid, shall establish criteria it shall use to determine the success of employment connection incentive programs established under this section. 63608

(F) The department of job and family services shall provide incentive payments to county departments of job and family services and county workforce development agencies according to 63609

their successes with their employment connection incentive 63624
programs. The department shall determine the amount of each 63625
payment and the times at which payments may be earned. 63626

Sec. 5119.191. (A) As used in this section: 63627

(1) "Drug used in medication-assisted treatment" means a drug 63628
approved by the United States food and drug administration for use 63629
in medication-assisted treatment, regardless of the method the 63630
drug is administered or the form in which it is dispensed, 63631
including an oral drug, an injectable drug, or a long-acting or 63632
extended-release drug. "Drug used in medication-assisted 63633
treatment" includes all of the following: 63634

(a) A full agonist; 63635

(b) A partial agonist; 63636

(c) An antagonist. 63637

(2) "Drug used in withdrawal management or detoxification" 63638
means a drug approved by the United States food and drug 63639
administration for use in, or a drug in standard use for, 63640
mitigating opioid or alcohol withdrawal symptoms or assisting with 63641
detoxification, regardless of the method the drug is administered 63642
or the form in which it is dispensed, including an oral drug, an 63643
injectable drug, or a long-acting or extended-release drug. "Drug 63644
used in withdrawal management or detoxification" includes all of 63645
the following: 63646

(a) A full agonist; 63647

(b) A partial agonist; 63648

(c) An antagonist; 63649

(d) An alpha-2 adrenergic agonist. 63650

(3) "Medication-assisted treatment" has the same meaning as 63651
in section 340.01 of the Revised Code. 63652

(4) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 63653
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(5) "Withdrawal management or detoxification" means a set of medical interventions aimed at managing the acute physical symptoms of intoxication and withdrawal. Detoxification denotes a clearing of toxins from the body of the patient who is acutely intoxicated, dependent on a substance of abuse, or both. Withdrawal management seeks to minimize the physical harm caused by the intoxication and withdrawal from a substance of abuse. Withdrawal management or detoxification occurs when the patient has a substance use disorder and either evidence of the characteristic withdrawal syndrome produced by withdrawal from that substance or evidence that supports the expectation that such a syndrome would develop without the provision of detoxification services. Withdrawal management alone does not constitute substance abuse treatment or rehabilitation. 63655
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(B) There is hereby created a reimbursement program for drugs used in medication-assisted treatment or drugs used in withdrawal management or detoxification. The program shall be administered by the department of mental health and addiction services. 63669
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The purpose of the program is to provide state reimbursement to counties for the cost of drugs used in medication-assisted treatment or drugs used in withdrawal management or detoxification and administered or dispensed to inmates of county jails in this state. Each county shall ensure that inmates have access to drugs used in medication-assisted treatment or drugs used in withdrawal management or detoxification that are prescribed drugs covered by the fee-for-service component of the medicaid program. 63673
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The department, based on factors it considers appropriate, shall allocate an amount to each county for reimbursement of such drug costs incurred by the county. 63681
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(C) The director of mental health and addiction services may 63684
adopt rules to implement this section. The rules, if adopted, 63685
shall be adopted in accordance with Chapter 119. of the Revised 63686
Code. 63687

Sec. 5119.27. (A) ~~Records~~ As used in this section: 63688

(1) "Community control sanction" has the same meaning as in 63689
section 2929.01 of the Revised Code. 63690

(2) "Federally assisted," "program," and "substance use 63691
disorder" have the same meanings as in 42 C.F.R. 2.11 and as 63692
further described in 42 C.F.R. 2.12(b). 63693

(3) "Post-release control sanction" has the same meaning as 63694
in section 2967.01 of the Revised Code. 63695

(B) In accordance with 42 U.S.C. 290dd-2, records or 63696
information, ~~other than court journal entries or court docket~~ 63697
entries, pertaining to the identity, diagnosis, or treatment of 63698
any person seeking or receiving services that are maintained in 63699
connection with the performance of any drug treatment program or 63700
services licensed by, or certified by, the director of mental 63701
health and addiction services under this chapter created or 63702
maintained by a federally assisted program for the treatment of 63703
substance use disorders shall be kept confidential, and may be 63704
disclosed only for the purposes and under the circumstances 63705
expressly authorized under ~~this section,~~ and may not otherwise be 63706
divulged in any civil, criminal, administrative, or legislative 63707
proceeding 42 C.F.R. Part 2. 63708

~~(B)~~ (C) When the person, with respect to whom any record or 63709
information referred to in division ~~(A)~~ (B) of this section is 63710
maintained, gives consent in the form of a written release signed 63711
by the person, the content of the record or information may be 63712
disclosed if the written release conforms to all of the ~~following~~. 63713

~~(1) Specifically identifies the person, official, or entity to whom the information is to be provided;~~ 63714
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~~(2) Describes with reasonable specificity the record, records, or information to be disclosed; and~~ 63716
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~~(3) Describes with reasonable specificity the purposes of the disclosure and the intended use of the disclosed information requirements set forth in 42 C.F.R. 2.31.~~ 63718
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~~(C) A (D) In accordance with 42 C.F.R. 2.35, a person who is subject to a community control sanction, parole, or a post-release control sanction, is on parole, or who is ordered to rehabilitation intervention in lieu of conviction, and who has agreed to participate in a drug treatment or rehabilitation program federally assisted program for the treatment of substance use disorders as a condition of the community control sanction, post-release control sanction, parole, or intervention order to rehabilitation, shall be considered to have consented consent to the release of records and information relating to the progress of treatment, frequency of treatment, adherence to treatment requirements, and probable outcome of treatment. Release of information and records under this division shall be limited to the court or governmental personnel having the responsibility for supervising the person's community control sanction, post-release control sanction, parole, or intervention order to rehabilitation. A person, described in this division, who refuses to allow disclosure may be considered in violation of the conditions of the person's community control sanction, post-release control sanction, parole, or intervention order to rehabilitation.~~ 63721
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~~(D) Disclosure (E) In accordance with 42 C.F.R. 2.52 and 2.53, disclosure of a person's record may be made without the person's consent to qualified personnel for the purpose of conducting scientific research, management, financial audits, or program evaluation, but these personnel may not identify, directly~~ 63741
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or indirectly, any ~~individual~~ particular person in any report of 63746
the research, audit, or evaluation, or otherwise disclose a 63747
person's identity in any manner. 63748

~~(E) Upon~~ (F) In accordance with 42 C.F.R. 2.66, upon the 63749
request of a prosecuting attorney or the director of mental health 63750
and addiction services, a court of competent jurisdiction may 63751
order the disclosure of records or information referred to in 63752
division ~~(A)(B)~~ of this section if the court has reason to believe 63753
that a ~~treatment program or facility~~ federally assisted program 63754
for the treatment of substance use disorders is being operated or 63755
used in a manner contrary to law. The use of any information or 63756
record so disclosed shall be limited to the prosecution of persons 63757
who are or may be charged with any offense related to the illegal 63758
operation or use of the ~~drug treatment program or facility~~, or to 63759
the decision to withdraw the authority of a ~~drug treatment~~ the 63760
program ~~or facility~~ to continue operation. For purposes of this 63761
division the court shall do all of the following: 63762

(1) Limit disclosure to those parts of the person's record 63763
considered essential to fulfill the objective for which the order 63764
was granted; 63765

(2) Require, where appropriate, that all information be 63766
disclosed in chambers; 63767

(3) Include any other appropriate measures to keep disclosure 63768
to a minimum, consistent with the protection of the persons 63769
seeking or receiving services, the ~~physician-patient~~ 63770
provider-client relationship, and the administration of the ~~drug~~ 63771
~~treatment and rehabilitation~~ program. 63772

~~(F) As used in this section:~~ 63773

~~(1) "Community control sanction" has the same meaning as in~~ 63774
~~section 2929.01 of the Revised Code.~~ 63775

~~(2) "Post release control sanction" has the same meaning as~~ 63776

~~in section 2967.01 of the Revised Code.~~

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Sec. 5119.33. (A) (1) The department of mental health and addiction services shall inspect and license all hospitals that receive mentally ill persons, except those hospitals managed by the department. No hospital may receive for care or treatment, either at public or private expense, any person who is or appears to be mentally ill, whether or not so adjudicated, unless the hospital has received a license from the department authorizing it to receive for care or treatment persons who are mentally ill or the hospital is managed by the department.

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(2) No such license shall be granted to a hospital for the treatment of mentally ill persons unless the department is satisfied, after investigation, that the hospital is managed and operated by qualified persons and has on its staff one or more qualified physicians responsible for the medical care of the patients confined there. At least one such physician shall be a psychiatrist.

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(B) The department shall adopt rules under Chapter 119. of the Revised Code prescribing minimum standards for the operation of hospitals for the care and treatment of mentally ill persons and establishing standards and procedures for the issuance, renewal, or revocation of full, probationary, and interim licenses. No license shall be granted to any hospital established or used for the care of mentally ill persons unless such hospital is operating in accordance with this section and rules adopted pursuant to this section. A full license shall expire one year after the date of issuance, a probationary license shall expire at the time prescribed by rule adopted pursuant to Chapter 119. of the Revised Code by the director of mental health and addiction services, and an interim license shall expire ninety days after the date of issuance. A full, probationary, or interim license may

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be renewed, except that an interim license may be renewed only 63808
twice. The department may fix reasonable fees for licenses and for 63809
license renewals. Such hospitals are subject to inspection and 63810
on-site review by the department. 63811

(C) Except as otherwise provided in Chapter 5122. of the 63812
Revised Code, neither the director of mental health and addiction 63813
services; an employee of the department; a board of alcohol, drug 63814
addiction, and mental health services or employee of a community 63815
mental health services provider; nor any other public official 63816
shall hospitalize any mentally ill person for care or treatment in 63817
any hospital that is not licensed in accordance with this section. 63818

(D) (1) The department may issue an order suspending the 63819
admission of patients who are mentally ill to a hospital for care 63820
or treatment if it finds either of the following: 63821

~~(1)~~ (a) The hospital is not in compliance with rules adopted 63822
by the director pursuant to this section. 63823

~~(2)~~ (b) The hospital has been cited for more than one 63824
violation of statutes or rules during any previous period of time 63825
during which the hospital is licensed pursuant to this section. 63826

(2) (a) Except as provided in division (D) (2) (b) of this 63827
section, proceedings initiated to suspend the admission of 63828
patients are governed by Chapter 119. of the Revised Code. 63829

(b) If a suspension of admissions is proposed because the 63830
director has determined that the licensee has demonstrated a 63831
pattern of serious noncompliance or that a violation creates a 63832
substantial risk to the health and safety of patients, the 63833
director may issue an order imposing the suspension of admissions 63834
before providing an opportunity for an adjudication under Chapter 63835
119. of the Revised Code. The director shall lift the order for 63836
the suspension of admissions if the director determines that the 63837
violation that formed the basis for the order has been corrected. 63838

(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply: 63839
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(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code. 63844
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(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request. 63847
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(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director. 63850
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(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following: 63854
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(i) The close of the hearing; 63858

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 63859
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(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 63861
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(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 63863
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(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the 63867
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department. 63869

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 63870
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 63874
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(E) (1) Any license issued by the department under this section may be revoked or not renewed by the department for any of the following reasons: 63878
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~~(1)~~ (a) The hospital is no longer a suitable place for the care or treatment of mentally ill persons. 63881
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~~(2)~~ (b) The hospital refuses to be subject to inspection or on-site review by the department. 63883
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~~(3)~~ (c) The hospital has failed to furnish humane, kind, and adequate treatment and care. 63885
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~~(4)~~ (d) The hospital fails to comply with the licensure rules of the department. 63887
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(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary licenses, or to revoke full or probationary licenses are governed by Chapter 119. of the Revised Code. If an order has been issued suspending the admission of patients, the order remains in effect during the pendency of those proceedings. 63889
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(F) (1) In a proceeding initiated to suspend the admission of patients, to deny an application for a full or probationary license, to refuse to renew a full or probationary license, or to revoke a full or probationary license, the department may order 63895
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the suspension, denial, refusal, or revocation regardless of 63899
whether some or all of the deficiencies that prompted the 63900
proceedings have been corrected at the time of the hearing. 63901

(2) When the department issues an order suspending the 63902
admission of patients, denies an application for a full or 63903
probationary license, refuses to renew a full or probationary 63904
license, or revokes a full or probationary license, the department 63905
shall not grant an opportunity for submitting a plan of 63906
correction. 63907

(G) The department may inspect, conduct an on-site review, 63908
and review the records of any hospital that the department has 63909
reason to believe is operating without a license. 63910

Sec. 5119.34. (A) As used in this section and sections 63911
5119.341 and 5119.342 of the Revised Code: 63912

(1) "Accommodations" means housing, daily meal preparation, 63913
laundry, housekeeping, arranging for transportation, social and 63914
recreational activities, maintenance, security, and other services 63915
that do not constitute personal care services or skilled nursing 63916
care. 63917

(2) "ADAMHS board" means a board of alcohol, drug addiction, 63918
and mental health services. 63919

(3) "Adult" means a person who is eighteen years of age or 63920
older, other than a person described in division (A)(4) of this 63921
section who is between eighteen and twenty-one years of age. 63922

(4) "Child" means a person who is under eighteen years of age 63923
or a person with a mental disability who is under twenty-one years 63924
of age. 63925

(5) "Community mental health services provider" means a 63926
community mental health services provider as defined in section 63927
5119.01 of the Revised Code. 63928

(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code. 63929
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(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license. 63932
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(8) "Personal care services" means services including, but not limited to, the following: 63937
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(a) Assisting residents with activities of daily living; 63939

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section; 63940
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(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section. 63942
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"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A) (8) of this section to be considered to be providing personal care services. 63946
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(9) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof. 63951
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(10) "Residential state supplement program" means the program established under section 5119.41 of the Revised Code. 63954
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(11) "Supervision" means any of the following: 63956

(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of 63957
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daily living or other activities; 63959

(b) Reminding a resident to perform or complete an activity, 63960
such as reminding a resident to engage in personal hygiene or 63961
other self-care activities; 63962

(c) Assisting a resident in making or keeping an appointment. 63963

(12) "Unrelated" means that a resident is not related to the 63964
owner or operator of a residential facility or to the owner's or 63965
operator's spouse as a parent, grandparent, child, stepchild, 63966
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 63967
the child of an aunt or uncle. 63968

(B) (1) A "residential facility" is a publicly or privately 63969
operated home or facility that falls into one of the following 63970
categories: 63971

(a) Class one facilities provide accommodations, supervision, 63972
personal care services, and mental health services for one or more 63973
unrelated adults with mental illness or one or more unrelated 63974
children or adolescents with severe emotional disturbances; 63975

(b) Class two facilities provide accommodations, supervision, 63976
and personal care services to any of the following: 63977

(i) One or two unrelated persons with mental illness; 63978

(ii) One or two unrelated adults who are receiving payments 63979
under the residential state supplement program; 63980

(iii) Three to sixteen unrelated adults. 63981

(c) Class three facilities provide room and board for five or 63982
more unrelated adults with mental illness. 63983

(2) "Residential facility" does not include any of the 63984
following: 63985

(a) A hospital subject to licensure under section 5119.33 of 63986
the Revised Code or an institution maintained, operated, managed, 63987

and governed by the department of mental health and addiction 63988
services for the hospitalization of mentally ill persons pursuant 63989
to section 5119.14 of the Revised Code; 63990

(b) A residential facility licensed under section 5123.19 of 63991
the Revised Code or otherwise regulated by the department of 63992
developmental disabilities; 63993

(c) An institution or association subject to certification 63994
under section 5103.03 of the Revised Code; 63995

(d) A facility operated by a hospice care program licensed 63996
under section 3712.04 of the Revised Code that is used exclusively 63997
for care of hospice patients; 63998

(e) A nursing home, residential care facility, or home for 63999
the aging as defined in section 3721.02 of the Revised Code; 64000

(f) A facility licensed under section 5119.37 of the Revised 64001
Code to operate an opioid treatment program; 64002

(g) Any facility that receives funding for operating costs 64003
from the department of development ~~services agency~~ under any 64004
program established to provide emergency shelter housing or 64005
transitional housing for the homeless; 64006

(h) A terminal care facility for the homeless that has 64007
entered into an agreement with a hospice care program under 64008
section 3712.07 of the Revised Code; 64009

(i) A facility approved by the veterans administration under 64010
section 104(a) of the "Veterans Health Care Amendments of 1983," 64011
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 64012
the placement and care of veterans; 64013

(j) The residence of a relative or guardian of a person with 64014
mental illness. 64015

(C) Nothing in division (B) of this section shall be 64016
construed to permit personal care services to be imposed on a 64017

resident who is capable of performing the activity in question 64018
without assistance. 64019

(D) Except in the case of a residential facility described in 64020
division (B)(1)(a) of this section, members of the staff of a 64021
residential facility shall not administer medication to the 64022
facility's residents, but may do any of the following: 64023

(1) Remind a resident when to take medication and watch to 64024
ensure that the resident follows the directions on the container; 64025

(2) Assist a resident in the self-administration of 64026
medication by taking the medication from the locked area where it 64027
is stored, in accordance with rules adopted pursuant to this 64028
section, and handing it to the resident. If the resident is 64029
physically unable to open the container, a staff member may open 64030
the container for the resident. 64031

(3) Assist a physically impaired but mentally alert resident, 64032
such as a resident with arthritis, cerebral palsy, or Parkinson's 64033
disease, in removing oral or topical medication from containers 64034
and in consuming or applying the medication, upon request by or 64035
with the consent of the resident. If a resident is physically 64036
unable to place a dose of medicine to the resident's mouth without 64037
spilling it, a staff member may place the dose in a container and 64038
place the container to the mouth of the resident. 64039

(E)(1) Except as provided in division (E)(2) of this section, 64040
a person operating or seeking to operate a residential facility 64041
shall apply for licensure of the facility to the department of 64042
mental health and addiction services. The application shall be 64043
submitted by the operator. When applying for the license, the 64044
applicant shall pay to the department the application fee 64045
specified in rules adopted under division ~~(L)~~(N) of this section. 64046
The fee is nonrefundable. 64047

The department shall send a copy of an application to the 64048

ADAMHS board serving the county in which the person operates or 64049
seeks to operate the facility. The ADAMHS board shall review the 64050
application and provide to the department any information about 64051
the applicant or the facility that the board would like the 64052
department to consider in reviewing the application. 64053

(2) A person may not apply for a license to operate a 64054
residential facility if the person is or has been the owner, 64055
operator, or manager of a residential facility for which a license 64056
to operate was revoked or for which renewal of a license was 64057
refused for any reason other than nonpayment of the license 64058
renewal fee, unless both of the following conditions are met: 64059

(a) A period of not less than two years has elapsed since the 64060
date the director of mental health and addiction services issued 64061
the order revoking or refusing to renew the facility's license. 64062

(b) The director's revocation or refusal to renew the license 64063
was not based on an act or omission at the facility that violated 64064
a resident's right to be free from abuse, neglect, or 64065
exploitation. 64066

~~(F)~~~~(1)~~(F) The department of mental health and addiction 64067
services shall inspect and license the operation of residential 64068
facilities. The department shall consider the past record of the 64069
facility and the applicant or licensee in arriving at its 64070
licensure decision. 64071

The department may issue full, probationary, and interim 64072
licenses. A full license shall expire up to three years after the 64073
date of issuance, a probationary license shall expire in a shorter 64074
period of time as specified in rules adopted by the director of 64075
mental health and addiction services under division ~~(L)~~(N) of this 64076
section, and an interim license shall expire ninety days after the 64077
date of issuance. A license may be renewed in accordance with 64078
rules adopted by the director under division ~~(L)~~(N) of this 64079

section. The renewal application shall be submitted by the operator. When applying for renewal of a license, the applicant shall pay to the department the renewal fee specified in rules adopted under division ~~(L)~~(N) of this section. The fee is nonrefundable.

~~(2) The~~(G)(1) If the department finds any of the following with respect to a residential facility, the department may issue an order suspending the admission of residents to the facility or, refuse to issue or renew and may a license for the facility, or revoke a the facility's license if it finds any of the following:

(a) The facility is not in compliance with rules adopted by the director pursuant to division ~~(L)~~(N) of this section;

(b) Any facility operated by the applicant or licensee has been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the period of current or previous licenses;

(c) The applicant or licensee submits false or misleading information as part of a license application, renewal, or investigation.

(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary licenses, or to revoke such full or probationary licenses are governed by Chapter 119. of the Revised Code. An If an order has been issued pursuant to this division suspending the admission of residents to the facility, the order remains in effect during the pendency of those proceedings.

Proceedings initiated to suspend the admission of residents to a facility are governed by Chapter 119. of the Revised Code, except as provided in division (H) of this section.

(3) In a proceeding initiated to suspend the admission of residents to a facility, to deny an application for a full or

probationary license, to refuse to renew a full or probationary license, or to revoke a full or probationary license, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing. 64111
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(4) When the department issues an order suspending the admission of residents to a facility, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction. 64117
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(H) (1) If a suspension of admissions of residents to a facility is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected. 64123
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(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply: 64133
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(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code. 64138
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(b) If a timely request for a hearing that includes the 64141

licensee's current address is made, the hearing shall commence not 64142
later than thirty days after the department receives the request. 64143

(c) After commencing, the hearing shall continue 64144
uninterrupted, except for Saturdays, Sundays, and legal holidays, 64145
unless other interruptions are agreed to by the licensee and the 64146
director. 64147

(d) If the hearing is conducted by a hearing examiner, the 64148
hearing examiner shall file a report and recommendations with the 64149
department not later than ten days after the last of the 64150
following: 64151

(i) The close of the hearing; 64152

(ii) If a transcript of the proceedings is ordered, the 64153
hearing examiner receives the transcript; 64154

(iii) If post-hearing briefs are timely filed, the hearing 64155
examiner receives the briefs. 64156

(e) The hearing examiner shall send a written copy of the 64157
report and recommendations, by certified mail, to the licensee, or 64158
the licensee's attorney, if applicable, not later than five days 64159
after the report is filed with the department. 64160

(f) Not later than five days after receiving the report and 64161
recommendations, the licensee may file objections with the 64162
department. 64163

(g) Not later than fifteen days after the hearing examiner 64164
files the report and recommendations, the department shall issue 64165
an order approving, modifying, or disapproving the report and 64166
recommendations. 64167

(h) Notwithstanding the pendency of the hearing, the 64168
department shall lift the order for the suspension of admissions 64169
if the department determines the violation that formed the basis 64170
for the order has been corrected. 64171

~~(G)~~(I) The department may issue an interim license to operate a residential facility if both of the following conditions are met:

(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available.

(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division ~~(L)~~(N) of this section.

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code.

~~(H)~~~~(1)~~(J) (1) The department of mental health and addiction services may conduct an inspection of a residential facility as follows:

(a) Prior to issuance of a license for the facility;

(b) Prior to renewal of the license;

(c) To determine whether the facility has completed a plan of correction required pursuant to division ~~(H)~~~~(2)~~(J) (2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it;

(d) Upon complaint by any individual or agency;

(e) At any time the director considers an inspection to be necessary in order to determine whether the facility is in compliance with this section and rules adopted pursuant to this section.

(2) In conducting inspections the department may conduct an

on-site examination and evaluation of the residential facility and 64202
its personnel, activities, and services. The department shall have 64203
access to examine and copy all records, accounts, and any other 64204
documents relating to the operation of the residential facility, 64205
including records pertaining to residents, and shall have access 64206
to the facility in order to conduct interviews with the operator, 64207
staff, and residents. Following each inspection and review, the 64208
department shall complete a report listing any deficiencies, and 64209
including, when appropriate, a time table within which the 64210
operator shall correct the deficiencies. The department may 64211
require the operator to submit a plan of correction describing how 64212
the deficiencies will be corrected. 64213

~~(I)~~(K) No person shall do any of the following: 64214

(1) Operate a residential facility unless the facility holds 64215
a valid license; 64216

(2) Violate any of the conditions of licensure after having 64217
been granted a license; 64218

(3) Interfere with a state or local official's inspection or 64219
investigation of a residential facility; 64220

(4) Violate any of the provisions of this section or any 64221
rules adopted pursuant to this section. 64222

~~(J)~~(L) The following may enter a residential facility at any 64223
time: 64224

(1) Employees designated by the director of mental health and 64225
addiction services; 64226

(2) Employees of an ADAMHS board under either of the 64227
following circumstances: 64228

(a) When a resident of the facility is receiving services 64229
from a community mental health services provider under contract 64230
with that ADAMHS board or another ADAMHS board; 64231

(b) When authorized by section 340.05 of the Revised Code.	64232
(3) Employees of a community mental health services provider under either of the following circumstances:	64233 64234
(a) When the provider has a person receiving services residing in the facility;	64235 64236
(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.	64237 64238
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are receiving payments under the residential state supplement program.	64239 64240 64241 64242 64243
The persons specified in division (J) <u>(L)</u> of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.	64244 64245 64246 64247
(K) <u>(M)</u> Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	64248 64249 64250 64251 64252 64253
(L) <u>(N)</u> The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:	64254 64255 64256 64257
(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;	64258 64259 64260
(2) Procedures for the issuance, renewal, or revocation of	64261

the licenses of residential facilities;	64262
(3) Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and other non-resident occupants who may have direct access to facility residents;	64263 64264 64265 64266
(4) The fee to be paid when applying for a new residential facility license or renewing the license;	64267 64268
(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;	64269 64270 64271 64272 64273 64274
(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	64275 64276
(7) Measures to be taken by residential facilities relative to residents' medication;	64277 64278
(8) Requirements relating to preparation of special diets;	64279
(9) The maximum number of residents who may be served in a residential facility;	64280 64281
(10) The rights of residents of residential facilities and procedures to protect such rights;	64282 64283
(11) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	64284 64285
(M) (1) <u>(O) (1)</u> The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall	64286 64287 64288 64289 64290 64291

disclose the source upon order by a court of competent jurisdiction. 64292
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(2) Any person who makes a complaint under division ~~(M)~~~~(1)~~(O)(1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose. 64294
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~~(N)~~~~(1)~~(P)(1) The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a present danger to the health or safety of any residents of the facility. 64300
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(2) When the court grants injunctive relief in the case of a facility operating without a license, the court shall issue, at a minimum, an order enjoining the facility from admitting new residents to the facility and an order requiring the facility to assist with the safe and orderly relocation of the facility's residents. 64311
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(3) If injunctive relief is granted against a facility for operating without a license and the facility continues to operate without a license, the director shall refer the case to the attorney general for further action. 64317
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~~(O)~~(Q) The director may fine a person for violating division ~~(I)~~(K) of this section. The fine shall be five hundred dollars for 64321
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a first offense; for each subsequent offense, the fine shall be 64323
one thousand dollars. The director's actions in imposing a fine 64324
shall be taken in accordance with Chapter 119. of the Revised 64325
Code. 64326

Sec. 5119.36. (A) A community mental health services provider 64327
applicant or community addiction services provider applicant that 64328
seeks certification of its certifiable services and supports shall 64329
submit an application to the director of mental health and 64330
addiction services. On receipt of the application, the director 64331
may conduct an on-site review and shall evaluate the applicant to 64332
determine whether its certifiable services and supports satisfy 64333
the standards established by rules adopted under this section. The 64334
director shall make the evaluation, and, if the director conducts 64335
an on-site review of the applicant, may make the review, in 64336
cooperation with a board of alcohol, drug addiction, and mental 64337
health services that seeks to contract with the applicant under 64338
section 340.036 of the Revised Code. 64339

(B) Subject to section 5119.361 of the Revised Code, the 64340
director shall determine whether the certifiable services and 64341
supports of a community mental health services provider applicant 64342
or community addiction services provider applicant satisfy the 64343
standards for certification. If the director determines that an 64344
applicant's certifiable services and supports satisfy the 64345
standards for certification and the applicant has paid the fee 64346
required by this section, the director shall certify the 64347
certifiable services and supports. 64348

No community mental health services provider shall be 64349
eligible to receive for its certifiable services and supports any 64350
state funds, federal funds, or funds administered by a board of 64351
alcohol, drug addiction, and mental health services, unless those 64352
certifiable services and supports have been certified by the 64353

director. 64354

No person or government entity subject to section 5119.35 of 64355
the Revised Code or any other community addiction services 64356
provider shall be eligible to receive for its services described 64357
in that section or its other certifiable services and supports any 64358
state funds, federal funds, or funds administered by a board of 64359
alcohol, drug addiction, and mental health services, unless those 64360
services or other certifiable services and supports have been 64361
certified by the director. 64362

(C) The director may refuse to certify certifiable services 64363
and supports, refuse to renew certification, or revoke 64364
certification if any of the following apply to an applicant for 64365
certification or the holder of the certification: 64366

(1) The applicant or holder is not in compliance with rules 64367
adopted under this section. 64368

(2) The applicant or holder has been cited for a pattern of 64369
serious noncompliance or repeated violations of statutes or rules 64370
during the current certification period or any previous 64371
certification period. 64372

(3) The applicant or holder submits false or misleading 64373
information as part of a certification application, renewal, or 64374
investigation. 64375

(D) Proceedings initiated to deny applications to certify 64376
certifiable services and supports, to refuse to renew 64377
certification, or to revoke certification are governed by Chapter 64378
119. of the Revised Code. If an order has been issued suspending 64379
admissions to a community addiction services provider that 64380
provides overnight accommodations, as provided in division (H) of 64381
this section, the order remains in effect during the pendency of 64382
those proceedings. 64383

(E) If the director determines that a community mental health 64384

services provider applicant's or a community addiction services provider applicant's certifiable services and supports do not satisfy the standards for certification, ~~the director shall identify the areas of noncompliance, specify what action is necessary to satisfy the standards, and may offer technical assistance to the applicant and to a board of alcohol, drug addiction, and mental health services so that the board may assist the applicant in satisfying the standards. The director shall give the applicant a reasonable time within which to demonstrate that its certifiable services and supports satisfy the standards or to bring them into compliance with the standards. If the director concludes that the certifiable services and supports continue to fail to satisfy the standards,~~ the director may request that the appropriate board of alcohol, drug addiction, and mental health services reallocate any funds for the certifiable services and supports the applicant was to provide to another community mental health services provider or community addiction services provider whose certifiable services and supports satisfy the standards. If the board does not reallocate such funds in a reasonable period of time, the director may withhold state and federal funds for the certifiable services and supports and allocate those funds directly to a community mental health services provider or community addiction services provider whose certifiable services and supports satisfy the standards.

~~(D)~~ (F) Each community mental health services provider applicant or community addiction services provider applicant seeking certification of its certifiable services and supports under this section shall pay a fee for the certification required by this section, unless the applicant is exempt under rules adopted under this section. Fees shall be paid into the state treasury to the credit of the sale of goods and services fund created pursuant to section 5119.45 of the Revised Code.

~~(E)~~(G) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall do all of the following:

(1) Subject to section 340.034 of the Revised Code, specify the types of recovery supports that are required to be certified under this section;

(2) Establish certification standards for certifiable services and supports that are consistent with nationally recognized applicable standards and facilitate participation in federal assistance programs. The rules shall include as certification standards only requirements that improve the quality of certifiable services and supports or the health and safety of persons receiving certifiable services and supports. The standards shall address at a minimum all of the following:

(a) Reporting major unusual incidents to the director;

(b) Procedures for applicants for and persons receiving certifiable services and supports to file grievances and complaints;

(c) Seclusion;

(d) Restraint;

(e) Requirements regarding the physical facilities in which certifiable services and supports are provided;

(f) Requirements with regard to health, safety, adequacy, and cultural specificity and sensitivity;

(g) Standards for evaluating certifiable services and supports;

(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of a community mental health services provider applicant or community addiction services provider applicant;

(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;	64447 64448 64449 64450 64451
(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;	64452 64453 64454
(k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:	64455 64456 64457
(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;	64458 64459
(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;	64460 64461
(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;	64462 64463 64464 64465
(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.	64466 64467 64468 64469 64470
(3) Establish the process for certification of certifiable services and supports;	64471 64472
(4) Set the amount of certification review fees;	64473
(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.	64474 64475
(F) <u>(H)</u> (1) The director may issue an order suspending	64476

admissions to a community addiction services provider that 64477
provides overnight accommodations if the director finds either of 64478
the following: 64479

~~(1)(a)~~ The provider's certifiable services and supports are 64480
not in compliance with rules adopted under this section; 64481

~~(2)(b)~~ The provider has been cited for more than one 64482
violation of statutes or rules during any previous certification 64483
period of the provider. 64484

(2)(a) Except as provided in division (H)(2)(b) of this 64485
section, proceedings initiated to suspend admissions to a 64486
community addiction services provider that provides overnight 64487
accommodations are governed by Chapter 119. of the Revised Code. 64488

(b) If a suspension of admissions is proposed because the 64489
director has determined that the provider has demonstrated a 64490
pattern of serious noncompliance or that a violation creates a 64491
substantial risk to the health and safety of patients, the 64492
director may issue an order suspending admissions before providing 64493
an opportunity for an adjudication under Chapter 119. of the 64494
Revised Code. The director shall lift the order for the suspension 64495
of admissions if the director determines that the violation that 64496
formed the basis for the order has been corrected. 64497

(3) Appeals from proceedings initiated to order the 64498
suspension of admissions shall be conducted in accordance with 64499
Chapter 119. of the Revised Code, unless the order was issued 64500
before providing an opportunity for an adjudication, in which case 64501
all of the following apply: 64502

(a) The provider may request a hearing not later than ten 64503
days after receiving the notice specified in section 119.07 of the 64504
Revised Code. 64505

(b) If a timely request for a hearing that includes the 64506
provider's current address is made, the hearing shall commence not 64507

later than thirty days after the department receives the request. 64508

(c) After commencing, the hearing shall continue 64509
uninterrupted, except for Saturdays, Sundays, and legal holidays, 64510
unless other interruptions are agreed to by the provider and the 64511
director. 64512

(d) If the hearing is conducted by a hearing examiner, the 64513
hearing examiner shall file a report and recommendations with the 64514
department not later than ten days after the last of the 64515
following: 64516

(i) The close of the hearing; 64517

(ii) If a transcript of the proceedings is ordered, the 64518
hearing examiner receives the transcript; 64519

(iii) If post-hearing briefs are timely filed, the hearing 64520
examiner receives the briefs. 64521

(e) The hearing examiner shall send a written copy of the 64522
report and recommendations, by certified mail, to the provider, or 64523
the provider's attorney, if applicable, not later than five days 64524
after the report is filed with the department. 64525

(f) Not later than five days after receiving the report and 64526
recommendations, the provider may file objections with the 64527
department. 64528

(g) Not later than fifteen days after the hearing examiner 64529
files the report and recommendations, the department shall issue 64530
an order approving, modifying, or disapproving the report and 64531
recommendations. 64532

(h) Notwithstanding the pendency of the hearing, the 64533
department shall lift the order for the suspension of admissions 64534
if the department determines the violation that formed the basis 64535
for the order has been corrected. 64536

~~(G)~~(I) (1) In a proceeding initiated to suspend admissions to 64537

a community addiction services provider that provides overnight accommodations, to deny an application for certification of certifiable services and supports, to refuse to renew certification, or to revoke certification, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(2) When the department issues an order suspending admissions to a community addiction services provider that provides overnight accommodations, denies an application for certification of certifiable services and supports, refuses to renew certification, or revokes a certification, the department shall not grant an opportunity for submitting a plan of correction.

(J) The department of mental health and addiction services shall maintain a current list of community addiction services providers and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list shall identify each provider by its name, its address, and the county in which it is located.

~~(H)~~ (K) No person shall represent in any manner that a community mental health services provider's or community addiction services provider's certifiable services and supports are certified by the director if the certifiable services and supports are not so certified at the time the representation is made.

Sec. 5119.37. (A) (1) (a) Except as provided in division (A) (1) (b) of this section, no person or government entity shall operate an opioid treatment program requiring certification, as certification is defined in 42 C.F.R. 8.2, unless the person or government entity is a community addiction services provider and the program is licensed under this section.

(b) Division (A) (1) (a) of this section does not apply to a program operated by the United States department of veterans affairs. 64569
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(2) No community addiction services provider licensed under this section shall operate an opioid treatment program in a manner inconsistent with this section and the rules adopted under it. 64572
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(B) A community addiction services provider seeking a license to operate an opioid treatment program shall apply to the department of mental health and addiction services. The department shall review all applications received. 64575
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(C) The department may issue a license to operate an opioid treatment program to a community addiction services provider only if all of the following apply: 64579
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(1) During the three-year period immediately preceding the date of application, the provider or any owner, sponsor, medical director, administrator, or principal of the provider has been in good standing to operate an opioid treatment program in all other locations where the provider or such other person has been operating a similar program, as evidenced by both of the following: 64582
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(a) Not having been denied a license, certificate, or similar approval to operate an opioid treatment program by this state or another jurisdiction; 64589
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(b) Not having been the subject of any of the following in this state or another jurisdiction: 64592
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(i) An action that resulted in the suspension or revocation of the license, certificate, or similar approval of the provider or other person; 64594
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(ii) A voluntary relinquishment, withdrawal, or other action taken by the provider or other person to avoid suspension or 64597
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revocation of the license, certificate, or similar approval; 64599

(iii) A disciplinary action that was based, in whole or in 64600
part, on the provider or other person engaging in the 64601
inappropriate prescribing, dispensing, administering, personally 64602
furnishing, diverting, storing, supplying, compounding, or selling 64603
of a controlled substance or other dangerous drug. 64604

(2) It affirmatively appears to the department that the 64605
provider is adequately staffed and equipped to operate an opioid 64606
treatment program. 64607

(3) It affirmatively appears to the department that the 64608
provider will operate an opioid treatment program in strict 64609
compliance with all laws relating to drug abuse and the rules 64610
adopted by the department. 64611

(4) Except as provided in division (D) of this section and 64612
section 5119.371 of the Revised Code, if the provider is seeking 64613
an initial license for a particular location, the proposed opioid 64614
treatment program is not located on a parcel of real estate that 64615
is within a radius of five hundred linear feet of the boundaries 64616
of a parcel of real estate having situated on it a public or 64617
private school, child day-care center licensed under Chapter 5104. 64618
of the Revised Code, or child-serving agency regulated by the 64619
department under this chapter. 64620

(5) The provider meets any additional requirements 64621
established by the department in rules adopted under division (F) 64622
of this section. 64623

(D) The department may waive the requirement of division 64624
(C) (4) of this section if it receives, from each public or private 64625
school, child day-care center, or child-serving agency that is 64626
within the five hundred linear feet radius described in that 64627
division, a letter of support for the location. The department 64628
shall determine whether a letter of support is satisfactory for 64629

purposes of waiving the requirement. 64630

~~(E) A~~ (E) (1) Except as provided in division (E) (2) of this 64631
section, a license to operate an opioid treatment program shall 64632
expire ~~one year~~ two years from the date of issuance. Licenses may 64633
be renewed. 64634

(2) In circumstances in which the director of mental health 64635
and addiction services has concerns regarding compliance of a 64636
community addiction services provider licensed as an opioid 64637
treatment program, the department shall notify the provider of 64638
those concerns and stipulate that the provider's license expires 64639
annually on a date determined by the department. 64640

(F) The department shall establish procedures and adopt rules 64641
for licensing, inspection, and supervision of community addiction 64642
services providers that operate an opioid treatment program. The 64643
rules shall establish standards for the control, storage, 64644
furnishing, use, dispensing, and administering of medications used 64645
in medication-assisted treatment; prescribe minimum standards for 64646
the operation of the opioid treatment program component of the 64647
provider's operations; and comply with federal laws and 64648
regulations. 64649

All rules adopted under this division shall be adopted in 64650
accordance with Chapter 119. of the Revised Code. All actions 64651
taken by the department regarding the licensing of providers to 64652
operate opioid treatment programs shall be conducted in accordance 64653
with Chapter 119. of the Revised Code, except as provided in 64654
division (L) of this section. 64655

(G) (1) The department shall inspect all community addiction 64656
services providers licensed to operate an opioid treatment 64657
program. Inspections shall be conducted at least ~~annually~~ 64658
biennially and may be conducted more frequently. 64659

In addition, the department may inspect any provider or other 64660

person that it reasonably believes to be operating an opioid 64661
treatment program without a license issued under this section. 64662

(2) When conducting an inspection, the department may do both 64663
of the following: 64664

(a) Examine and copy all records, accounts, and other 64665
documents relating to the provider's or other person's operations, 64666
including records pertaining to patients or clients; 64667

(b) Conduct interviews with any individual employed by or 64668
contracted or otherwise associated with the provider or person, 64669
including an administrator, staff person, patient, or client. 64670

(3) No person or government entity shall interfere with a 64671
state or local government official acting on behalf of the 64672
department while conducting an inspection. 64673

(H) A community addiction services provider shall not 64674
administer or dispense methadone in a tablet, powder, or 64675
intravenous form. Methadone shall be administered or dispensed 64676
only in a liquid form intended for ingestion. 64677

A community addiction services provider shall not administer 64678
or dispense a medication used in medication-assisted treatment for 64679
pain or other medical reasons. 64680

(I) As used in this division, "program sponsor" means a 64681
person who assumes responsibility for the operation and employees 64682
of the opioid treatment program component of a community addiction 64683
services provider's operations. 64684

~~A community addiction services provider shall not employ an 64685
individual who receives a medication used in medication-assisted 64686
treatment from that provider.~~ A provider shall not permit an 64687
individual to act as a program sponsor, medical director, or 64688
director of the provider if the individual is receiving ~~that a~~ 64689
medication used in medication-assisted treatment from any 64690

community addiction services provider. 64691

(J) The department may issue orders to ensure compliance with 64692
all laws relating to drug abuse and the rules adopted under this 64693
section. Subject to section 5119.27 of the Revised Code, the 64694
department may hold hearings, require the production of relevant 64695
matter, compel testimony, issue subpoenas, and make adjudications. 64696
Upon failure of a person without lawful excuse to obey a subpoena 64697
or to produce relevant matter, the department may apply to a court 64698
of common pleas for an order compelling compliance. 64699

(K) The department may refuse to issue, or may withdraw or 64700
revoke, a license to operate an opioid treatment program. A 64701
license may be refused if a community addiction services provider 64702
does not meet the requirements of division (C) of this section. A 64703
license may be withdrawn at any time the department determines 64704
that the provider no longer meets the requirements for receiving 64705
the license. A license may be revoked in accordance with division 64706
(L) of this section. 64707

Once a license is issued under this section, the department 64708
shall not consider the requirement of division (C)(4) of this 64709
section in determining whether to renew, withdraw, or revoke the 64710
license or whether to reissue the license as a result of a change 64711
in ownership. 64712

(L) If the department finds reasonable cause to believe that 64713
a community addiction services provider licensed under this 64714
section is in violation of any state or federal law or rule 64715
relating to drug abuse, the department may issue an order 64716
immediately revoking the license, subject to division (M) of this 64717
section. The department shall set a date not more than fifteen 64718
days later than the date of the order of revocation for a hearing 64719
on the continuation or cancellation of the revocation. For good 64720
cause, the department may continue the hearing on application of 64721
any interested party. In conducting hearings, the department has 64722

all the authority and power set forth in division (J) of this 64723
section. Following the hearing, the department shall either 64724
confirm or cancel the revocation. The hearing shall be conducted 64725
in accordance with Chapter 119. of the Revised Code, except that 64726
the provider shall not be permitted to operate an opioid treatment 64727
program pending the hearing or pending any appeal from an 64728
adjudication made as a result of the hearing. Notwithstanding any 64729
provision of Chapter 119. of the Revised Code to the contrary, a 64730
court shall not stay or suspend any order of revocation issued by 64731
the department under this division pending judicial appeal. 64732

(M) The department shall not revoke a license to operate an 64733
opioid treatment program unless all clients receiving medication 64734
used in medication-assisted treatment from the community addiction 64735
services provider are provided adequate substitute medication or 64736
treatment. For purposes of this division, the department may 64737
transfer the clients to other providers licensed to operate opioid 64738
treatment programs or replace any or all of the administrators and 64739
staff of the provider with representatives of the department who 64740
shall continue on a provisional basis the opioid treatment 64741
component of the provider's operations. 64742

(N) Each time the department receives an application from a 64743
community addiction services provider for a license to operate an 64744
opioid treatment program, issues or refuses to issue a license, or 64745
withdraws or revokes a license, the department shall notify the 64746
board of alcohol, drug addiction, and mental health services of 64747
each alcohol, drug addiction, and mental health service district 64748
in which the provider operates. 64749

(O) Whenever it appears to the department from files, upon 64750
complaint, or otherwise, that a community addiction services 64751
provider has engaged in any practice declared to be illegal or 64752
prohibited by section 3719.61 of the Revised Code, or any other 64753
state or federal laws or regulations relating to drug abuse, or 64754

when the department believes it to be in the best interest of the public and necessary for the protection of the citizens of the state, the department may request criminal proceedings by laying before the prosecuting attorney of the proper county any evidence of criminality which may come to its knowledge.

(P) The department shall maintain a current list of community addiction services providers licensed by the department under this section and shall provide a copy of the current list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list of licensed community addiction services providers shall identify each licensed provider by its name, its address, and the county in which it is located.

Sec. 5119.43. (A) The director of mental health and addiction services may enter into agreements with any person, political subdivision, or state agency for the sale or lease of land or facilities under the jurisdiction of the director of mental health and addiction services in the following manner:

(1) The director of mental health and addiction services shall designate lands and facilities that are not needed by the department of mental health and addiction services and are under the jurisdiction of the department.

(2) The director of mental health and addiction services shall have a preliminary appraisal made of any lands or facilities designated under division (A)(1) of this section by a disinterested professional appraiser from the department of administrative services. The appraiser shall deliver to the director of mental health and addiction services a signed certificate of the probable market value of the lands and facilities as determined from the preliminary appraisal.

(3) The director of mental health and addiction services

shall certify to the clerk of the house of representatives and to 64786
the clerk of the senate a list of all lands and facilities which 64787
may be sold or leased, and shall include with the list the results 64788
of the preliminary appraisals of the lands and facilities, a 64789
general description of the land and facilities, and a description 64790
of the current use of the land and facilities. 64791

(4) Every list of lands and facilities certified by the 64792
director of mental health and addiction services to the clerk of 64793
the house of representatives and to the clerk of the senate under 64794
division (A) (3) of this section, shall immediately be transmitted 64795
by the respective clerks to the committees in the house and the 64796
senate to which land conveyance bills are usually referred. If 64797
either committee files in its clerk's office, within sixty 64798
calendar days of the original certification of the lands and 64799
facilities by the director of mental health and addiction 64800
services, a report disapproving the sale or lease of any lands or 64801
facilities, the sale or lease of the lands or facilities 64802
disapproved in the report shall not be made under this section. 64803
With respect to a sale or lease of lands and facilities that has 64804
not been disapproved under this division, the director of mental 64805
health and addiction services shall certify those lands and 64806
facilities to the ~~auditor of state~~ director of administrative 64807
services. 64808

(5) After certification to the ~~auditor of state~~ director of 64809
administrative services under division (A) (4) of this section, the 64810
director of mental health and addiction services shall have a 64811
formal appraisal made of the lands and facilities by a 64812
disinterested professional appraiser from the department of 64813
administrative services. The director of mental health and 64814
addiction services may accept the formal appraisal or may reject 64815
it and order a new formal appraisal by a disinterested 64816
professional appraiser who shall not be from the department of 64817

administrative services. The director of mental health and 64818
addiction services may then sell or lease the lands or facilities 64819
in accordance with this division and department of administrative 64820
services procedures as set forth in Chapter 123. of the Revised 64821
Code. Any such deed or lease shall be prepared and recorded 64822
pursuant to section 5301.13 of the Revised Code. The department of 64823
administrative services shall be the sole agent for the state and 64824
shall complete the sale or lease of the lands or facilities, up to 64825
and including the closing thereof, after the director of mental 64826
health and addiction services approves the sale price. The 64827
director of mental health and addiction services and the director 64828
of administrative services may, if it is determined to be in the 64829
best interests of the state, agree to sell surplus land for an 64830
amount less than the formal appraised value but shall not sell any 64831
land for less than two-thirds of the formal appraised value. 64832

(B) Coincident with the certification made under division 64833
(A) (3) of this section concerning lands which may be sold, the 64834
director of mental health and addiction services shall give 64835
written notice of ~~the director's~~ intention to sell the lands by 64836
certified mail to the executive officer of each county, township, 64837
municipal corporation, and school district within which the lands 64838
are situated. In each notice, the director of mental health and 64839
addiction services shall specify the conditions under which the 64840
lands shall be sold, including whether the lands will be sold as a 64841
single unit or sold in specific parcels that the director 64842
designates, and shall solicit from the subdivision offers to 64843
purchase the lands in accordance with the conditions the director 64844
of mental health and addiction services has specified and at a 64845
price equal to the preliminary appraised value determined pursuant 64846
to division (A) (2) of this section. If, within thirty days of 64847
having certified the lands to the ~~auditor of state~~ director of 64848
administrative services under division (A) (4) of this section, the 64849
director of mental health and addiction services receives from the 64850

executive officer of a subdivision a written offer to purchase the 64851
lands at or above the price specified in the ~~director's~~ original 64852
notice from the director of mental health and addiction services 64853
to the officer, provided such offer otherwise complies with the 64854
conditions of purchase specified in the ~~director's~~ original notice 64855
from the director of mental health and addiction services, the 64856
director of mental health and addiction services shall forthwith 64857
enter into an agreement to sell the lands to the subdivision. The 64858
agreement shall incorporate any and all terms that are acceptable 64859
to both parties and that are consistent with the terms specified 64860
in the ~~director's~~ original notice from the director of mental 64861
health and addiction services. If no offer to purchase is received 64862
by the director of mental health and addiction services within the 64863
thirty-day period provided in this division, the ~~director's~~ 64864
original notice from the director of mental health and addiction 64865
services shall be considered withdrawn and the director of mental 64866
health and addiction services shall be under no obligation to sell 64867
any of the lands specified in the notice to the subdivision. If 64868
two or more offers to purchase the same parcels of land are 64869
received by the director of mental health and addiction services 64870
within the required time period from the executive officers of two 64871
or more subdivisions, the director of mental health and addiction 64872
services shall accept the offer or offers to purchase that the 64873
director considers to be in the best interests of the state and of 64874
the department of mental health and addiction services and shall 64875
proceed to enter into agreements of sale pursuant to this 64876
division. If all of the ~~director's~~ original notices from the 64877
director of mental health and addiction services relating to a 64878
given parcel of land become withdrawn, the director of mental 64879
health and addiction services may thereupon proceed to sell the 64880
parcel as otherwise provided in this section. No subdivision may 64881
commence an action to enforce the provisions of this division, or 64882
to seek any other legal or equitable remedy relative to this 64883

division, with respect to any lands certified to the ~~auditor of~~ 64884
state director of administrative services under division (A) (4) of 64885
this section, except within sixty days of the date on which the 64886
lands were so certified. 64887

(C) Any agreement under this section shall be at such terms 64888
as will be in the best interests of the state and the department 64889
of mental health and addiction services. However, the terms of any 64890
agreement for sale shall include a provision that the purchaser 64891
will abide by any comprehensive plan for the area that has been 64892
adopted by the local government in which the property is located 64893
before the parties enter into the agreement. No lease shall be of 64894
a duration greater than fifteen years. No agreement, except an 64895
agreement entered into under division (B) of this section, shall 64896
be entered into before the proposal to sell or lease the land or 64897
facilities has been advertised once each week for four weeks in a 64898
newspaper of general circulation in every county in which the 64899
lands or facilities are located and if the preliminary appraised 64900
value of the land to be sold or leased is more than one hundred 64901
thousand dollars, advertisement shall be made once each week for 64902
four weeks in at least two newspapers in the state having a daily 64903
circulation of one hundred thousand or more. If a city in this 64904
state is served by more than one newspaper having a circulation of 64905
one hundred thousand or more, advertisement may be made in only 64906
one of the newspapers serving the city. 64907

(D) Each deed or lease prepared and recorded pursuant to this 64908
section shall contain a recital stating that all provisions of 64909
this section have been complied with. The recital shall be 64910
considered binding and conclusive against all subdivisions of the 64911
state provided no action has been commenced pursuant to division 64912
(B) of this section. Any deed or lease containing such a recital 64913
shall be conclusively presumed to have been executed in compliance 64914
with this section insofar as title or other interest of any bona 64915

fide purchasers, lessees, or transferees of the property is 64916
concerned. 64917

(E) Nothing in this section shall be construed as 64918
establishing a precedent for the disposal of state lands and 64919
facilities by other departments of the state. 64920

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 64921
Revised Code is guilty of a misdemeanor of the first degree. 64922

(B) Whoever violates division (B) of section 5119.61 of the 64923
Revised Code is guilty of a misdemeanor of the fourth degree. 64924

(C) Whoever violates section 5119.27 or 5119.28, division (A) 64925
of section 5119.35, division ~~(H)~~(K) of section 5119.36, or 64926
division (A)(1) or (2) of section 5119.37 of the Revised Code is 64927
guilty of a felony of the fifth degree. 64928

Sec. 5120.035. (A) As used in this section: 64929

(1) "Community treatment provider" means a program that 64930
provides substance use disorder assessment and treatment for 64931
persons and that satisfies all of the following: 64932

(a) It is located outside of a state correctional 64933
institution. 64934

(b) It shall provide the assessment and treatment for 64935
qualified prisoners referred and transferred to it under this 64936
section in a suitable facility that is licensed pursuant to 64937
division (C) of section 2967.14 of the Revised Code. 64938

(c) All qualified prisoners referred and transferred to it 64939
under this section shall reside initially in the suitable facility 64940
specified in division (A)(1)(b) of this section while undergoing 64941
the assessment and treatment. 64942

(2) "Electronic monitoring device" has the same meaning as in 64943
section 2929.01 of the Revised Code. 64944

(3) "State correctional institution" has the same meaning as 64945
in section 2967.01 of the Revised Code. 64946

(4) "Qualified prisoner" means a person who satisfies all of 64947
the following: 64948

(a) The person is confined in a state correctional 64949
institution under a prison term imposed for a felony of the third, 64950
fourth, or fifth degree that is not an offense of violence. 64951

~~(b) The person has not previously been convicted of or 64952
pleaded guilty to a felony offense of violence and, within the 64953
preceding five years, has not been convicted of or pleaded guilty 64954
to a misdemeanor offense of violence. 64955~~

~~(c) The department of rehabilitation and correction 64956
determines, using a standardized assessment tool, that the person 64957
has a substance use disorder. 64958~~

~~(d)~~ (c) The person has not more than twelve months remaining 64959
to be served under the prison term described in division (A) (4) (a) 64960
of this section. 64961

~~(e)~~ (d) The person is not serving any prison term other than 64962
the term described in division (A) (4) (a) of this section. 64963

~~(f)~~ (e) The person is eighteen years of age or older. 64964

~~(g)~~ (f) The person does not show signs of drug or alcohol 64965
withdrawal and does not require medical detoxification. 64966

~~(h)~~ (g) As determined by the department of rehabilitation and 64967
correction, the person is physically and mentally capable of 64968
uninterrupted participation in the substance use disorder 64969
treatment program established under division (B) of this section. 64970

(B) The department of rehabilitation and correction shall 64971
establish and operate a program for community-based substance use 64972
disorder treatment for qualified prisoners. The purpose of the 64973
program shall be to provide substance use disorder assessment and 64974

treatment through community treatment providers to help reduce 64975
substance use relapses and recidivism for qualified prisoners 64976
while preparing them for reentry into the community and improving 64977
public safety. 64978

(C) (1) The department shall determine which qualified 64979
prisoners in its custody should be placed in the substance use 64980
disorder treatment program established under division (B) of this 64981
section. The department has full discretion in making that 64982
determination. If the department determines that a qualified 64983
prisoner should be placed in the program, the department may refer 64984
the prisoner to a community treatment provider the department has 64985
approved under division (E) of this section for participation in 64986
the program and transfer the prisoner from the state correctional 64987
institution to the provider's approved and licensed facility. 64988
Except as otherwise provided in division (C) (3) of this section, 64989
no prisoner shall be placed under the program in any facility 64990
other than a facility of a community treatment provider that has 64991
been so approved. If the department places a prisoner in the 64992
program, the prisoner shall receive credit against the prisoner's 64993
prison term for all time served in the provider's approved and 64994
licensed facility and may earn days of credit under section 64995
2967.193 of the Revised Code, but otherwise neither the placement 64996
nor the prisoner's participation in or completion of the program 64997
shall result in any reduction of the prisoner's prison term. 64998

(2) If the department places a prisoner in the substance use 64999
disorder treatment program, the prisoner does not satisfactorily 65000
participate in the program, and the prisoner has not served the 65001
prisoner's entire prison term, the department may remove the 65002
prisoner from the program and return the prisoner to a state 65003
correctional institution. 65004

(3) If the department places a prisoner in the substance use 65005
disorder treatment program and the prisoner is satisfactorily 65006

participating in the program, the department may permit the 65007
prisoner to reside at a residence approved by the department if 65008
the department determines, with input from the community treatment 65009
provider, that residing at the approved residence will help the 65010
prisoner prepare for reentry into the community and will help 65011
reduce substance use relapses and recidivism for the prisoner. If 65012
a prisoner is permitted under this division to reside at a 65013
residence approved by the department, the prisoner shall be 65014
monitored during the period of that residence by an electronic 65015
monitoring device. 65016

(D) (1) When a prisoner has been placed in the substance use 65017
disorder treatment program established under division (B) of this 65018
section, before the prisoner is released from custody of the 65019
department upon completion of the prisoner's prison term, the 65020
department shall conduct and prepare an evaluation of the 65021
prisoner, the prisoner's participation in the program, and the 65022
prisoner's needs regarding substance use disorder treatment upon 65023
release. Before the prisoner is released from custody of the 65024
department upon completion of the prisoner's prison term, the 65025
parole board or the court acting pursuant to an agreement under 65026
section 2967.29 of the Revised Code shall consider the evaluation, 65027
in addition to all other information and materials considered, as 65028
follows: 65029

(a) If the prisoner is a prisoner for whom post-release 65030
control is mandatory under section 2967.28 of the Revised Code, 65031
the board or court shall consider it in determining which 65032
post-release control sanction or sanctions to impose upon the 65033
prisoner under that section. 65034

(b) If the prisoner is a prisoner for whom post-release 65035
control is not mandatory under section 2967.28 of the Revised 65036
Code, the board or court shall consider it in determining whether 65037
a post-release control sanction is necessary and, if so, which 65038

post-release control sanction or sanctions to impose upon the 65039
prisoner under that section. 65040

(2) If the department determines that a prisoner it placed in 65041
the substance use disorder treatment program successfully 65042
completed the program and successfully completed a term of 65043
post-release control, if applicable, and if the prisoner submits 65044
an application under section 2953.32 of the Revised Code for 65045
sealing the record of the conviction, the director may issue a 65046
letter to the court in support of the application. 65047

(E)(1) The department shall accept applications from 65048
community treatment providers that satisfy the requirement 65049
specified in division (E)(2) of this section and that wish to 65050
participate in the substance use disorder treatment program 65051
established under division (B) of this section, and shall approve 65052
for participation in the program at least four and not more than 65053
eight of the providers that apply. To the extent feasible, the 65054
department shall approve one or more providers from each 65055
geographical quadrant of the state. 65056

(2) Each community treatment provider that applies under 65057
division (E)(1) of this section to participate in the program 65058
shall have the provider's alcohol and drug addiction services that 65059
provide substance use disorder treatment certified by the 65060
department of mental health and addiction services under section 65061
5119.36 of the Revised Code. A community treatment provider is not 65062
required to have the provider's halfway house or residential 65063
treatment certified by the department of mental health and 65064
addiction services. 65065

(F) The department of rehabilitation and correction shall 65066
adopt rules for the operation of the substance use disorder 65067
treatment program it establishes under division (B) of this 65068
section and shall operate the program in accordance with this 65069
section and those rules. The rules shall establish, at a minimum, 65070

all of the following: 65071

(1) Criteria that establish which qualified prisoners are 65072
eligible for the program; 65073

(2) Criteria that must be satisfied to transfer a qualified 65074
prisoner to a residence pursuant to division (C) (3) of this 65075
section; 65076

(3) Criteria for the removal of a prisoner from the program 65077
pursuant to division (C) (2) of this section; 65078

(4) Criteria for determining when an offender has 65079
successfully completed the program for purposes of division (D) (2) 65080
of this section; 65081

(5) Criteria for community treatment providers to provide 65082
assessment and treatment, including minimum standards for 65083
treatment. 65084

Sec. 5120.212. Notwithstanding division (A) of section 65085
5120.21 of the Revised Code, the department of rehabilitation and 65086
correction shall share the records described in that division with 65087
the director of job and family services to the extent necessary to 65088
effectuate the data matching agreement required under section 65089
5101.041 of the Revised Code. 65090

Sec. 5120.62. The director ~~of~~ of rehabilitation and 65091
correction shall adopt rules under Chapter 119. of the Revised 65092
Code that govern the establishment and operation of a system that 65093
provides limited and monitored access to the internet for 65094
prisoners ~~who are participating in an approved educational program~~ 65095
~~with direct supervision that requires the use of the internet for~~ 65096
~~training or research purposes~~ solely for a use or purpose approved 65097
by the managing officer of that prisoner's institution or by the 65098
managing officer's designee. The rules shall include all of the 65099
following: 65100

(A) Criteria by which inmates may be screened and approved 65101
for access or training involving the internet; 65102

(B) Designation of the authority to approve internet sites 65103
for authorized use; 65104

(C) A requirement that only pre-approved sites will be 65105
accessible ~~on the computers used by prisoners in the educational~~ 65106
~~program;~~ 65107

(D) A process for the periodic review of the operation of the 65108
system, including users of the system and the sites accessed by 65109
the system; 65110

(E) Sanctions that must be imposed against prisoners and 65111
staff members who violate department rules governing prisoner 65112
access to the internet. 65113

Sec. 5123.025. It is hereby declared to be the policy of this 65114
state that individuals with developmental disabilities shall have 65115
access to innovative technology solutions. Technology can ensure 65116
that people with developmental disabilities have increased 65117
opportunities to live, work, and thrive in their homes, 65118
communities, and places of employment through state of the art 65119
planning, innovative technology, and supports that focus on their 65120
talents, interests, and skills. 65121

The departments of developmental disabilities, education, 65122
medicaid, aging, job and family services, mental health and 65123
addiction services, and transportation; the opportunities for 65124
Ohioans with disabilities agency; and each other state agency that 65125
provides technology services to individuals with developmental 65126
disabilities shall implement the policy of this state and ensure 65127
that it is followed whenever technology services are provided to 65128
individuals with developmental disabilities. 65129

The department of developmental disabilities, in partnership 65130

with the office of innovateohio, shall coordinate the actions 65131
taken by state agencies to comply with the state's policy. 65132
Agencies shall collaborate within their divisions and with each 65133
other to ensure that state programs, policies, procedures, and 65134
funding support the development of access to technology for 65135
individuals with developmental disabilities. State agencies shall 65136
share information with the department, and the department shall 65137
track progress toward full implementation of the policy. The 65138
department, in coordination with the technology first task force 65139
established under section 5123.026 of Revised Code, shall compile 65140
data and annually submit to the governor and lieutenant governor a 65141
report on implementation of the policy. 65142

The department and state agencies may adopt rules to 65143
implement the state's policy. 65144

Sec. 5123.026. (A) The director of developmental disabilities 65145
shall establish a technology first task force consisting of 65146
representatives from the office of innovateohio; the departments 65147
of developmental disabilities, education, medicaid, aging, job and 65148
family services, mental health and addiction services, and 65149
transportation; and the opportunities for Ohioans with 65150
disabilities agency. 65151

(B) The task force shall do all of the following: 65152

(1) Expand innovative technology solutions within the 65153
operation and delivery of services to individuals with 65154
developmental disabilities; 65155

(2) Use technology to reduce the barriers individuals with 65156
developmental disabilities experience; 65157

(3) Align policies for all state agencies on the task force. 65158

(C) The department of developmental disabilities may enter 65159
into interagency agreements with any of the government entities on 65160

the task force. The interagency agreements may specify either or 65161
both of the following: 65162

(1) The roles and responsibilities of the government entities 65163
that are members of the task force, including any money to be 65164
contributed by those entities; 65165

(2) The projects and activities of the task force. 65166

(D) The department and state agencies may adopt rules to 65167
implement the task force. 65168

Sec. 5123.034. (A) As used in this section, "developmental 65169
center" has the same meaning as in section 5123.032 of the Revised 65170
Code. 65171

(B) A developmental center of the department of developmental 65172
disabilities may provide services to both of the following: 65173

(1) Individuals with developmental disabilities who reside in 65174
the community in which the developmental center is located; 65175

(2) Providers who provide services to individuals with 65176
developmental disabilities who reside in the community in which 65177
the developmental center is located. 65178

(C) The department may develop a method for recovering the 65179
costs associated with providing these services. 65180

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of 65181
the Revised Code: 65182

(1) "Independent living arrangement" means an arrangement in 65183
which an individual with a developmental disability resides in an 65184
individualized setting chosen by the individual or the 65185
individual's guardian, which is not dedicated principally to the 65186
provision of residential services for individuals with 65187
developmental disabilities, and for which no financial support is 65188
received for rendering such service from any governmental agency 65189

by a provider of residential services. 65190

(2) "Licensee" means the person or government agency that has 65191
applied for a license to operate a residential facility and to 65192
which the license was issued under this section. 65193

(3) "Political subdivision" means a municipal corporation, 65194
county, or township. 65195

(4) "Related party" has the same meaning as in section 65196
5123.16 of the Revised Code except that "provider" as used in the 65197
definition of "related party" means a person or government entity 65198
that held or applied for a license to operate a residential 65199
facility, rather than a person or government entity certified to 65200
provide supported living. 65201

(5) (a) Except as provided in division (A) (5) (b) of this 65202
section, "residential facility" means a home or facility, 65203
including an ICF/IID, in which an individual with a developmental 65204
disability resides. 65205

(b) "Residential facility" does not mean any of the 65206
following: 65207

(i) The home of a relative or legal guardian in which an 65208
individual with a developmental disability resides; 65209

(ii) A respite care home certified under section 5126.05 of 65210
the Revised Code; 65211

(iii) A county home or district home operated pursuant to 65212
Chapter 5155. of the Revised Code; 65213

(iv) A dwelling in which the only residents with 65214
developmental disabilities are in independent living arrangements 65215
or are being provided supported living. 65216

(B) Every person or government agency desiring to operate a 65217
residential facility shall apply for licensure of the facility to 65218
the director of developmental disabilities unless the residential 65219

facility is subject to section 3721.02, 5103.03, 5119.33, or 65220
division (B) (1) (b) of section 5119.34 of the Revised Code. 65221

(C) (1) Subject to section 5123.196 of the Revised Code, the 65222
director of developmental disabilities shall license the operation 65223
of residential facilities. An initial license shall be issued for 65224
a period that does not exceed one year, unless the director denies 65225
the license under division (D) of this section. A license shall be 65226
renewed for a period that does not exceed three years, unless the 65227
director refuses to renew the license under division (D) of this 65228
section. The director, when issuing or renewing a license, shall 65229
specify the period for which the license is being issued or 65230
renewed. A license remains valid for the length of the licensing 65231
period specified by the director, unless the license is 65232
terminated, revoked, or voluntarily surrendered. 65233

(2) Notwithstanding sections 5123.043, 5123.196, and 5123.197 65234
of the Revised Code and rules adopted under section 5123.04 of the 65235
Revised Code, the director shall issue a new license for a 65236
residential facility if the facility meets the following 65237
conditions: 65238

(a) The residential facility will be certified as an ICF/IID; 65239

(b) The building in which the residential facility will be 65240
operated was operated as a residential facility under a lease for 65241
not fewer than twenty years before the date of application for a 65242
new license; 65243

(c) The former operator of the residential facility relocated 65244
the beds previously in the facility to another site that will be 65245
licensed as a residential facility; 65246

(d) The residential facility will be located in Preble, 65247
Clermont, or Warren county; 65248

(e) The residential facility will contain eight beds; 65249

(f) The licensee will make a good faith effort to serve multi-system youth or adults with severe behavioral challenges at the residential facility or at one or more other residential facilities for which licenses are issued under division (C) of this section. 65250
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(3) The director shall issue not more than five licenses under division (C) (2) of this section. 65255
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(D) If it is determined that an applicant or licensee is not in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, the director may deny issuance of a license, refuse to renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply: 65257
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(1) The director may deny, refuse to renew, or revoke a license, if the director determines that the applicant or licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility. 65269
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(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (J) of this section is not given. 65274
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(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D) (1) of this section and for any other 65278
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violation specified in rules adopted under division (G)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (G)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

(5) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. Except in the case of a licensee that is an ICF/IID, the county board shall send a copy of the letter to each of the following:

(a) Each resident who receives services from the licensee;

(b) The guardian of each resident who receives services from the licensee if the resident has a guardian;

(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.

(6) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility

whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.

(7) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies.

(8) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(E) (1) Except as provided in division (E) (2) of this section, appeals from proceedings initiated to impose a sanction under division (D) of this section shall be conducted in accordance with Chapter 119. of the Revised Code.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue

uninterrupted, except for Saturdays, Sundays, and legal holidays, 65343
unless other interruptions are agreed to by the licensee and the 65344
director. 65345

(d) If the hearing is conducted by a hearing examiner, the 65346
hearing examiner shall file a report and recommendations not later 65347
than ten days after the last of the following: 65348

(i) The close of the hearing; 65349

(ii) If a transcript of the proceedings is ordered, the 65350
hearing examiner receives the transcript; 65351

(iii) If post-hearing briefs are timely filed, the hearing 65352
examiner receives the briefs. 65353

(e) A copy of the written report and recommendation of the 65354
hearing examiner shall be sent, by certified mail, to the licensee 65355
and the licensee's attorney, if applicable, not later than five 65356
days after the report is filed. 65357

(f) Not later than five days after the hearing examiner files 65358
the report and recommendations, the licensee may file objections 65359
to the report and recommendations. 65360

(g) Not later than fifteen days after the hearing examiner 65361
files the report and recommendations, the director shall issue an 65362
order approving, modifying, or disapproving the report and 65363
recommendations. 65364

(h) Notwithstanding the pendency of the hearing, the director 65365
shall lift the order for the suspension of admissions when the 65366
director determines that the violation that formed the basis for 65367
the order has been corrected. 65368

(F) Neither a person or government agency whose application 65369
for a license to operate a residential facility is denied nor a 65370
related party of the person or government agency may apply for a 65371
license to operate a residential facility before the date that is 65372

five years after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(G) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ICFs/IID may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Classifications for the various types of residential facilities;

(6) The maximum number of individuals who may be served in a particular type of residential facility;

(7) Uniform procedures for admission of individuals to and transfers and discharges of individuals from residential facilities;

(8) Other standards for the operation of residential

facilities and the services provided at residential facilities; 65403

(9) Procedures for waiving any provision of any rule adopted 65404
under this section. 65405

(H) (1) Before issuing a license, the director shall conduct a 65406
survey of the residential facility for which application is made. 65407
The director shall conduct a survey of each licensed residential 65408
facility at least once during the period the license is valid and 65409
may conduct additional inspections as needed. A survey includes 65410
but is not limited to an on-site examination and evaluation of the 65411
residential facility, its personnel, and the services provided 65412
there. The director may assign to a county board of developmental 65413
disabilities or the department of health the responsibility to 65414
conduct any survey or inspection under this section. 65415

(2) In conducting surveys, the director shall be given access 65416
to the residential facility; all records, accounts, and any other 65417
documents related to the operation of the facility; the licensee; 65418
the residents of the facility; and all persons acting on behalf 65419
of, under the control of, or in connection with the licensee. The 65420
licensee and all persons on behalf of, under the control of, or in 65421
connection with the licensee shall cooperate with the director in 65422
conducting the survey. 65423

(3) Following each survey, the director shall provide the 65424
licensee with a report listing the date of the survey, any 65425
citations issued as a result of the survey, and the statutes or 65426
rules that purportedly have been violated and are the bases of the 65427
citations. The director shall also do both of the following: 65428

(a) Specify a date by which the licensee may appeal any of 65429
the citations; 65430

(b) When appropriate, specify a timetable within which the 65431
licensee must submit a plan of correction describing how the 65432
problems specified in the citations will be corrected and, the 65433

date by which the licensee anticipates the problems will be 65434
corrected. 65435

(4) If the director initiates a proceeding to revoke a 65436
license, the director shall include the report required by 65437
division (H) (3) of this section with the notice of the proposed 65438
revocation the director sends to the licensee. In this 65439
circumstance, the licensee may not submit a plan of correction. 65440

(5) After a plan of correction is submitted, the director 65441
shall approve or disapprove the plan. If the plan of correction is 65442
approved, a copy of the approved plan shall be provided, not later 65443
than five business days after it is approved, to any person or 65444
government entity who requests it and made available on the 65445
internet web site maintained by the department of developmental 65446
disabilities. If the plan of correction is not approved and the 65447
director initiates a proceeding to revoke the license, a copy of 65448
the survey report shall be provided to any person or government 65449
entity that requests it and shall be made available on the 65450
internet web site maintained by the department. 65451

(6) The director shall initiate disciplinary action against 65452
any department employee who notifies or causes the notification to 65453
any unauthorized person of an unannounced survey of a residential 65454
facility by an authorized representative of the department. 65455

(I) In addition to any other information which may be 65456
required of applicants for a license pursuant to this section, the 65457
director shall require each applicant to provide a copy of an 65458
approved plan for a proposed residential facility pursuant to 65459
section 5123.042 of the Revised Code. This division does not apply 65460
to renewal of a license or to an applicant for an initial or 65461
modified license who meets the requirements of section 5123.197 of 65462
the Revised Code. 65463

(J) (1) A licensee shall notify the owner of the building in 65464

which the licensee's residential facility is located of any 65465
significant change in the identity of the licensee or management 65466
contractor before the effective date of the change if the licensee 65467
is not the owner of the building. 65468

(2) Pursuant to rules, which shall be adopted in accordance 65469
with Chapter 119. of the Revised Code, the director may require 65470
notification to the department of any significant change in the 65471
ownership of a residential facility or in the identity of the 65472
licensee or management contractor. If the director determines that 65473
a significant change of ownership is proposed, the director shall 65474
consider the proposed change to be an application for development 65475
by a new operator pursuant to section 5123.042 of the Revised Code 65476
and shall advise the applicant within sixty days of the 65477
notification that the current license shall continue in effect or 65478
a new license will be required pursuant to this section. If the 65479
director requires a new license, the director shall permit the 65480
facility to continue to operate under the current license until 65481
the new license is issued, unless the current license is revoked, 65482
refused to be renewed, or terminated in accordance with Chapter 65483
119. of the Revised Code. 65484

(3) A licensee shall transfer to the new licensee or 65485
management contractor all records related to the residents of the 65486
facility following any significant change in the identity of the 65487
licensee or management contractor. 65488

(K) A county board of developmental disabilities and any 65489
interested person may file complaints alleging violations of 65490
statute or department rule relating to residential facilities with 65491
the department. All complaints shall state the facts constituting 65492
the basis of the allegation. The department shall not reveal the 65493
source of any complaint unless the complainant agrees in writing 65494
to waive the right to confidentiality or until so ordered by a 65495
court of competent jurisdiction. 65496

The department shall adopt rules in accordance with Chapter 65497
119. of the Revised Code establishing procedures for the receipt, 65498
referral, investigation, and disposition of complaints filed with 65499
the department under this division. 65500

(L) Before issuing a license under this section to a 65501
residential facility that will accommodate at any time more than 65502
one individual with a developmental disability, the director 65503
shall, by first class mail, notify the following: 65504

(1) If the facility will be located in a municipal 65505
corporation, the clerk of the legislative authority of the 65506
municipal corporation; 65507

(2) If the facility will be located in unincorporated 65508
territory, the clerk of the appropriate board of county 65509
commissioners and the fiscal officer of the appropriate board of 65510
township trustees. 65511

The director shall not issue the license for ten days after 65512
mailing the notice, excluding Saturdays, Sundays, and legal 65513
holidays, in order to give the notified local officials time in 65514
which to comment on the proposed issuance. 65515

Any legislative authority of a municipal corporation, board 65516
of county commissioners, or board of township trustees that 65517
receives notice under this division of the proposed issuance of a 65518
license for a residential facility may comment on it in writing to 65519
the director within ten days after the director mailed the notice, 65520
excluding Saturdays, Sundays, and legal holidays. If the director 65521
receives written comments from any notified officials within the 65522
specified time, the director shall make written findings 65523
concerning the comments and the director's decision on the 65524
issuance of the license. If the director does not receive written 65525
comments from any notified local officials within the specified 65526
time, the director shall continue the process for issuance of the 65527

license. 65528

(M) Any person may operate a licensed residential facility 65529
that provides room and board, personal care, habilitation 65530
services, and supervision in a family setting for at least six but 65531
not more than eight individuals with developmental disabilities as 65532
a permitted use in any residential district or zone, including any 65533
single-family residential district or zone, of any political 65534
subdivision. These residential facilities may be required to 65535
comply with area, height, yard, and architectural compatibility 65536
requirements that are uniformly imposed upon all single-family 65537
residences within the district or zone. 65538

(N) Any person may operate a licensed residential facility 65539
that provides room and board, personal care, habilitation 65540
services, and supervision in a family setting for at least nine 65541
but not more than sixteen individuals with developmental 65542
disabilities as a permitted use in any multiple-family residential 65543
district or zone of any political subdivision, except that a 65544
political subdivision that has enacted a zoning ordinance or 65545
resolution establishing planned unit development districts may 65546
exclude these residential facilities from those districts, and a 65547
political subdivision that has enacted a zoning ordinance or 65548
resolution may regulate these residential facilities in 65549
multiple-family residential districts or zones as a conditionally 65550
permitted use or special exception, in either case, under 65551
reasonable and specific standards and conditions set out in the 65552
zoning ordinance or resolution to: 65553

(1) Require the architectural design and site layout of the 65554
residential facility and the location, nature, and height of any 65555
walls, screens, and fences to be compatible with adjoining land 65556
uses and the residential character of the neighborhood; 65557

(2) Require compliance with yard, parking, and sign 65558
regulation; 65559

(3) Limit excessive concentration of these residential facilities. 65560
65561

(O) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations. 65562
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(P) Divisions (M) and (N) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification. 65566
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(Q) (1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case: 65572
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(a) The director determines that an emergency exists requiring immediate placement of individuals in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license. 65575
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(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility. 65581
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(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license. 65584
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(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred 65589
65590

eighty days. 65591

(4) The director shall adopt rules in accordance with Chapter 65592
119. of the Revised Code as the director considers necessary to 65593
administer the issuance of interim licenses. 65594

(R) Notwithstanding rules adopted pursuant to this section 65595
establishing the maximum number of individuals who may be served 65596
in a particular type of residential facility, a residential 65597
facility shall be permitted to serve the same number of 65598
individuals being served by the facility on the effective date of 65599
the rules or the number of individuals for which the facility is 65600
authorized pursuant to a current application for a certificate of 65601
need with a letter of support from the department of developmental 65602
disabilities and which is in the review process prior to April 4, 65603
1986. 65604

This division does not preclude the department from 65605
suspending new admissions to a residential facility pursuant to a 65606
written order issued under section 5124.70 of the Revised Code. 65607

(S) The director may enter at any time, for purposes of 65608
investigation, any home, facility, or other structure that has 65609
been reported to the director or that the director has reasonable 65610
cause to believe is being operated as a residential facility 65611
without a license issued under this section. 65612

The director may petition the court of common pleas of the 65613
county in which an unlicensed residential facility is located for 65614
an order enjoining the person or governmental agency operating the 65615
facility from continuing to operate without a license. The court 65616
may grant the injunction on a showing that the person or 65617
governmental agency named in the petition is operating a 65618
residential facility without a license. The court may grant the 65619
injunction, regardless of whether the residential facility meets 65620
the requirements for receiving a license under this section. 65621

Sec. 5123.35. (A) There is hereby created the Ohio 65622
developmental disabilities council, which shall serve as an 65623
advocate for all persons with developmental disabilities. The 65624
council shall act in accordance with the "Developmental 65625
Disabilities Assistance and Bill of Rights Act of 2000," ~~98 Stat.~~ 65626
~~2662 (1984)~~, 42 U.S.C. ~~6001~~, ~~as amended~~ 15001. The governor shall 65627
appoint the members of the council in accordance with 42 U.S.C. 65628
~~6024~~ 15025. 65629

(B) The council shall develop the state plan required by 65630
federal law as a condition of receiving federal assistance under 65631
42 U.S.C. ~~6021 to 6030~~ 15021 to 15029. The department of 65632
developmental disabilities, as the state agency selected by the 65633
governor for purposes of receiving the federal assistance, shall 65634
receive, account for, and disburse funds based on the state plan 65635
and shall provide assurances and other administrative support 65636
services required as a condition of receiving the federal 65637
assistance. 65638

(C) The federal funds may be disbursed through grants to or 65639
contracts with persons and government agencies for the provision 65640
of necessary or useful goods and services for persons with 65641
developmental disabilities. The council may award the grants or 65642
enter into the contracts. 65643

(D) The council may award grants to or enter into contracts 65644
with a member of the council or an entity that the member 65645
represents if all of the following apply: 65646

(1) The member serves on the council as a representative of 65647
one of the principal state agencies concerned with services for 65648
persons with developmental disabilities as specified in 42 U.S.C. 65649
~~6024(b)(3)~~ 15025(b)(4), a representative of a university 65650
affiliated program as defined in 42 U.S.C. ~~6001(18)~~ 15002(5), or a 65651
representative of the Ohio protection and advocacy system, as 65652

defined in section 5123.60 of the Revised Code. 65653

(2) The council determines that the member or the entity the 65654
member represents is capable of providing the goods or services 65655
specified under the terms of the grant or contract. 65656

(3) The member has not taken part in any discussion or vote 65657
of the council related to awarding the grant or entering into the 65658
contract, including service as a member of a review panel 65659
established by the council to award grants or enter into contracts 65660
or to make recommendations with regard to awarding grants or 65661
entering into contracts. 65662

(E) A member of the council is not in violation of Chapter 65663
102. or section 2921.42 of the Revised Code with regard to 65664
receiving a grant or entering into a contract under this section 65665
if the requirements of division (D) of this section have been met. 65666

(F) (1) Notwithstanding division (C) of section 121.22 of the 65667
Revised Code, the requirement for a member's presence in person at 65668
a meeting in order to be part of a quorum or to vote does not 65669
apply if the council holds a meeting by interactive video 65670
conference and all of the following apply: 65671

(a) A primary meeting location that is open and accessible to 65672
the public is established for the meeting of the council; 65673

(b) A clear video and audio connection is established that 65674
enables all meeting participants at the primary meeting location 65675
to witness the participation of each member; 65676

(c) A roll call vote is recorded for each vote taken; 65677

(d) The minutes of the council identify which members 65678
participated by interactive video conference. 65679

(2) Notwithstanding division (C) of section 121.22 of the 65680
Revised Code, the requirement for a member's presence in person at 65681
a meeting in order to be part of a quorum or to vote does not 65682

apply if the council holds a meeting by teleconference and all of 65683
the following apply: 65684

(a) The council has determined its membership does not have 65685
access to and the council cannot provide access to the equipment 65686
needed to conduct interactive video conferencing; 65687

(b) A primary meeting location that is open and accessible to 65688
the public is established for the meeting of the council; 65689

(c) A clear audio connection is established that enables all 65690
meeting participants at the primary meeting location to hear the 65691
participation of each member; 65692

(d) A roll call vote is recorded for each vote taken; 65693

(e) The minutes of the council identify which members 65694
participated by teleconference. 65695

(3) The council shall adopt any rules the council considers 65696
necessary to implement this section. The rules shall be adopted in 65697
accordance with Chapter 119. of the Revised Code. At a minimum, 65698
the rules shall do all of the following: 65699

(a) Authorize council members to remotely attend a council 65700
meeting by interactive video conference or teleconference in lieu 65701
of attending the meeting in person; 65702

(b) Establish a minimum number of members required to be 65703
physically present in person at the primary meeting location if 65704
the council conducts a meeting by interactive video conference or 65705
teleconference; 65706

(c) Establish geographic restrictions for participation in 65707
meetings by interactive video conference or teleconference; 65708

(d) Establish a policy for distributing and circulating 65709
necessary documents to council members, the public, and the media 65710
in advance of a meeting at which members are permitted to attend 65711
by interactive video conference or teleconference; 65712

(e) Establish a method for verifying the identity of a member 65713
who remotely attends a meeting by teleconference. 65714

Sec. 5123.603. (A) Every two years, the president of the 65715
senate and speaker of the house of representative shall establish 65716
a joint committee to examine the activities of the state's 65717
protection and advocacy system and client assistance program. 65718

(B) (1) The joint committee shall consist of three members of 65719
the senate appointed by the senate president, two from the 65720
majority party and one from the minority party, and three members 65721
of the house of representatives, two from the majority party and 65722
one from the minority party, appointed by the speaker of the house 65723
of representatives. The senate president and speaker of the house 65724
of representatives also shall determine the dates on which 65725
members' terms on the joint committee are to begin and end. 65726
Vacancies shall be filled in the manner of the original 65727
appointments. In odd-numbered years, the senate president shall 65728
designate a member of the senate as the chairperson of the 65729
committee and in even-numbered years, the speaker of the house of 65730
representatives shall designate a member of the house of 65731
representatives as the chairperson of the joint committee. 65732

(2) In its sole discretion, the current entity serving as the 65733
state's protection and advocacy system and client assistance 65734
program may appear before, and offer testimony to, the joint 65735
committee. 65736

(C) Every two years, the senate president and speaker of the 65737
house of representatives shall specify a deadline for the joint 65738
committee to complete a new report containing the joint 65739
committee's recommendations, if any. The joint committee shall 65740
submit the report to the senate president, speaker of the house of 65741
representatives, governor, and joint medicaid oversight committee 65742
by the deadline. 65743

Sec. 5123.89. (A) As used in this section: 65744

(1) "Family" means a parent, brother, sister, spouse, son, 65745
daughter, grandparent, aunt, uncle, or cousin. 65746

(2) "Payment" means activities undertaken by a service 65747
provider or government entity to obtain or provide reimbursement 65748
for services provided to a person. 65749

(3) "Treatment" means the provision of services to a person, 65750
including the coordination or management of services provided to 65751
the person. 65752

(B) All certificates, applications, records, and reports made 65753
for the purpose of this chapter, other than court journal entries 65754
or court docket entries, that directly or indirectly identify a 65755
resident or former resident of an institution for persons with 65756
intellectual disabilities or person whose institutionalization has 65757
been sought under this chapter shall be kept confidential and 65758
shall not be disclosed by any person except in the following 65759
situations: 65760

(1) It is the judgment of the court for judicial records, and 65761
the managing officer for institution records, that disclosure is 65762
in the best interest of the person identified, and that person or 65763
that person's guardian or, if that person is a minor, that 65764
person's parent or guardian consents. 65765

(2) Disclosure is provided for in other sections of this 65766
chapter. 65767

(3) Disclosure is of a record deposited with the Ohio history 65768
connection pursuant to division (C) of section 5123.31 of the 65769
Revised Code and the disclosure is made to the closest living 65770
relative of the person identified, on the relative's request. 65771

(4) Disclosure is needed for the treatment of a person who is 65772
a resident or former resident of an institution for persons with 65773

intellectual disabilities or a person whose institutionalization 65774
has been sought under this chapter or is needed for the payment of 65775
services provided to the person. 65776

(5) Disclosure is needed for a guardianship proceeding under 65777
Chapter 2111. of the Revised Code. 65778

(C) The department of developmental disabilities shall adopt 65779
rules with respect to the systematic and periodic destruction of 65780
residents' records. 65781

(D) Upon the death of a resident or former resident of an 65782
institution for persons with intellectual disabilities or a person 65783
whose institutionalization was sought under this chapter, the 65784
managing officer of an institution shall provide access to the 65785
certificates, applications, records, and reports made for the 65786
purposes of this chapter to the resident's, former resident's, or 65787
person's guardian if the guardian makes a written request. If a 65788
deceased resident, former resident, or person whose 65789
institutionalization was sought under this chapter did not have a 65790
guardian at the time of death, the managing officer shall provide 65791
access to the certificates, applications, records, and reports 65792
made for purposes of this chapter to a member of the person's 65793
family, upon that family member's written request. 65794

(E) No person shall reveal the contents of a record of a 65795
resident except as authorized by this chapter. 65796

Sec. 5124.01. As used in this chapter: 65797

(A) "Addition" means an increase in an ICF/IID's square 65798
footage. 65799

(B) "Affiliated operator" means an operator affiliated with 65800
either of the following: 65801

(1) The exiting operator for whom the affiliated operator is 65802
to assume liability for the entire amount of the exiting 65803

operator's debt under the medicaid program or the portion of the 65804
debt that represents the franchise permit fee the exiting operator 65805
owes; 65806

(2) The entering operator involved in the change of operator 65807
with the exiting operator specified in division (B) (1) of this 65808
section. 65809

(C) "Allowable costs" means an ICF/IID's costs that the 65810
department of developmental disabilities determines are 65811
reasonable. Fines paid under section 5124.99 of the Revised Code 65812
are not allowable costs. 65813

(D) "Capital costs" means an ICF/IID's costs of ownership and 65814
costs of nonextensive renovation. 65815

(E) "Case-mix score" means the measure determined under 65816
section 5124.192, or 5124.193, ~~or 5124.197~~ of the Revised Code of 65817
the relative direct-care resources needed to provide care and 65818
habilitation to an ICF/IID resident. 65819

(F) "Change of operator" means an entering operator becoming 65820
the operator of an ICF/IID in the place of the exiting operator. 65821

(1) Actions that constitute a change of operator include the 65822
following: 65823

(a) A change in an exiting operator's form of legal 65824
organization, including the formation of a partnership or 65825
corporation from a sole proprietorship; 65826

(b) A transfer of all the exiting operator's ownership 65827
interest in the operation of the ICF/IID to the entering operator, 65828
regardless of whether ownership of any or all of the real property 65829
or personal property associated with the ICF/IID is also 65830
transferred; 65831

(c) A lease of the ICF/IID to the entering operator or the 65832
exiting operator's termination of the exiting operator's lease; 65833

(d) If the exiting operator is a partnership, dissolution of the partnership;	65834 65835
(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:	65836 65837
(i) The change in composition does not cause the partnership's dissolution under state law.	65838 65839
(ii) The partners agree that the change in composition does not constitute a change in operator.	65840 65841
(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.	65842 65843 65844 65845
(2) The following, alone, do not constitute a change of operator:	65846 65847
(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;	65848 65849 65850
(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator;	65851 65852 65853 65854
(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.	65855 65856 65857 65858
(G) "Cost center" means the following:	65859
(1) Capital costs;	65860
(2) Direct care costs;	65861
(3) Indirect care costs;	65862

(4) Other protected costs. 65863

(H) (1) Except as provided in division (H) (2) of this section, 65864
"cost report year" means the calendar year immediately preceding 65865
the calendar year in which a fiscal year for which a medicaid 65866
payment rate determination is made begins. 65867

(2) When a cost report the department of developmental 65868
disabilities accepts under division (A) or (C) (1) (b) of section 65869
5124.101 of the Revised Code is used in determining an ICF/IID's 65870
medicaid payment rate, "cost report year" means the period that 65871
the cost report covers. 65872

(I) "Costs of nonextensive renovations" means ~~the following:~~ 65873

~~(1) For the purpose of determining an ICF/IID's per medicaid 65874
day capital component rate under section 5124.17 of the Revised 65875
Code, the actual expense incurred by the an ICF/IID for 65876
depreciation or amortization and interest on renovations approved 65877
by the department of developmental disabilities as nonextensive 65878
renovations.~~ 65879

~~(2) For the purpose of determining an ICF/IID's per medicaid 65880
day payment rate for reasonable capital costs under section 65881
5124.171 of the Revised Code, the actual expense incurred by the 65882
ICF/IID for depreciation or amortization and interest on 65883
renovations that are not extensive renovations.~~ 65884

(J) (1) "Costs of ownership" means the actual expenses 65885
incurred by an ICF/IID for all of the following: 65886

(a) Subject to division (J) (2) of this section, depreciation 65887
and interest on any capital assets that cost five hundred dollars 65888
or more per item, including the following: 65889

(i) Buildings; 65890

(ii) Building improvements that are not approved as 65891
nonextensive renovations for the purpose of section 5124.17 ~~or~~ 65892

5124.171 of the Revised Code;	65893
(iii) Equipment;	65894
(iv) Transportation equipment;	65895
(v) For the purpose of determining an ICF/IID's per medicaid	65896
day payment rate for reasonable capital costs under section	65897
5124.171 of the Revised Code, extensive renovations.	65898
(b) Amortization and interest on land improvements and leasehold improvements;	65899 65900
(c) Amortization of financing costs;	65901
(d) Except as provided in division (BB) <u>(AA)</u> of this section, lease and rent of land, building, and equipment.	65902 65903
(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/IID provider's practice.	65904 65905 65906
(K) (1) "Date of licensure" means the following:	65907
(a) In the case of an ICF/IID that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section 5123.19 of the Revised Code;	65908 65909 65910 65911 65912
(b) In the case of an ICF/IID that was originally licensed as a residential facility under section 5123.19 of the Revised Code, the date it was originally so licensed;	65913 65914 65915
(c) In the case of an ICF/IID that was not required by law to be licensed as a nursing home or residential facility when it was originally operated as a residential facility, the date it first was operated as a residential facility, regardless of the date the ICF/IID was first licensed as a nursing home or residential facility.	65916 65917 65918 65919 65920 65921

(2) If, after an ICF/IID's original date of licensure, more residential facility beds are added to the ICF/IID or all or part of the ICF/IID undergoes an extensive renovation, the ICF/IID has a different date of licensure for the additional beds or extensively renovated portion of the ICF/IID. This does not apply, however, to additional beds when both of the following apply:

(a) The additional beds are located in a part of the ICF/IID that was constructed at the same time as the continuing beds already located in that part of the ICF/IID.

(b) The part of the ICF/IID in which the additional beds are located was constructed as part of the ICF/IID at a time when the ICF/IID was not required by law to be licensed as a nursing home or residential facility.

(3) The definition of "date of licensure" in this section applies in determinations of ICFs/IID's medicaid payment rates but does not apply in determinations of ICFs/IID's franchise permit fees under sections 5168.60 to 5168.71 of the Revised Code.

(L) "Desk-reviewed" means that an ICF/IID's costs as reported on a cost report filed under section 5124.10 or 5124.101 of the Revised Code have been subjected to a desk review under section 5124.108 of the Revised Code and preliminarily determined to be allowable costs.

(M) "Developmental center" means a residential facility that is maintained and operated by the department of developmental disabilities.

(N) "Direct care costs" means all of the following costs incurred by an ICF/IID:

(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the ICF/IID;

(2) Costs for direct care staff, administrative nursing

staff, medical directors, respiratory therapists, physical 65952
therapists, physical therapy assistants, occupational therapists, 65953
occupational therapy assistants, speech therapists, audiologists, 65954
habilitation staff (including habilitation supervisors), qualified 65955
intellectual disability professionals, program directors, social 65956
services staff, activities staff, psychologists, psychology 65957
assistants, social workers, counselors, and other persons holding 65958
degrees qualifying them to provide therapy; 65959

(3) Costs of purchased nursing services; 65960

(4) Costs of training and staff development, employee 65961
benefits, payroll taxes, and workers' compensation premiums or 65962
costs for self-insurance claims and related costs as specified in 65963
rules adopted under section 5124.03 of the Revised Code, for 65964
personnel listed in divisions (N)(1), (2), and (3) of this 65965
section; 65966

(5) Costs of quality assurance; 65967

(6) Costs of consulting and management fees related to direct 65968
care; 65969

(7) Allocated direct care home office costs; 65970

(8) Costs of off-site day programming, including day 65971
programming that is provided in an area that is not certified by 65972
the director of health as an ICF/IID under Title XIX and 65973
regardless of either of the following: 65974

(a) Whether or not the area in which the day programming is 65975
provided is less than two hundred feet away from the ICF/IID; 65976

(b) Whether or not the day programming is provided by an 65977
individual or organization that is a related party to the ICF/IID 65978
provider. 65979

(9) Costs of other direct-care resources that are specified 65980
as direct care costs in rules adopted under section 5124.03 of the 65981

Revised Code.	65982
(O) "Downsized ICF/IID" means an ICF/IID that permanently reduced its medicaid-certified capacity pursuant to a plan approved by the department of developmental disabilities under section 5123.042 of the Revised Code.	65983 65984 65985 65986
(P) "Effective date of a change of operator" means the day the entering operator becomes the operator of the ICF/IID.	65987 65988
(Q) "Effective date of a facility closure" means the last day that the last of the residents of the ICF/IID resides in the ICF/IID.	65989 65990 65991
(R) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the ICF/IID or the last day that such a provider agreement is in effect when the department cancels or refuses to revalidate it.	65992 65993 65994 65995 65996
(S) "Effective date of a voluntary termination" means the day the ICF/IID ceases to accept medicaid recipients.	65997 65998
(T) "Entering operator" means the person or government entity that will become the operator of an ICF/IID when a change of operator occurs or following an involuntary termination.	65999 66000 66001
(U) "Exiting operator" means any of the following:	66002
(1) An operator that will cease to be the operator of an ICF/IID on the effective date of a change of operator;	66003 66004
(2) An operator that will cease to be the operator of an ICF/IID on the effective date of a facility closure;	66005 66006
(3) An operator of an ICF/IID that is undergoing or has undergone a voluntary termination;	66007 66008
(4) An operator of an ICF/IID that is undergoing or has undergone an involuntary termination.	66009 66010

~~(V) (1) For the purpose of determining an ICF/IID's per
medicaid day payment rate for reasonable capital costs under
section 5124.171 of the Revised Code, "extensive renovation" means
the following:~~

~~(a) An ICF/IID's betterment, improvement, or restoration to
which both of the following apply:~~

~~(i) It was started before July 1, 1993.~~

~~(ii) It meets the definition of "extensive renovation"
established in rules that were adopted by the director of job and
family services and in effect on December 22, 1992.~~

~~(b) An ICF/IID's betterment, improvement, or restoration to
which all of the following apply:~~

~~(i) It was started on or after July 1, 1993.~~

~~(ii) Except as provided in division (V) (2) of this section,
it costs more than sixty five per cent and not more than
eighty five per cent of the cost of constructing a new bed.~~

~~(iii) It extends the useful life of the assets for at least
ten years.~~

~~(2) The department of developmental disabilities may treat a
renovation that costs more than eighty five per cent of the cost
of constructing new beds as an extensive renovation if the
department determines that the renovation is more prudent than
construction of new beds.~~

~~(3) For the purpose of division (V) (1) (b) (ii) of this
section, the cost of constructing a new bed shall be considered to
be forty thousand dollars, adjusted for the estimated rate of
inflation from January 1, 1993, to the end of the calendar year
during which the extensive renovation is completed, using the
consumer price index for shelter costs for all urban consumers for
the north central region, as published by the United States bureau~~

~~of labor statistics.~~ 66041

~~(W)(1)~~ Subject to divisions ~~(W)(2)~~ (V)(2) and (3) of this 66042
section, "facility closure" means either of the following: 66043

(a) Discontinuance of the use of the building, or part of the 66044
building, that houses the facility as an ICF/IID that results in 66045
the relocation of all of the facility's residents; 66046

(b) Conversion of the building, or part of the building, that 66047
houses an ICF/IID to a different use with any necessary license or 66048
other approval needed for that use being obtained and one or more 66049
of the facility's residents remaining in the facility to receive 66050
services under the new use. 66051

(2) A facility closure occurs regardless of any of the 66052
following: 66053

(a) The operator completely or partially replacing the 66054
ICF/IID by constructing a new ICF/IID or transferring the 66055
ICF/IID's license to another ICF/IID; 66056

(b) The ICF/IID's residents relocating to another of the 66057
operator's ICFs/IID; 66058

(c) Any action the department of health takes regarding the 66059
ICF/IID's medicaid certification that may result in the transfer 66060
of part of the ICF/IID's survey findings to another of the 66061
operator's ICFs/IID; 66062

(d) Any action the department of developmental disabilities 66063
takes regarding the ICF/IID's license under section 5123.19 of the 66064
Revised Code. 66065

(3) A facility closure does not occur if all of the ICF/IID's 66066
residents are relocated due to an emergency evacuation and one or 66067
more of the residents return to a medicaid-certified bed in the 66068
ICF/IID not later than thirty days after the evacuation occurs. 66069

~~(X)~~(W) "Fiscal year" means the fiscal year of this state, as 66070

specified in section 9.34 of the Revised Code. 66071

~~(Y)~~(X) "Franchise permit fee" means the fee imposed by 66072
sections 5168.60 to 5168.71 of the Revised Code. 66073

~~(Z)~~(Y) "Home and community-based services" has the same 66074
meaning as in section 5123.01 of the Revised Code. 66075

~~(AA)~~(Z) "ICF/IID services" has the same meaning as in 42 66076
C.F.R. 440.150. 66077

~~(BB)~~~~(1)~~(AA) (1) "Indirect care costs" means all reasonable 66078
costs incurred by an ICF/IID other than capital costs, direct care 66079
costs, and other protected costs. "Indirect care costs" includes 66080
costs of habilitation supplies, pharmacy consultants, medical and 66081
habilitation records, program supplies, incontinence supplies, 66082
food, enterals, dietary supplies and personnel, laundry, 66083
housekeeping, security, administration, liability insurance, 66084
bookkeeping, purchasing department, human resources, 66085
communications, travel, dues, license fees, subscriptions, home 66086
office costs not otherwise allocated, legal services, accounting 66087
services, minor equipment, maintenance and repair expenses, 66088
help-wanted advertising, informational advertising, start-up 66089
costs, organizational expenses, other interest, property 66090
insurance, employee training and staff development, employee 66091
benefits, payroll taxes, and workers' compensation premiums or 66092
costs for self-insurance claims and related costs, as specified in 66093
rules adopted under section 5124.03 of the Revised Code, for 66094
personnel listed in this division. Notwithstanding division (J) of 66095
this section, "indirect care costs" also means the cost of 66096
equipment, including vehicles, acquired by operating lease 66097
executed before December 1, 1992, if the costs are reported as 66098
administrative and general costs on the ICF/IID's cost report for 66099
the cost reporting period ending December 31, 1992. 66100

(2) For the purpose of division ~~(BB)~~~~(1)~~(AA) (1) of this 66101

section, an operating lease shall be construed in accordance with 66102
generally accepted accounting principles. 66103

~~(CC)~~(BB) "Inpatient days" means both of the following: 66104

(1) All days during which a resident, regardless of payment 66105
source, occupies a bed in an ICF/IID that is included in the 66106
ICF/IID's medicaid-certified capacity; 66107

(2) All days for which payment is made under section 5124.34 66108
of the Revised Code. 66109

~~(DD)~~(CC) "Intermediate care facility for individuals with 66110
intellectual disabilities" and "ICF/IID" mean an intermediate care 66111
facility for the mentally retarded as defined in the "Social 66112
Security Act," section 1905(d), 42 U.S.C. 1396d(d). 66113

~~(EE)~~(DD) "Involuntary termination" means the department of 66114
medicaid's termination of, cancellation of, or refusal to 66115
revalidate the operator's provider agreement for the ICF/IID when 66116
such action is not taken at the operator's request. 66117

~~(FF)~~(EE) "Maintenance and repair expenses" means, ~~except as~~ 66118
~~provided in division (XX) (2) (b) of this section,~~ expenditures that 66119
are necessary and proper to maintain an asset in a normally 66120
efficient working condition and that do not extend the useful life 66121
of the asset two years or more. "Maintenance and repair expenses" 66122
includes the costs of ordinary repairs such as painting and 66123
wallpapering. 66124

~~(GG)~~(FF) "Medicaid-certified capacity" means the number of an 66125
ICF/IID's beds that are certified for participation in medicaid as 66126
ICF/IID beds. 66127

~~(HH)~~(GG) "Medicaid days" means both of the following: 66128

(1) All days during which a resident who is a medicaid 66129
recipient eligible for ICF/IID services occupies a bed in an 66130
ICF/IID that is included in the ICF/IID's medicaid-certified 66131

capacity; 66132

(2) All days for which payment is made under section 5124.34 66133
of the Revised Code. 66134

~~(II)~~ ~~(1)~~ (HH) (1) "New ICF/IID" means an ICF/IID for which the 66135
provider obtains an initial provider agreement following the 66136
director of health's medicaid certification of the ICF/IID, 66137
including such an ICF/IID that replaces one or more ICFs/IID for 66138
which a provider previously held a provider agreement. 66139

(2) "New ICF/IID" does not mean either of the following: 66140

(a) An ICF/IID for which the entering operator seeks a 66141
provider agreement pursuant to section 5124.511 or 5124.512 or 66142
(pursuant to section 5124.515) section 5124.07 of the Revised 66143
Code; 66144

(b) A downsized ICF/IID or partially converted ICF/IID. 66145

~~(JJ)~~ (II) "Nursing home" has the same meaning as in section 66146
3721.01 of the Revised Code. 66147

~~(KK)~~ (JJ) "Operator" means the person or government entity 66148
responsible for the daily operating and management decisions for 66149
an ICF/IID. 66150

~~(LL)~~ (KK) "Other protected costs" means costs incurred by an 66151
ICF/IID for medical supplies; real estate, franchise, and property 66152
taxes; natural gas, fuel oil, water, electricity, sewage, and 66153
refuse and hazardous medical waste collection; allocated other 66154
protected home office costs; and any additional costs defined as 66155
other protected costs in rules adopted under section 5124.03 of 66156
the Revised Code. 66157

~~(MM)~~ ~~(1)~~ (LL) (1) "Owner" means any person or government entity 66158
that has at least five per cent ownership or interest, either 66159
directly, indirectly, or in any combination, in any of the 66160
following regarding an ICF/IID: 66161

- (a) The land on which the ICF/IID is located; 66162
- (b) The structure in which the ICF/IID is located; 66163
- (c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the ICF/IID is located; 66164
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- (d) Any lease or sublease of the land or structure on or in which the ICF/IID is located. 66167
66168
- (2) "Owner" does not mean a holder of a debenture or bond related to an ICF/IID and purchased at public issue or a regulated lender that has made a loan related to the ICF/IID unless the holder or lender operates the ICF/IID directly or through a subsidiary. 66169
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- ~~(NN)~~(MM) "Partially converted ICF/IID" means an ICF/IID that converted some, but not all, of its beds to providing home and community-based services under the individual options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code. 66174
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- ~~(OO)~~(1)(NN) For the purpose of the total per medicaid day payment rate determined for an ICF/IID under division ~~(B)~~(A) of section 5124.15 of the Revised Code and the initial total per medicaid day payment rate determined for a new ICF/IID under section 5124.151 of the Revised Code: 66178
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66182
- ~~(a)~~(1) "Peer group ~~1-A1~~" means each ICF/IID with a medicaid-certified capacity exceeding sixteen. 66183
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- ~~(b)~~(2) "Peer group ~~2-A2~~" means each ICF/IID with a medicaid-certified capacity exceeding eight but not exceeding sixteen. 66185
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- ~~(c)~~(3) "Peer group ~~3-A3~~" means each ICF/IID with a medicaid-certified capacity of seven or eight. 66188
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- ~~(d)~~(4) "Peer group ~~4-A4~~" means each ICF/IID with a medicaid-certified capacity not exceeding six, other than an 66190
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ICF/IID that is in peer group 5-A. 66192

~~(e)(5)~~ "Peer group 5-A5" means each ICF/IID to which all of 66193
the following apply: 66194

~~(i)(a)~~ The ICF/IID is first certified as an ICF/IID after 66195
July 1, 2014. 66196

~~(ii)(b)~~ The ICF/IID has a medicaid-certified capacity not 66197
exceeding six. 66198

~~(iii)(c)~~ The ICF/IID has a contract with the department of 66199
developmental disabilities that is for fifteen years and includes 66200
a provision for the department to approve all admissions to, and 66201
discharges from, the ICF/IID. 66202

~~(iv)(d)~~ The ICF/IID's residents are admitted to the ICF/IID 66203
directly from a developmental center or have been determined by 66204
the department to be at risk of admission to a developmental 66205
center. 66206

~~(2)~~ For the purpose of the total per medicaid day payment 66207
rate determined for an ICF/IID under division (C) of section 66208
5124.15 of the Revised Code: 66209

~~(a)~~ "Peer group 1 B" means each ICF/IID with a 66210
medicaid certified capacity exceeding eight. 66211

~~(b)~~ "Peer group 2 B" means each ICF/IID with a 66212
medicaid certified capacity not exceeding eight, other than an 66213
ICF/IID that is in peer group 3. 66214

~~(c)~~ "Peer group 3 B" means each ICF/IID to which all of the 66215
following apply: 66216

~~(i)~~ The ICF/IID is first certified as an ICF/IID after July 66217
1, 2014, 66218

~~(ii)~~ The ICF/IID has a medicaid certified capacity not 66219
exceeding six, 66220

~~(iii) The ICF/IID has a contract with the department of developmental disabilities that is for fifteen years and includes a provision for the department to approve all admissions to, and discharges from, the ICF/IID;~~ 66221
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~~(iv) The ICF/IID's residents are admitted to the ICF/IID directly from a developmental center or have been determined by the department to be at risk of admission to a developmental center.~~ 66225
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~~(PP) (1) (OO) (1)~~ Except as provided in ~~divisions (PP) (2) and (3) division (OO) (2)~~ of this section, "per diem" means an ICF/IID's desk-reviewed, actual, allowable costs in a given cost center in a cost reporting period, divided by the facility's inpatient days for that cost reporting period. 66229
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~~(2) When determining capital costs for the purpose of section 5124.171 of the Revised Code, "per diem" means an ICF/IID's actual, allowable capital costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been ninety five per cent.~~ 66234
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~~(3) When determining indirect care costs for the purpose of section 5124.21 or 5124.211 of the Revised Code, "per diem" means an ICF/IID's actual, allowable indirect care costs in a cost reporting period divided by the greater of the ICF/IID's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been eighty-five per cent.~~ 66240
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~~(OO) (PP)~~ "Provider" means an operator with a valid provider agreement. 66247
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~~(RR) (OO)~~ "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of an ICF/IID for the 66249
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provision of ICF/IID services under the medicaid program. 66252

~~(SS)~~(RR) "Purchased nursing services" means services that are 66253
provided in an ICF/IID by registered nurses, licensed practical 66254
nurses, or nurse aides who are not employees of the ICF/IID. 66255

~~(TT)~~(SS) "Reasonable" means that a cost is an actual cost 66256
that is appropriate and helpful to develop and maintain the 66257
operation of resident care facilities and activities, including 66258
normal standby costs, and that does not exceed what a prudent 66259
buyer pays for a given item or services. Reasonable costs may vary 66260
from provider to provider and from time to time for the same 66261
provider. 66262

~~(UU)~~(TT) "Related party" means an individual or organization 66263
that, to a significant extent, has common ownership with, is 66264
associated or affiliated with, has control of, or is controlled 66265
by, a provider. 66266

(1) An individual who is a relative of an owner is a related 66267
party. 66268

(2) Common ownership exists when an individual or individuals 66269
possess significant ownership or equity in both the provider and 66270
the other organization. Significant ownership or equity exists 66271
when an individual or individuals possess five per cent ownership 66272
or equity in both the provider and a supplier. Significant 66273
ownership or equity is presumed to exist when an individual or 66274
individuals possess ten per cent ownership or equity in both the 66275
provider and another organization from which the provider 66276
purchases or leases real property. 66277

(3) Control exists when an individual or organization has the 66278
power, directly or indirectly, to significantly influence or 66279
direct the actions or policies of an organization. 66280

(4) An individual or organization that supplies goods or 66281
services to a provider shall not be considered a related party if 66282

all of the following conditions are met: 66283

(a) The supplier is a separate bona fide organization. 66284

(b) A substantial part of the supplier's business activity of 66285
the type carried on with the provider is transacted with others 66286
than the provider and there is an open, competitive market for the 66287
types of goods or services the supplier furnishes. 66288

(c) The types of goods or services are commonly obtained by 66289
other ICFs/IID from outside organizations and are not a basic 66290
element of resident care ordinarily furnished directly to 66291
residents by the ICFs/IID. 66292

(d) The charge to the provider is in line with the charge for 66293
the goods or services in the open market and no more than the 66294
charge made under comparable circumstances to others by the 66295
supplier. 66296

~~(VV)~~ (UU) "Relative of owner" means an individual who is 66297
related to an owner of an ICF/IID by one of the following 66298
relationships: 66299

(1) Spouse; 66300

(2) Natural parent, child, or sibling; 66301

(3) Adopted parent, child, or sibling; 66302

(4) Stepparent, stepchild, stepbrother, or stepsister; 66303

(5) Father-in-law, mother-in-law, son-in-law, 66304
daughter-in-law, brother-in-law, or sister-in-law; 66305

(6) Grandparent or grandchild; 66306

(7) Foster caregiver, foster child, foster brother, or foster 66307
sister. 66308

~~(WW)~~ (VV) For the purpose of determining an ICF/IID's per 66309
medicaid day capital component rate under section 5124.17 of the 66310
Revised Code, "renovation" means an ICF/IID's betterment, 66311

improvement, or restoration, other than an addition, through a capital expenditure. 66312
66313

~~(XX) (1) For the purpose of determining an ICF/IID's per 66314
medicaid day payment rate for reasonable capital costs under 66315
section 5124.171 of the Revised Code, "renovation" means the 66316
following: 66317~~

~~(a) An ICF/IID's betterment, improvement, or restoration to 66318
which both of the following apply: 66319~~

~~(i) It was started before July 1, 1993. 66320~~

~~(ii) It meets the definition of "renovation" established in 66321
rules that were adopted by the director of job and family services 66322
and in effect on December 22, 1992. 66323~~

~~(b) An ICF/IID's betterment, improvement, or restoration to 66324
which both of the following apply: 66325~~

~~(i) It was started on or after July 1, 1993. 66326~~

~~(ii) It betters, improves, or restores the ICF/IID beyond its 66327
current functional capacity through a structural change that costs 66328
at least five hundred dollars per bed. 66329~~

~~(2) For the purpose of division (XX) (1) of this section, a 66330
renovation started on or after July 1, 1993, may include both of 66331
the following: 66332~~

~~(a) A betterment, improvement, restoration, or replacement of 66333
assets that are affixed to a building and have a useful life of at 66334
least five years; 66335~~

~~(b) Costs that otherwise would be considered maintenance and 66336
repair expenses if they are an integral part of the structural 66337
change that makes up the renovation project. 66338~~

~~(3) For the purpose of division (XX) (1) of this section, 66339
"renovation" does not mean construction of additional space for 66340
beds that will be added to an ICF/IID's licensed capacity or 66341~~

~~medicaid certified capacity.~~ 66342

~~(YY)~~(WW) "Residential facility" has the same meaning as in 66343
section 5123.19 of the Revised Code. 66344

~~(ZZ)~~(XX) "Secondary building" means a building or part of a 66345
building, other than an ICF/IID, in which the owner of one or more 66346
ICFs/IID has administrative work regarding the ICFs/IID performed 66347
or records regarding the ICFs/IID stored. 66348

~~(AAA)~~(YY) "Sponsor" means an adult relative, friend, or 66349
guardian of an ICF/IID resident who has an interest or 66350
responsibility in the resident's welfare. 66351

~~(BBB)~~(ZZ) "Title XIX" means Title XIX of the "Social Security 66352
Act," 42 U.S.C. 1396, et seq. 66353

~~(CCC)~~(AAA) "Title XVIII" means Title XVIII of the "Social 66354
Security Act," 42 U.S.C. 1395, et seq. 66355

~~(DDD)~~(BBB) "Voluntary termination" means an operator's 66356
voluntary election to terminate the participation of an ICF/IID in 66357
the medicaid program but to continue to provide service of the 66358
type provided by a residential facility as defined in section 66359
5123.19 of the Revised Code. 66360

Sec. 5124.101. (A) The provider of an ICF/IID in peer group 66361
~~1-A₁~~, peer group ~~2-A₂~~, peer group ~~3-A₃~~, or peer group ~~4-A~~, ~~peer~~ 66362
~~group 1-B~~, ~~or peer group 2-B~~ 4 that becomes a downsized ICF/IID or 66363
partially converted ICF/IID on or after July 1, 2013, or becomes a 66364
new ICF/IID on or after that date, may file with the department of 66365
developmental disabilities a cost report covering the period 66366
specified in division (B) of this section if the following applies 66367
to the ICF/IID: 66368

(1) In the case of an ICF/IID that becomes a downsized 66369
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 66370
the following on the day it becomes a downsized ICF/IID or 66371

partially converted ICF/IID: 66372

(a) A medicaid-certified capacity that is at least ten per 66373
cent less than its medicaid-certified capacity on the day 66374
immediately preceding the day it becomes a downsized ICF/IID or 66375
partially converted ICF/IID; 66376

(b) At least five fewer beds certified as ICF/IID beds than 66377
it has on the day immediately preceding the day it becomes a 66378
downsized ICF/IID or partially converted ICF/IID. 66379

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 66380
a downsized ICF/IID and the downsized ICF/IID has either of the 66381
following on the day it becomes a downsized ICF/IID: 66382

(a) A medicaid-certified capacity that is at least ten per 66383
cent less than its medicaid-certified capacity on the day 66384
immediately preceding the day it becomes a downsized ICF/IID; 66385

(b) At least five fewer beds certified as ICF/IID beds than 66386
it has on the day immediately preceding the day it becomes a 66387
downsized ICF/IID. 66388

(B) A cost report filed under division (A) of this section 66389
shall cover the period that begins and ends as follows: 66390

(1) In the case of an ICF/IID that becomes a downsized 66391
ICF/IID or partially converted ICF/IID: 66392

(a) The period begins with the day that the ICF/IID becomes a 66393
downsized ICF/IID or partially converted ICF/IID. 66394

(b) The period ends on the last day of the last month of the 66395
first three full months of operation as a downsized ICF/IID or 66396
partially converted ICF/IID. 66397

(2) In the case of a new ICF/IID: 66398

(a) The period begins with the day that the provider 66399
agreement for the ICF/IID takes effect. 66400

(b) The period ends on the last day of the last month of the first three full months that the provider agreement is in effect.

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(C) (1) If the department accepts a cost report filed under division (A) of this section for an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID on or before the first day of October of a calendar year, the provider also shall do both of the following:

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(a) File with the department a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code;

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(b) File with the department another cost report for the ICF/IID that covers the portion of the initial calendar year that the ICF/IID operated as a downsized ICF/IID or partially converted ICF/IID.

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(2) If the department accepts a cost report filed under division (A) of this section for an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID after the first day of October of a calendar year, the provider is not required to file a cost report that covers that calendar year in accordance with division (A) of section 5124.10 of the Revised Code. Instead, the provider shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code covering the immediately following calendar year.

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(3) If the department accepts a cost report filed under division (A) of this section for a new ICF/IID that has a provider agreement that takes effect on or before the first day of October of a calendar year, the provider also shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code covering the portion of that calendar year that the provider agreement was in effect.

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(4) If the department accepts a cost report filed under

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division (A) of this section for a new ICF/IID that has a provider 66432
agreement that takes effect after the first day of October of a 66433
calendar year, the provider is not required to file a cost report 66434
that covers that calendar year in accordance with division (A) of 66435
section 5124.10 of the Revised Code. The provider shall file a 66436
cost report for the ICF/IID in accordance with division (A) of 66437
section 5124.10 of the Revised Code covering the immediately 66438
following calendar year. 66439

(D) The department shall refuse to accept a cost report filed 66440
under division (A) or (C) (1) (b) of this section if either of the 66441
following apply: 66442

(1) Except as provided in division (E) of section 5124.10 of 66443
the Revised Code, the provider fails to file the cost report with 66444
the department not later than ninety days after the last day of 66445
the period the cost report covers; 66446

(2) The cost report is incomplete or inadequate. 66447

(E) If the department accepts a cost report filed under 66448
division (A) or (C) (1) (b) of this section, the department shall 66449
use that cost report, rather than the cost report that otherwise 66450
would be used pursuant to section 5124.17, ~~5124.171~~, 5124.19, 66451
~~5124.195~~, 5124.21, ~~5124.211~~, or 5124.23, ~~or 5124.231~~ of the 66452
Revised Code, to determine the ICF/IID's medicaid payment rate in 66453
accordance with this chapter for ICF/IID services the ICF/IID 66454
provides during the period that begins and ends as follows: 66455

(1) For a cost report filed under division (A) of this 66456
section, the period begins on the following: 66457

(a) In the case of an ICF/IID that becomes a downsized 66458
ICF/IID or partially converted ICF/IID: 66459

(i) The day that the ICF/IID becomes a downsized ICF/IID or 66460
partially converted ICF/IID if that day is the first day of a 66461
month; 66462

(ii) The first day of the month immediately following the month that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if division (E) (1) (a) (i) of this section does not apply. 66463
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(b) In the case of a new ICF/IID, the day that the ICF/IID's provider agreement takes effect. 66467
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(2) For a cost report filed under division (A) of this section, the period ends on the following: 66469
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(a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID: 66471
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(i) The last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID is paid a rate determined using a cost report filed under division (C) (1) (b) of this section if the ICF/IID became a downsized ICF/IID or partially converted ICF/IID on or before the first day of October of a calendar year; 66473
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(ii) The last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using a cost report that division (C) (2) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code if the ICF/IID became a downsized ICF/IID or partially converted ICF/IID after the first day of October of a calendar year. 66478
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(b) In the case of a new ICF/IID, the last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using a cost report that division (C) (3) or (4) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code. 66485
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(3) For a cost report filed under division (C) (1) (b) of this section, the period begins on the day immediately following the day specified in division (E) (2) (a) (i) of this section. 66491
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(4) For a cost report filed under division (C) (1) (b) of this section, the period ends on the last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using the cost report filed with the department in accordance with division (A) of section 5124.10 of the Revised Code that covers the calendar year that immediately follows the initial calendar year that the ICF/IID operated as a downsized ICF/IID or partially converted ICF/IID.

~~(F) If the department accepts a cost report filed under division (A) or (C) (1) (b) of this section by the provider of a downsized ICF/IID or partially converted ICF/IID, the following modifications shall be made for the purpose of determining the medicaid payment rate for ICF/IID services the ICF/IID provides during the period specified in division (E) of this section:~~

~~(1) In place of the quarterly case_mix score otherwise used in determining the ICF/IID's per medicaid day direct care costs component rate under division (A) of section 5124.19 of the Revised Code, the ICF/IID's case_mix score in effect on the last day of the calendar quarter that ends during the period the cost report covers (or, if more than one calendar quarter ends during that period, the last of those calendar quarters) shall be used to determine the ICF/IID's per medicaid day direct care costs component rate if the department accepts a cost report filed under division (A) or (C) (1) (b) of this section by the provider of a downsized ICF/IID or partially converted ICF/IID.~~

~~(2) In place of the annual average casemix score otherwise used in determining the ICF/IID's per medicaid day payment rate for direct care costs under division (A) of section 5124.195 of the Revised Code, the ICF/IID's casemix score in effect on the last day of the calendar quarter that ends during the period the cost report covers (or, if more than one calendar quarter ends during that period, the last of those calendar quarters) shall be~~

~~used to determine the ICF/IID's per medicaid day payment rate for direct care costs.~~ 66526
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~~(3) The ICF/IID shall not be subject to the limit on the costs of ownership per diem payment rate specified in divisions (B) and (C) of section 5124.171 of the Revised Code.~~ 66528
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~~(4) The ICF/IID shall not be subject to the limit on the payment rate for per diem capitalized costs of nonextensive renovations specified in division (E) (1) of section 5124.171 of the Revised Code.~~ 66531
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~~(5) The ICF/IID shall be subject to the limit on the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive specified in division (H) of section 5124.171 of the Revised Code regardless of whether the ICF/IID is in peer group 1 B or peer group 2 B.~~ 66535
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Sec. 5124.15. (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the Revised Code, and divisions ~~(D)~~(B) and ~~(E)~~(C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following: 66540
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~~(1) Until July 1, 2021, the greater of the total per medicaid day payment rates determined under divisions (B) and (C) of this section;~~ 66547
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~~(2) Beginning July 1, 2021, the total per medicaid day payment rate determined under division (B) of this section.~~ 66550
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~~(B) The total per medicaid day payment rate determined under this division is the sum of all of the following:~~ 66552
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~~(1) The per medicaid day capital component rate determined for the ICF/IID under section 5124.17 of the Revised Code;~~ 66554
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(2) The per medicaid day direct care costs component rate	66556
determined for the ICF/IID under section 5124.19 of the Revised	66557
Code;	66558
(3) The per medicaid day indirect care costs component rate	66559
determined for the ICF/IID under section 5124.21 of the Revised	66560
Code;	66561
(4) The per medicaid day other protected costs component rate	66562
determined for the ICF/IID under section 5124.23 of the Revised	66563
Code;	66564
(5) Until July 1, 2021, a direct support personnel payment	66565
equal to three and four hundredths per cent of the ICF/IID's	66566
desk reviewed, actual, allowable, per medicaid day direct care	66567
costs from the applicable cost report year;	66568
(6) Beginning July 1, 2021, the <u>The</u> sum of the following:	66569
(a) The per medicaid day quality incentive payment determined	66570
for the ICF/IID under section 5124.24 of the Revised Code;	66571
(b) A direct support personnel payment equal to two and	66572
four-hundredths per cent of the ICF/IID's desk-reviewed, actual,	66573
allowable, per medicaid day direct care costs from the applicable	66574
cost report year.	66575
(C) The total per medicaid day payment rate determined under	66576
this division is the sum of all of the following:	66577
(1) The per medicaid day payment rate for capital costs	66578
determined for the ICF/IID under section 5124.171 of the Revised	66579
Code;	66580
(2) The per medicaid day payment rate for direct care costs	66581
determined for the ICF/IID under section 5124.195 of the Revised	66582
Code;	66583
(3) The per medicaid day payment rate for indirect care costs	66584
determined for the ICF/IID under section 5124.211 of the Revised	66585

Code, 66586

~~(4) The per medicaid day payment rate for other protected costs determined for the ICF/IID under section 5124.231 of the Revised Code,~~ 66587
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~~(5) A direct support personnel payment equal to three and four hundredths per cent of the ICF/IID's desk reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.~~ 66590
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~~(D)(B) The total per medicaid day payment rate for the following an ICF/IID that is in peer group 5 shall not exceed the average total per medicaid day payment rate in effect on July 1, 2013, for developmental centers.~~ 66594
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~~(1) An ICF/IID that is in peer group 5 A for the purpose of the total per medicaid day payment rate determined under division (B) of this section,~~ 66598
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~~(2) An ICF/IID that is in peer group 3 B for the purpose of the total per medicaid day payment rate determined under division (C) of this section.~~ 66601
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~~(E)(C) The department shall adjust the total per medicaid day payment rate otherwise determined for an ICF/IID under divisions (B) and (C) of this section as directed by the general assembly through the enactment of law governing medicaid payments to ICF/IID providers.~~ 66604
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~~(F)(1)(D)(1) In addition to paying an ICF/IID provider the total per medicaid day payment rate determined for the provider's ICF/IID under divisions (A), (B), and (C), (D), and (E) of this section for a fiscal year, the department may do either or both of the following:~~ 66609
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(a) In accordance with section 5124.25 of the Revised Code, 66614
pay the provider a rate add-on for ventilator-dependent outlier 66615

ICF/IID services if the rate add-on is to be paid under that 66616
section and the department approves the provider's application for 66617
the rate add-on; 66618

(b) In accordance with section 5124.26 of the Revised Code, 66619
pay the provider for outlier ICF/IID services the ICF/IID provides 66620
to residents identified as needing intensive behavioral health 66621
support services if the rate add-on is to be paid under that 66622
section and the department approves the provider's application for 66623
the rate add-on. 66624

(2) The rate add-ons are not to be part of the ICF/IID's 66625
total per medicaid day payment rate. 66626

Sec. 5124.151. (A) The total per medicaid day payment rate 66627
determined under section 5124.15 of the Revised Code shall not be 66628
the initial rate for ICF/IID services provided by a new ICF/IID. 66629
Instead, the initial total per medicaid day payment rate for 66630
ICF/IID services provided by a new ICF/IID shall be determined in 66631
accordance with this section. 66632

(B) The initial total per medicaid day payment rate for 66633
ICF/IID services provided by a new ICF/IID, other than an ICF/IID 66634
in peer group ~~5-A5~~, shall be determined in the following manner: 66635

(1) The initial per medicaid day capital component rate shall 66636
be the median per medicaid day capital component rate for the 66637
ICF/IID's peer group for the fiscal year. 66638

(2) The initial per medicaid day direct care costs component 66639
rate shall be determined as follows: 66640

(a) If there are no cost or resident assessment data for the 66641
new ICF/IID as necessary to determine a rate under section 5124.19 66642
of the Revised Code, the rate shall be determined as follows: 66643

(i) Determine the median cost per case-mix unit under 66644
division (B) of section 5124.19 of the Revised Code for the new 66645

ICF/IID's peer group for the applicable cost report year; 66646

(ii) Multiply the amount determined under division 66647
(B) (2) (a) (i) of this section by the median annual average case-mix 66648
score for the new ICF/IID's peer group for that period; 66649

(iii) Adjust the product determined under division 66650
(B) (2) (a) (ii) of this section by the rate of inflation estimated 66651
under division (D) of section 5124.19 of the Revised Code. 66652

(b) If the new ICF/IID is a replacement ICF/IID and the 66653
ICF/IID or ICFs/IID that are being replaced are in operation 66654
immediately before the new ICF/IID opens, the rate shall be the 66655
same as the rate for the replaced ICF/IID or ICFs/IID, 66656
proportionate to the number of ICF/IID beds in each replaced 66657
ICF/IID. 66658

(c) If the new ICF/IID is a replacement ICF/IID and the 66659
ICF/IID or ICFs/IID that are being replaced are not in operation 66660
immediately before the new ICF/IID opens, the rate shall be 66661
determined under division (B) (2) (a) of this section. 66662

(3) The initial per medicaid day indirect care costs 66663
component rate shall be the maximum rate for the new ICF/IID's 66664
peer group as determined for the fiscal year in accordance with 66665
division (C) of section 5124.21 of the Revised Code. 66666

(4) The initial per medicaid day other protected costs 66667
component rate shall be one hundred fifteen per cent of the median 66668
rate for ICFs/IID determined for the fiscal year under section 66669
5124.23 of the Revised Code. 66670

(C) The initial total medicaid day payment rate for ICF/IID 66671
services provided by a new ICF/IID in peer group ~~5-A5~~ shall be 66672
determined in the following manner: 66673

(1) The initial per medicaid day capital component rate shall 66674
be \$29.61. 66675

(2) The initial per medicaid day direct care costs component rate shall be \$264.89. 66676
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(3) The initial per medicaid day indirect care costs component rate shall be \$59.85. 66678
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(4) The initial per medicaid day other protected costs component rate shall be \$25.99. 66680
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(D) (1) Except as provided in division (D) (2) of this section, the department of developmental disabilities shall adjust a new ICF/IID's initial total per medicaid day payment rate determined under this section effective the first day of July, to reflect new rate determinations for all ICFs/IID under this chapter. 66682
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(2) If the department accepts, under division (A) of section 5124.101 of the Revised Code, a cost report filed by the provider of a new ICF/IID, the department shall adjust the ICF/IID's initial total per medicaid day payment rate in accordance with divisions (E) and (F) of that section rather than division (D) (1) of this section. 66687
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Sec. 5124.152. (A) The total per medicaid day payment rate determined under section 5124.15 of the Revised Code shall not be paid for ICF/IID services provided by an ICF/IID, or discrete unit of an ICF/IID, designated by the department of developmental disabilities as an outlier ICF/IID or unit. Instead, the provider of a designated outlier ICF/IID or unit shall be paid each fiscal year a total per medicaid day payment rate that the department shall prospectively determine in accordance with a methodology established in rules authorized by this section. 66693
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(B) The department may designate an ICF/IID, or discrete unit of an ICF/IID, as an outlier ICF/IID or unit if the ICF/IID or unit serves residents who have either of the following: 66702
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(1) Diagnoses or special care needs that require direct care 66705

resources that are not measured adequately by the resident 66706
assessment instrument specified in rules authorized by ~~sections~~ 66707
section 5124.191 and ~~5124.196~~ of the Revised Code; 66708

(2) Diagnoses or special care needs that are specified in 66709
rules authorized by this section as otherwise qualifying for 66710
consideration under this section. 66711

(C) Notwithstanding any other provision of this chapter, the 66712
costs incurred by a designated outlier ICF/IID or unit shall not 66713
be considered in establishing medicaid payment rates for other 66714
ICFs/IID or units. 66715

(D) The director of developmental disabilities shall adopt 66716
rules under section 5124.03 of the Revised Code as necessary to 66717
implement this section. 66718

(1) (a) The rules shall do both of the following: 66719

(i) Specify the criteria and procedures the department will 66720
apply when designating an ICF/IID, or discrete unit of an ICF/IID, 66721
as an outlier ICF/IID or unit; 66722

(ii) Establish a methodology for prospectively determining 66723
the total per medicaid day payment rate that will be paid each 66724
fiscal year for ICF/IID services provided by a designated outlier 66725
ICF/IID or unit. 66726

(b) The rules adopted under division (D) (1) (a) (i) of this 66727
section regarding the criteria for designating outlier ICFs/IID 66728
and units shall do both of the following: 66729

(i) Provide for consideration of whether all of the allowable 66730
costs of an ICF/IID, or discrete unit of an ICF/IID, would be paid 66731
by the rate determined under section 5124.15 of the Revised Code; 66732

(ii) Specify the minimum number of ICF/IID beds that an 66733
ICF/IID, or discrete unit of an ICF/IID, must have to be 66734
designated an outlier ICF/IID or unit. 66735

(c) The rules authorized by division (D) (1) (a) (i) of this section regarding the criteria for designating outlier ICFs/IID and units shall not limit the designation to ICFs/IID, or discrete units of ICFs/IID, located in large cities.

(d) The rules authorized by division (D) (1) (a) (ii) of this section regarding the methodology for prospectively determining the rates of designated outlier ICFs/IID and units shall provide for the methodology to consider the historical costs of providing ICF/IID services to the residents of designated outlier ICFs/IID and units.

(2) (a) The rules may do both of the following:

(i) Include for designation as an outlier ICF/IID or unit, an ICF/IID, or discrete unit of an ICF/IID, that serves residents who have complex medical conditions or severe behavioral problems;

(ii) Require that a designated outlier ICF/IID or unit receive authorization from the department before admitting or retaining a resident.

(b) If the director adopts rules authorized by division (D) (2) (a) (ii) of this section regarding the authorization of a designated outlier ICF/IID or unit to admit or retain a resident, the rules shall specify the criteria and procedures the department will apply when granting the authorization.

Sec. 5124.17. (A) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day capital component rate. An ICF/IID's rate for a fiscal year shall equal the sum of the following:

(1) The lesser of the following:

(a) The sum of all of the following:

(i) The ICF/IID's per diem fair rental value rate for the fiscal year as determined under division (B) of this section;

(ii) The ICF/IID's per diem equipment rate for the fiscal year as determined under division (D) of this section;	66766 66767
(iii) The ICF/IID's per diem secondary building rate for the fiscal year as determined under division (E) of this section.	66768 66769
(b) The sum determined for the fiscal year under division (G) of this section.	66770 66771
(2) The ICF/IID's per diem nonextensive renovation rate for the fiscal year as determined under division (H) of this section.	66772 66773
(B) An ICF/IID's per diem fair rental value rate for a fiscal year is the quotient of the following:	66774 66775
(1) The ICF/IID's fair rental value as determined under division (C) of this section;	66776 66777
(2) The greater of the following:	66778
(a) The number of the ICF/IID's inpatient days for the applicable cost report year;	66779 66780
(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	66781 66782 66783
(C) (1) An ICF/IID's fair rental value is the product of the following:	66784 66785
(a) The sum of the following:	66786
(i) The ICF/IID's depreciated current asset value as determined under division (C) (2) of this section;	66787 66788
(ii) The ICF/IID's land value as determined under division (C) (10) of this section.	66789 66790
(b) Eleven per cent.	66791
(2) An ICF/IID's depreciated current asset value is its current asset value, as determined under division (C) (3) of this section, depreciated by the product of the following:	66792 66793 66794

(a) The ICF/IID's effective age as determined under division	66795
(C) (5) of this section;	66796
(b) One and six-tenths per cent.	66797
(3) An ICF/IID's current asset value is the product of the	66798
following:	66799
(a) The ICF/IID's value per square foot as determined under	66800
division (C) (4) of this section;	66801
(b) The lesser of the ICF/IID's square footage and the	66802
following:	66803
(i) If the ICF/IID is in peer group 1-A1 and is a downsized	66804
ICF/IID, its medicaid-certified capacity on the last day of the	66805
applicable cost report year multiplied by one thousand;	66806
(ii) If the ICF/IID is in peer group 1-A1 and is not a	66807
downsized ICF/IID, its medicaid-certified capacity on the last day	66808
of the applicable cost report year multiplied by five hundred	66809
fifty;	66810
(iii) If the ICF/IID is in peer group 2-A2 and is a downsized	66811
ICF/IID, its medicaid-certified capacity on the last day of the	66812
applicable cost report year multiplied by one thousand;	66813
(iv) If the ICF/IID is in peer group 2-A2 and is not a	66814
downsized ICF/IID, its medicaid-certified capacity on the last day	66815
of the applicable cost report year multiplied by seven hundred	66816
fifty;	66817
(v) If the ICF/IID is in peer group 3-A3 , its	66818
medicaid-certified capacity on the last day of the applicable cost	66819
report year multiplied by eight hundred fifty;	66820
(vi) If the ICF/IID is in peer group 4-A4 or peer group 5-A5 ,	66821
its medicaid-certified capacity on the last day of the applicable	66822
cost report year multiplied by nine hundred.	66823
(4) (a) An ICF/IID's value per square foot shall be determined	66824

by using the version of the following RS means data that was most recently published at the time the determination is made:

(i) If the ICF/IID is in peer group ~~1-A1~~ or peer group ~~2-A2~~, the RS means data for assisted-senior living facility construction costs;

(ii) If the ICF/IID is in peer group ~~3-A3~~, peer group ~~4-A4~~, or peer group ~~5-A5~~, the RS means data for nursing home construction costs.

(b) Except as provided in division (C)(4)(c) of this section, in determining an ICF/IID's value per square foot, the following modifier shall be used:

(i) If the ICF/IID is located in Summit county, the modifier specified in the applicable RS means data for Akron;

(ii) If the ICF/IID is located in Athens county, the modifier specified in the applicable RS means data for Athens;

(iii) If the ICF/IID is located in Ashtabula, Geauga, Lake, Medina, Portage, Stark, Trumbull, or Wayne county, the modifier specified in the applicable RS means data for Canton;

(iv) If the ICF/IID is located in Ross county, the modifier specified in the applicable RS means data for Chillicothe;

(v) If the ICF/IID is located in Hamilton county, the modifier specified in the applicable RS means data for Cincinnati;

(vi) If the ICF/IID is located in Cuyahoga county, the modifier specified in the applicable RS means data for Cleveland;

(vii) If the ICF/IID is located in Franklin county, the modifier specified in the applicable RS means data for Columbus;

(viii) If the ICF/IID is located in Montgomery county, the modifier specified in the applicable RS means data for Dayton;

(ix) If the ICF/IID is located in Brown, Butler, Clermont,

Clinton, Champaign, Darke, Greene, Logan, Miami, Preble, Shelby, 66854
or Warren county, the modifier specified in the applicable RS 66855
means data for Hamilton; 66856

(x) If the ICF/IID is located in Allen, Auglaize, Defiance, 66857
Erie, Fulton, Hancock, Henry, Huron, Mercer, Paulding, Putnam, 66858
Ottawa, Sandusky, Seneca, Van Wert, Williams, or Wood county, the 66859
modifier specified in the applicable RS means data for Lima; 66860

(xi) If the ICF/IID is located in Lorain county, the modifier 66861
specified in the applicable RS means data for Lorain; 66862

(xii) If the ICF/IID is located in Ashland, Crawford, 66863
Delaware, Fairfield, Fayette, Hardin, Knox, Licking, Madison, 66864
Morrow, Pickaway, Richland, Union, or Wyandot county, the modifier 66865
specified in the applicable RS means data for Mansfield; 66866

(xiii) If the ICF/IID is located in Marion county, the 66867
modifier specified in the applicable RS means data for Marion; 66868

(xiv) If the ICF/IID is located in Clark county, the modifier 66869
specified in the applicable RS means data for Springfield; 66870

(xv) If the ICF/IID is located in Jefferson county, the 66871
modifier specified in the applicable RS means data for 66872
Steubenville; 66873

(xvi) If the ICF/IID is located in Lucas county, the modifier 66874
specified in the applicable RS means data for Toledo; 66875

(xvii) If the ICF/IID is located in Mahoning county, the 66876
modifier specified in the applicable RS means data for Youngstown; 66877

(xviii) If the ICF/IID is located in Adams, Belmont, Carroll, 66878
Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, 66879
Hocking, Holmes, Jackson, Lawrence, Meigs, Monroe, Morgan, 66880
Muskingum, Noble, Perry, Pike, Scioto, Tuscarawas, Vinton, or 66881
Washington county, the modifier specified in the applicable RS 66882
means data for Zanesville. 66883

(c) If a modifier ceases to be specified in the applicable RS 66884
means data for a city listed in division (C) (4) (b) of this 66885
section, the director of developmental disabilities shall specify 66886
in rules adopted under section 5124.03 of the Revised Code a 66887
different modifier for the counties that are affected by the 66888
change. 66889

(5) An ICF/IID's effective age shall be determined as 66890
follows: 66891

(a) Determine the sum of the numbers of the ICF/IID's new bed 66892
equivalents for renovations for the applicable cost report year 66893
and the immediately preceding thirty-nine calendar years as 66894
determined for each of those years under division (C) (7) (a) of 66895
this section; 66896

(b) Determine the sum of the numbers of the ICF/IID's new bed 66897
equivalents for additions that do not increase the ICF/IID's 66898
medicaid-certified capacity for the applicable cost report year 66899
and the immediately preceding thirty-nine calendar years as 66900
determined for each of those years under division (C) (8) (a) of 66901
this section; 66902

(c) Determine the sum of the numbers of the ICF/IID's new 66903
beds resulting from additions that increase the ICF/IID's 66904
medicaid-certified capacity for the applicable cost report year 66905
and the immediately preceding thirty-nine calendar years as 66906
determined for each of those years under division (C) (9) (a) of 66907
this section; 66908

(d) Determine the sum of the sums determined under divisions 66909
(C) (5) (a), (b), and (c) of this section; 66910

(e) Determine the difference of the following: 66911

(i) The ICF/IID's medicaid-certified capacity on the last day 66912
of the applicable cost report year; 66913

(ii) The lesser of the amount specified in division 66914
(C) (5) (e) (i) of this section and the sum determined under division 66915
(C) (5) (d) of this section. 66916

(f) For the purpose of determining the weighted age of the 66917
ICF/IID's original beds, determine the product of the following: 66918

(i) The difference determined under division (C) (5) (e) of 66919
this section; 66920

(ii) The ICF/IID's age as determined under division (C) (6) of 66921
this section. 66922

(g) Determine the sum of the weighted ages of the ICF/IID's 66923
new bed equivalents for renovations for the applicable cost report 66924
year and the immediately preceding thirty-nine calendar years as 66925
determined for each of those years under division (C) (7) (c) of 66926
this section; 66927

(h) Determine the sum of the weighted ages of the ICF/IID's 66928
new bed equivalents for additions that do not increase its 66929
medicaid-certified capacity for the applicable cost report year 66930
and the immediately preceding thirty-nine calendar years as 66931
determined for each of those years under division (C) (8) (d) of 66932
this section; 66933

(i) Determine the sum of the weighted ages of the ICF/IID's 66934
new beds resulting from additions that increase its 66935
medicaid-certified capacity for the applicable cost report year 66936
and the immediately preceding thirty-nine calendar years as 66937
determined for that period and each of those years under division 66938
(C) (9) (b) of this section; 66939

(j) Determine the sum of the following: 66940

(i) The product determined under division (C) (5) (f) of this 66941
section; 66942

(ii) The sum of the sums determined under divisions 66943

(C) (5) (g), (h), and (i) of this section.	66944
(k) Determine the quotient of the following:	66945
(i) The sum determined under division (C) (5) (j) of this section;	66946 66947
(ii) The ICF/IID's medicaid-certified capacity on the last day of the applicable cost report year.	66948 66949
(6) An ICF/IID's age is the lesser of the following:	66950
(a) The difference between the following:	66951
(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;	66952 66953 66954
(ii) The calendar year in which the ICF/IID was initially constructed.	66955 66956
(b) Forty.	66957
(7) (a) The number, for a year, of an ICF/IID's new bed equivalents for renovations is the quotient of the following:	66958 66959
(i) The ICF/IID's desk-reviewed, actual, allowable renovation costs for the year;	66960 66961
(ii) Seventy thousand dollars.	66962
(b) The age of an ICF/IID's new bed equivalents for renovations is the difference of the following:	66963 66964
(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;	66965 66966 66967
(ii) The calendar year the renovations were completed.	66968
(c) The weighted age, for a year, of an ICF/IID's new bed equivalents for renovations is the product of the following:	66969 66970
(i) The number, for that year, of the ICF/IID's new bed	66971

equivalents for renovations as determined under division (C) (7) (a) 66972
of this section; 66973

(ii) The age of those new bed equivalents as determined under 66974
division (C) (7) (b) of this section. 66975

(8) (a) The number, for a year, of an ICF/IID's new bed 66976
equivalents for additions that do not increase its 66977
medicaid-certified capacity is the quotient of the following: 66978

(i) The value of such additions made to the ICF/IID that year 66979
as determined under division (C) (8) (b) of this section; 66980

(ii) Seventy thousand dollars. 66981

(b) The value of additions that do not increase an ICF/IID's 66982
medicaid-certified capacity is the product of the following: 66983

(i) The total square footage of the additions; 66984

(ii) The ICF/IID's value per square foot as determined under 66985
division (C) (4) of this section. 66986

(c) The age of an ICF/IID's new bed equivalents for additions 66987
that do not increase its medicaid-certified capacity is the 66988
difference of the following: 66989

(i) The calendar year in which occurs the last day of the 66990
period covered by the cost report being used to determine the 66991
ICF/IID's rate under this section; 66992

(ii) The calendar year the additions were completed. 66993

(d) The weighted age, for a year, of an ICF/IID's new bed 66994
equivalents for additions that do not increase its 66995
medicaid-certified capacity is the product of the following: 66996

(i) The number, for that year, of the ICF/IID's new bed 66997
equivalents for such additions as determined under division 66998
(C) (8) (a) of this section; 66999

(ii) The age of those new bed equivalents as determined under 67000

division (C)(8)(c) of this section. 67001

(9)(a) The number, for a year, of new beds resulting from 67002
additions that increase an ICF/IID's medicaid-certified capacity 67003
is the number by which the new beds increased the ICF/IID's 67004
medicaid-certified capacity that year. 67005

(b) The weighted age, for a year, of new beds resulting from 67006
additions that increase an ICF/IID's medicaid-certified capacity 67007
is the product of the following: 67008

(i) The number by which those new beds increased the 67009
ICF/IID's medicaid-certified capacity that year; 67010

(ii) The difference of the calendar year in which occurs the 67011
last day of the period covered by the cost report being used to 67012
determine the ICF/IID's rate under this section and the calendar 67013
year the ICF/IID's medicaid-certified capacity was so increased. 67014

(10) An ICF/IID's land value is the product of the following: 67015

(a) The ICF/IID's current asset value as determined under 67016
division (C)(3) of this section; 67017

(b) Ten per cent. 67018

(D) An ICF/IID's per diem equipment rate for a fiscal year 67019
shall be the lesser of the following: 67020

(1) The quotient of the following: 67021

(a) The ICF/IID's costs for capital equipment for the 67022
applicable cost report year; 67023

(b) The greater of the following: 67024

(i) The number of the ICF/IID's inpatient days for the 67025
applicable cost report year; 67026

(ii) The number of inpatient days the ICF/IID would have had 67027
during the applicable cost report year if its occupancy rate had 67028
been ninety-two per cent that year. 67029

(2) The following amount:	67030
(a) If the ICF/IID is in peer group 1-A1 , five dollars;	67031
(b) If the ICF/IID is in peer group 2-A2 , six dollars and fifty cents;	67032 67033
(c) If the ICF/IID is in peer group 3-A3 , eight dollars;	67034
(d) If the ICF/IID is in peer group 4-A4 or peer group 5-A5 , nine dollars.	67035 67036
(E) An ICF/IID's per diem secondary building rate for a fiscal year is the quotient of the following:	67037 67038
(1) The ICF/IID's secondary building value as determined under division (F) of this section;	67039 67040
(2) The greater of the following:	67041
(a) The number of the ICF/IID's inpatient days for the applicable cost report year;	67042 67043
(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	67044 67045 67046
(F) (1) An ICF/IID's secondary building value is the product of the following:	67047 67048
(a) The sum of the following:	67049
(i) The sum of the depreciated current asset values of the ICF/IID's secondary buildings as determined under division (F) (2) of this section;	67050 67051 67052
(ii) The sum of the land values of the ICF/IID's secondary buildings as determined under division (F) (6) of this section.	67053 67054
(b) A rental rate of eleven per cent.	67055
(2) The depreciated current asset value of an ICF/IID's secondary building is the current asset value of the secondary	67056 67057

building, as determined under division (F) (3) of this section, 67058
depreciated by the product of the following: 67059

(a) The age of the secondary building as determined under 67060
division (F) (5) of this section; 67061

(b) One and six-tenths per cent. 67062

(3) The current asset value of an ICF/IID's secondary 67063
building is the product of the following: 67064

(a) The part of the secondary building's square footage that 67065
is allocated to the ICF/IID; 67066

(b) The secondary building's value per square foot as 67067
determined under division (F) (4) of this section. 67068

(4) The value per square foot of an ICF/IID's secondary 67069
building shall be determined by using the following: 67070

(a) Except as provided in division (F) (4) (b) of this section, 67071
the most recent national average commercial cost estimate for 67072
office/warehouse buildings according to information available at 67073
buildingjournal.com on the last day of the applicable cost report 67074
year; 67075

(b) If the national average commercial cost estimate for 67076
office/warehouse buildings ceases to be available at 67077
buildingjournal.com, the most recent comparable cost estimate as 67078
specified in rules the director of developmental disabilities 67079
shall adopt under section 5124.03 of the Revised Code. 67080

(5) The age of an ICF/IID's secondary building is the lesser 67081
of the following: 67082

(a) The difference of the following: 67083

(i) The calendar year in which occurs the last day of the 67084
period covered by the cost report being used to determine the 67085
ICF/IID's rate under this section; 67086

(ii) The calendar year the secondary building was initially constructed.	67087 67088
(b) Forty.	67089
(6) The land value of an ICF/IID's secondary building is the product of the following:	67090 67091
(a) The current asset value of the ICF/IID's secondary building as determined under division (F) (3) of this section;	67092 67093
(b) Ten per cent.	67094
(G) For the purposes of divisions (A) (1) (b) and (H) (1) (b) (ii) of this section, the department shall determine the sum of the following for each ICF/IID for each fiscal year:	67095 67096 67097
(1) The quotient of the following:	67098
(a) The ICF/IID's desk-reviewed, actual, allowable capital costs for the applicable cost report year;	67099 67100
(b) The greater of the following:	67101
(i) The number of the ICF/IID's inpatient days for the applicable cost report year;	67102 67103
(ii) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	67104 67105 67106
(2) The following amount:	67107
(a) If the ICF/IID is in peer group 1-A1 or peer group 2-A2 , three dollars;	67108 67109
(b) If the ICF/IID is in peer group 3-A3 , peer group 4-A4 , or peer group 5-A5 , five dollars.	67110 67111
(3) The greater of the following:	67112
(a) Ten per cent of the difference of the following:	67113
(i) The sum of the quotient determined for the fiscal year	67114

under division (G) (1) of this section and the applicable amount 67115
specified in division (G) (2) of this section; 67116

(ii) The sum determined for the fiscal year under division 67117
(A) (1) (a) of this section. 67118

(b) Zero. 67119

(H) An ICF/IID's per diem nonextensive renovation rate for a 67120
fiscal year is the following: 67121

(1) If the sum of the ICF/IID's per diem costs of 67122
nonextensive renovations for the applicable cost report year as 67123
determined under division (I) of this section and the ICF/IID's 67124
per diem costs of ownership for the applicable cost report year as 67125
determined under division (J) of this section is greater than the 67126
sum determined for the ICF/IID for the fiscal year under division 67127
(G) of this section, the lesser of the following: 67128

(a) The ICF/IID's per diem costs of nonextensive renovations 67129
for the applicable cost report year as determined under division 67130
(I) of this section; 67131

(b) The difference of the following: 67132

(i) The sum of the ICF/IID's per diem costs of nonextensive 67133
renovation for the applicable cost report year as determined under 67134
division (I) of this section and the ICF/IID's per diem costs of 67135
ownership for the applicable cost report year as determined under 67136
division (J) of this section; 67137

(ii) The sum determined for the ICF/IID for the fiscal year 67138
under division (G) of this section. 67139

(2) If the sum of the ICF/IID's per diem costs of 67140
nonextensive renovation for the applicable cost report year as 67141
determined under division (I) of this section and the ICF/IID's 67142
per diem costs of ownership for the applicable cost report year as 67143
determined under division (J) of this section is less than or 67144

equal to the sum determined for the ICF/IID for the fiscal year 67145
under division (G) of this section, zero. 67146

(I) An ICF/IID's per diem costs of nonextensive renovations 67147
for an applicable cost report year are the quotient of the 67148
following: 67149

(1) The ICF/IID's desk-reviewed, actual, allowable costs of 67150
nonextensive renovations for the applicable cost report year; 67151

(2) The greater of the following: 67152

(a) The number of the ICF/IID's inpatient days for the 67153
applicable cost report year; 67154

(b) The number of inpatient days the ICF/IID would have had 67155
during the applicable cost report year if its occupancy rate had 67156
been ninety-two per cent that year. 67157

(J) An ICF/IID's per diem costs of ownership for an 67158
applicable cost report year are the quotient of the following: 67159

(1) The ICF/IID's desk-reviewed, actual, allowable costs of 67160
ownership for the applicable cost report year; 67161

(2) The greater of the following: 67162

(a) The number of the ICF/IID's inpatient days for the 67163
applicable cost report year; 67164

(b) The number of inpatient days the ICF/IID would have had 67165
during the applicable cost report year if its occupancy rate had 67166
been ninety-two per cent that year. 67167

Sec. 5124.19. (A) For each fiscal year, the department of 67168
developmental disabilities shall determine each ICF/IID's per 67169
medicaid day direct care costs component rate. An ICF/IID's rate 67170
shall be determined as follows: 67171

(1) Determine the product of the following: 67172

(a) The ICF/IID's quarterly case-mix score determined or assigned under section 5124.193 of the Revised Code for the following calendar quarter: 67173
67174
67175

(i) For the rate determined for fiscal year 2019, the calendar quarter ending December 31, 2017; 67176
67177

(ii) For the rate determined for each subsequent fiscal year, the calendar quarter ending on the last day of March of the calendar year in which the fiscal year begins. 67178
67179
67180

(b) The lesser of the following: 67181

(i) The ICF/IID's cost per case-mix unit for the applicable cost report year as determined under division (B) of this section; 67182
67183

(ii) The maximum cost per case-mix unit for the ICF/IID's peer group for the fiscal year for which the rate is determined as determined under division (C) of this section. 67184
67185
67186

(2) Adjust the product determined under division (A) (1) of this section by the inflation rate estimated under division (D) of this section. 67187
67188
67189

(B) To determine an ICF/IID's cost per case-mix unit for a cost report year, the department shall determine the quotient of the following: 67190
67191
67192

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem direct care costs for the cost report year; 67193
67194

(2) The ICF/IID's annual average case-mix score as determined under section 5124.193 of the Revised Code for the fiscal year for which the rate is determined. 67195
67196
67197

(C) (1) The maximum cost per case-mix unit for a peer group for a fiscal year, other than peer group ~~5-A5~~, is the following percentage above the peer group's median cost per case-mix unit for that fiscal year: 67198
67199
67200
67201

(a) For peer group ~~1-A1~~, sixteen per cent; 67202

(b) For peer group ~~2-A2~~, fourteen per cent; 67203

(c) For peer group ~~3-A3~~, eighteen per cent; 67204

(d) For peer group ~~4-A4~~, twenty-two per cent. 67205

(2) The maximum cost per case-mix unit for peer group ~~5-A5~~ 67206
for a fiscal year is the ninety-fifth percentile of all ICFs/IID 67207
in peer group ~~5-A5~~ for the applicable cost report year. 67208

(3) In determining the maximum cost per case-mix unit for a 67209
peer group under division (C)(1) of this section, the department 67210
shall exclude from its determination the cost per case-mix unit of 67211
any ICF/IID in the peer group that participated in the medicaid 67212
program under the same provider for less than twelve months during 67213
the applicable cost report year. 67214

(4) In determining the maximum cost per case-mix unit for a 67215
peer group under division (C)(1) or (2) of this section, the 67216
department shall exclude from its determination the cost per 67217
case-mix unit of any ICF/IID in the peer group that has a case-mix 67218
score that was assigned by the department to the ICF/IID under 67219
division (B) of section 5124.193 of the Revised Code. 67220

(5) The department shall not reset a peer group's maximum 67221
cost per case-mix unit for a fiscal year under division (C)(1) or 67222
(2) of this section based on additional information that the 67223
department receives after it sets the maximum for that fiscal 67224
year. The department shall reset a peer group's maximum cost per 67225
case-mix unit for a fiscal year only if it made an error in 67226
setting the maximum for that fiscal year based on information 67227
available to the department at the time it originally sets the 67228
maximum for that fiscal year. 67229

(D) The department shall estimate the rate of inflation for 67230
the eighteen-month period beginning on the first day of July of 67231
the applicable cost report year and ending on the last day of 67232
December of the fiscal year for which the rate is determined, 67233

using the following: 67234

(1) Subject to division (D)(2) of this section, the 67235
employment cost index for total compensation, health care and 67236
social assistance component, published by the United States bureau 67237
of labor statistics; 67238

(2) If the United States bureau of labor statistics ceases to 67239
publish the index specified in division (D)(1) of this section, 67240
the index that is subsequently published by the bureau and covers 67241
the staff costs of ICFs/IID. 67242

Sec. 5124.191. (A) As used in sections 5124.191 to 5124.193 67243
of the Revised Code, "ICF/IID resident" includes an individual who 67244
is on hospital or therapeutic leave from an ICF/IID. 67245

(B) In accordance with rules adopted under section 5124.03 of 67246
the Revised Code, the department of developmental disabilities 67247
shall assess each ICF/IID resident regardless of payment source 67248
and compile complete assessment data on the residents. The 67249
department shall perform the initial assessment of an ICF/IID 67250
resident. The department may perform a subsequent assessment of an 67251
ICF/IID resident under any of the following circumstances: 67252

(1) The provider of the ICF/IID in which the resident resides 67253
or from which the resident is on hospital or therapeutic leave has 67254
submitted to the department under division (D) of this section 67255
revised assessment data for the resident or an attestation of no 67256
changes in the resident's assessment data and the department has 67257
reason to believe that the revised assessment data or attestation 67258
is inaccurate; 67259

(2) The department has reason to believe that the resident's 67260
most recent assessment no longer accurately reflects the 67261
resident's condition; 67262

(3) The department determines that the resident's most recent 67263

assessment should be updated because of the passage of time since 67264
that assessment was performed. 67265

(C) If an ICF/IID provider disagrees with the results of an 67266
assessment performed by the department under this section, the 67267
provider may request that the department reconsider the results in 67268
accordance with rules adopted under section 5124.03 of the Revised 67269
Code. 67270

(D) After the department assesses an ICF/IID resident under 67271
this section, the provider of the ICF/IID in which the resident 67272
resides or from which the resident is on hospital or therapeutic 67273
leave shall submit to the department, not later than fifteen days 67274
after the end of each subsequent calendar quarter and through the 67275
medium or media specified in rules adopted under section 5124.03 67276
of the Revised Code, either of the following: 67277

(1) Revised assessment data for the resident if there are 67278
changes in the resident's assessment data; 67279

(2) An attestation that there are no changes in the 67280
resident's assessment data. 67281

(E) A resident assessment instrument specified in rules 67282
adopted under section 5124.03 of the Revised Code shall be used to 67283
compile or revise assessment data of ICF/IID residents under this 67284
section. ~~The resident assessment instrument used for the purpose 67285
of this section may be different from the resident assessment 67286
instrument used for the purpose of section 5124.196 of the Revised 67287
Code.~~ 67288

Sec. 5124.21. (A) For each fiscal year, the department of 67289
developmental disabilities shall determine each ICF/IID's per 67290
medicaid day indirect care costs component rate. An ICF/IID's rate 67291
shall be the lesser of the individual rate determined under 67292
division (B) of this section and the maximum rate determined for 67293

the ICF/IID's peer group under division (C) of this section. 67294

(B) An ICF/IID's individual rate is the sum of the following: 67295

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 67296
indirect care costs for the applicable cost report year, adjusted 67297
for the inflation rate estimated under division (E) of this 67298
section; 67299

(2) Subject to division (D) of this section, an efficiency 67300
incentive equal to the difference between the amount of the per 67301
diem indirect care costs for the applicable cost report year 67302
determined for the ICF/IID under division (B) (1) of this section 67303
and the maximum rate established for the ICF/IID's peer group 67304
under division (C) of this section for that year. 67305

(C) (1) The maximum rate for an ICF/IID's peer group shall be 67306
the following percentage above the peer group's median per diem 67307
indirect care costs for the applicable cost report year: 67308

(a) For ICFs/IID in peer group ~~1-A1~~, eight per cent; 67309

(b) For ICFs/IID in peer group ~~2-A2~~ or peer group ~~3-A3~~, ten 67310
per cent; 67311

(c) For ICFs/IID in peer group ~~4-A4~~ or peer group ~~5-A5~~, 67312
twelve per cent. 67313

(2) The department shall not redetermine a peer group's 67314
maximum rate under division (C) (1) of this section based on 67315
additional information that it receives after the maximum rate is 67316
set. The department shall redetermine a peer group's maximum rate 67317
only if the department made an error in computing the maximum rate 67318
based on the information available to the department at the time 67319
of the original calculation. 67320

(D) The efficiency incentive for an ICF/IID shall not exceed 67321
the following: 67322

(1) If the ICF/IID is in peer group ~~1-A1~~, five per cent of the peer group's maximum rate established under division (C) (1) (a) of this section;

(2) If the ICF/IID is in peer group ~~2-A2~~, peer group ~~3-A3~~, peer group ~~4-A4~~, or peer group ~~5-A5~~, six per cent of the peer group's maximum rate established under division (C) (1) (b) or (c) of this section.

(E) When adjusting rates for inflation under division (B) (1) of this section, the department shall estimate the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable cost report year and ending on the thirty-first day of December of the fiscal year for which the rate is determined. To estimate the rate of inflation, the department shall use the following:

(1) Subject to division (E) (2) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics;

(2) If the United States bureau of labor statistics ceases to publish the index specified in division (E) (1) of this section, a comparable index that the bureau publishes and the department determines is appropriate.

Sec. 5124.23. For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day other protected costs component rate. An ICF/IID's rate shall be the ICF/IID's desk-reviewed, actual, allowable, per diem other protected costs from the applicable cost report year, adjusted for inflation using the following:

(A) Subject to division (B) of this section, the consumer price index for all urban consumers for nonprescription drugs and medical supplies, as published by the United States bureau of

labor statistics; 67353

(B) If the United States bureau of labor statistics ceases to 67354
publish the index specified in division ~~(B)(1)~~(A) of this section, 67355
the index that is subsequently published by the bureau and covers 67356
nonprescription drugs and medical supplies. 67357

Sec. 5124.29. Except as otherwise provided in section 5124.30 67358
of the Revised Code, the department of developmental disabilities, 67359
in determining whether an ICF/IID's direct care costs and indirect 67360
care costs are allowable, shall place no limit on specific 67361
categories of reasonable costs other than compensation of owners, 67362
compensation of relatives of owners, and compensation of 67363
administrators. 67364

Compensation cost limits for owners and relatives of owners 67365
shall be based on compensation costs for individuals who hold 67366
comparable positions but who are not owners or relatives of 67367
owners, as reported on ICFs/IID's cost reports. As used in this 67368
section, "comparable position" means the position that is held by 67369
the owner or the owner's relative, if that position is listed 67370
separately on the cost report form, or if the position is not 67371
listed separately, the group of positions that is listed on the 67372
cost report form and that includes the position held by the owner 67373
or the owner's relative. In the case of an owner or owner's 67374
relative who serves the ICFs/IID in a capacity such as corporate 67375
officer, proprietor, or partner for which no comparable position 67376
or group of positions is listed on the cost report form, the 67377
compensation cost limit shall be based on civil service 67378
equivalents and shall be specified in rules adopted under section 67379
5124.03 of the Revised Code. 67380

Compensation cost limits for administrators shall be based on 67381
compensation costs for administrators who are not owners or 67382
relatives of owners, as reported on ICFs/IID's cost reports. ~~For~~ 67383

~~the purpose of determining an ICF/IID's total per medicaid day 67384
payment rate under division (C) of section 5124.15 of the Revised 67385
Code, compensation cost limits for administrators of four or more 67386
ICFs/IID shall be the same as the limits for administrators of 67387
ICFs/IID with one hundred fifty or more beds. 67388~~

Sec. 5124.30. Except as provided in ~~sections~~ section 5124.17 67389
~~and 5124.171~~ of the Revised Code, the costs of goods, services, 67390
and facilities, furnished to an ICF/IID provider by a related 67391
party are includable in the allowable costs of the provider at the 67392
reasonable cost to the related party. 67393

Sec. 5124.38. (A) The director of developmental disabilities 67394
shall establish a process under which an ICF/IID provider, or a 67395
group or association of ICF/IID providers, may seek 67396
reconsideration of medicaid payment rates established under this 67397
chapter, ~~including a rate for direct care costs redetermined 67398
before the effective date of the rate as a result of an exception 67399
review conducted under section 5124.198 of the Revised Code. 67400~~
Except as provided in divisions (B) to (E) of this section, the 67401
only issue that a provider, group, or association may raise in the 67402
rate reconsideration is whether the rate was calculated in 67403
accordance with this chapter and the rules adopted under section 67404
5124.03 of the Revised Code. The provider, group, or association 67405
may submit written arguments or other materials that support its 67406
position. The provider, group, or association and department shall 67407
take actions regarding the rate reconsideration within time frames 67408
specified in rules authorized by this section. 67409

If the department determines, as a result of the rate 67410
reconsideration, that the rate established for one or more 67411
ICFs/IID is less than the rate to which the ICF/IID is entitled, 67412
the department shall increase the rate. If the department has paid 67413
the incorrect rate for a period of time, the department shall pay 67414

the provider of the ICF/IID the difference between the amount the 67415
provider was paid for that period for the ICF/IID and the amount 67416
the provider should have been paid for the ICF/IID. 67417

(B) (1) The department, through the rate reconsideration 67418
process, may increase during a fiscal year the medicaid payment 67419
rate determined for an ICF/IID under this chapter if the provider 67420
demonstrates that the ICF/IID's actual, allowable costs have 67421
increased because of any of the following extreme circumstances: 67422

(a) A natural disaster; 67423

~~(b) A nonextensive renovation approved under division (E) of 67424
section 5124.171 of the Revised Code; 67425~~

~~(c) If the ICF/IID has an appropriate claims management 67426
program, an increase in the ICF/IID's workers' compensation 67427
experience rating of greater than five per cent; 67428~~

~~(d) (c) If the ICF/IID is an inner-city ICF/IID, increased 67429
security costs; 67430~~

~~(e) (d) A change of ownership that results from bankruptcy, 67431
foreclosure, or findings by the department of health of violations 67432
of medicaid certification requirements; 67433~~

~~(f) (e) Other extreme circumstances specified in rules 67434
authorized by this section. 67435~~

(2) An ICF/IID may qualify for a rate increase under this 67436
division only if its per diem, actual, allowable costs have 67437
increased to a level that exceeds its total rate. An increase 67438
under this division is subject to any rate limitations or maximum 67439
rates established by this chapter for specific cost centers. Any 67440
rate increase granted under this division shall take effect on the 67441
first day of the first month after the department receives the 67442
request. 67443

(C) The department, through the rate reconsideration process, 67444

may increase an ICF/IID's rate as determined under this chapter if 67445
the department, in the department's sole discretion, determines 67446
that the rate as determined under those sections works an extreme 67447
hardship on the ICF/IID. 67448

(D) (1) ~~When~~ Subject to any applicable limitation under 67449
section 5124.17 of the Revised Code, when beds certified for the 67450
medicaid program are added to an existing ICF/IID or replaced at 67451
the same site, the department, through the rate reconsideration 67452
process, ~~may do either of the following to account for the costs~~ 67453
~~of the beds that are added or replaced.~~ 67454

~~(a) Subject to any applicable limitation under section~~ 67455
~~5124.17 of the Revised Code,~~ proportionately increase the 67456
ICF/IID's per medicaid day capital component rate determined under 67457
that section. 67458

~~(b) Subject to any applicable limitation under section~~ 67459
~~5124.171 of the Revised Code, proportionately increase the~~ 67460
~~ICF/IID's per medicaid day payment rate for reasonable capital~~ 67461
~~costs determined under that section~~ to account for the costs of 67462
the beds that are added or replaced. 67463

(2) If the department grants an increase under division 67464
(D) (1) ~~(a) or (b)~~ of this section, the increase shall go into 67465
effect one month after the first day of the month after the 67466
department receives sufficient documentation needed to determine 67467
the amount of the increase. 67468

(3) ~~Any rate increase of an ICF/IID's per medicaid day~~ 67469
~~payment rate for reasonable capital costs determined under section~~ 67470
~~5124.171 of the Revised Code that is granted under division~~ 67471
~~(D) (1) (b) of this section after June 30, 1993, shall remain in~~ 67472
~~effect until the earlier of the following:~~ 67473

~~(a) The effective date of a per medicaid day payment rate for~~ 67474
~~reasonable capital costs determined under section 5124.171 of the~~ 67475

~~Revised Code that includes costs incurred for a full calendar year for the bed addition or bed replacement;~~ 67476
67477

~~(b) The date the provider of the ICF/IID begins to be paid a rate determined under division (B) of section 5124.15 of the Revised Code.~~ 67478
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~~(4) The provider of an ICF/IID that has its per medicaid day payment rate for reasonable capital costs increased under division (D)(1)(b) (D) (1) of this section shall report double accumulated depreciation in an amount equal to the depreciation included in the rate adjustment on its cost report for the first year of operation. During the term of any loan used to finance a project for which the rate increase is granted, the provider, if the ICF/IID is operated by the same provider, shall subtract from the interest costs it reports on the ICF/IID's cost report an amount equal to the difference between the following:~~ 67481
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~~(a) The actual, allowable interest costs for the loan during the calendar year for which the costs are being reported;~~ 67491
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~~(b) The actual, allowable interest costs attributable to the loan that were used to calculate the rates paid to the provider for the ICF/IID during the same calendar year.~~ 67493
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~~(E) If the provider of an ICF/IID submits to the department revised assessment data for a resident of the ICF/IID under division (D) of section 5124.191 of the Revised Code and the revised assessment data results in at least a fifteen per cent increase in the ICF/IID's case-mix score determined under section 5124.193 of the Revised Code, the provider may request that the department, through the rate reconsideration process, increase the ICF/IID's per medicaid day direct care costs component rate determined under section 5124.19 of the Revised Code to account for the increase in the ICF/IID's case-mix score. If the department determines that the revised assessment data so~~ 67496
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increases the ICF/IID's case-mix score, the department shall grant 67507
the rate increase. The increase shall go into effect one month 67508
after the first day of the month after the department receives 67509
sufficient documentation needed to determine the amount of the 67510
increase. 67511

(F) The department's decision at the conclusion of a rate 67512
reconsideration process is not subject to any administrative 67513
proceedings under Chapter 119. or any other provision of the 67514
Revised Code. 67515

(G) The director of developmental disabilities shall adopt 67516
rules under section 5124.03 of the Revised Code as necessary to 67517
implement this section. 67518

Sec. 5124.39. (A) Except as provided in divisions (B) and (C) 67519
of this section, if the provider of an ICF/IID in former peer 67520
group 1-B, as that group existed on the date immediately preceding 67521
the effective date of this amendment, obtained approval from the 67522
department of developmental disabilities to become a downsized 67523
ICF/IID not later than July 1, 2018, and the ICF/IID does not 67524
become a downsized ICF/IID by that date, the department shall 67525
recoup from the provider an amount equal to the sum of the 67526
following: 67527

(1) The difference between the amount of the efficiency 67528
incentive payments the ICF/IID earned under former sections 67529
5124.171 and 5124.211 of the Revised Code, as those sections 67530
existed on the date immediately preceding the effective date of 67531
this amendment, because the provider obtained such approval and 67532
the amount of the efficiency incentive payments the ICF/IID would 67533
have earned under those sections had the provider not obtained 67534
such approval; 67535

(2) An amount of interest on the difference determined under 67536
division (A)(1) of this section. 67537

(B) The department shall exempt an ICF/IID provider from a recoupment otherwise required by this section if the provider voluntarily repays the department the difference determined under division (A) (1) of this section. No interest shall be charged on the amount voluntarily repaid.

(C) The department may exempt an ICF/IID provider from a recoupment otherwise required by this section if both of the following apply:

(1) The provider, on or before July 1, 2018, demonstrates to the department's satisfaction that the provider made a good faith effort to complete the downsizing by July 1, 2018, but the ICF/IID did not become a downsized ICF/IID by that date for reasons beyond the provider's control;

(2) The ICF/IID becomes a downsized ICF/IID within a period of time after July 1, 2018, that the department determines is reasonable.

(D) An ICF/IID provider subject to a recoupment under division (A) of this section or voluntarily making a repayment under division (B) of this section shall choose one of the following methods by which the recoupment or voluntary repayment shall be made:

(1) In a lump sum payment;

(2) Subject to the department's approval, in installment payments;

(3) In a single deduction from the next available medicaid payment made to the provider if that payment at least equals the total amount of the recoupment or voluntary repayment;

(4) Subject to the department's approval, in installment deductions from medicaid payments made to the provider.

(E) An ICF/IID provider may request that the director of

developmental disabilities reconsider either or both of the 67568
following: 67569

(1) A decision that the provider is subject to a recoupment 67570
under this section; 67571

(2) A determination under this section of the amount to be 67572
recouped from the provider. 67573

(F) The director shall adopt rules under section 5124.03 of 67574
the Revised Code as necessary to implement this section, including 67575
rules specifying how the amount of interest charged under division 67576
(A) (2) of this section is to be determined. 67577

Sec. 5124.40. If an ICF/IID provider properly amends a cost 67578
report for an ICF/IID under section 5124.107 of the Revised Code 67579
and the amended report shows that the provider received a lower 67580
medicaid payment rate under the original cost report than the 67581
provider was entitled to receive, the department of developmental 67582
disabilities shall adjust the provider's rate for the ICF/IID 67583
prospectively to reflect the corrected information. The department 67584
shall pay the adjusted rate beginning two months after the first 67585
day of the month after the provider files the amended cost report. 67586

~~If the department finds, from an exception review of resident 67587
assessment data conducted pursuant to section 5124.198 of the 67588
Revised Code after the effective date of an ICF/IID's rate for 67589
direct care costs that is based on the resident assessment data, 67590
that inaccurate resident assessment data resulted in the provider 67591
receiving a lower rate for the ICF/IID than the provider was 67592
entitled to receive, the department prospectively shall adjust the 67593
provider's rate for the ICF/IID accordingly. The department shall 67594
make payments to the provider using the adjusted rate for the 67595
remainder of the calendar quarter for which the resident 67596
assessment data is used to determine the rate, beginning one month 67597
after the first day of the month after the exception review is 67598~~

~~completed.~~ 67599

Sec. 5124.41. (A) The department of developmental 67600
disabilities shall redetermine a provider's medicaid payment rate 67601
for an ICF/IID using revised information if ~~any~~ either of the 67602
following results in a determination that the provider received a 67603
higher medicaid payment rate for the ICF/IID than the provider was 67604
entitled to receive: 67605

(1) The provider properly amends a cost report for the 67606
ICF/IID under section 5124.107 of the Revised Code; 67607

(2) The department makes a finding based on an audit under 67608
section 5124.109 of the Revised Code; 67609

~~(3) The department makes a finding based on an exception 67610
review of resident assessment data conducted under section 67611
5124.198 of the Revised Code after the effective date of the 67612
ICF/IID's rate for direct care costs that is based on the resident 67613
assessment data. 67614~~

(B) The department shall apply the redetermined rate to the 67615
periods when the provider received the incorrect rate to determine 67616
the amount of the overpayment. The provider shall refund the 67617
amount of the overpayment. The department may charge the provider 67618
the following amount of interest from the time the overpayment was 67619
made: 67620

(1) If the overpayment resulted from costs reported for 67621
calendar year 1993, the interest shall be not greater than one and 67622
one-half times the current average bank prime rate. 67623

(2) If the overpayment resulted from costs reported for a 67624
subsequent calendar year: 67625

(a) The interest shall be not greater than two times the 67626
current average bank prime rate if the overpayment was not more 67627
than one per cent of the total medicaid payments to the provider 67628

for the fiscal year for which the incorrect information was used 67629
to determine a rate. 67630

(b) The interest shall be not greater than two and one-half 67631
times the current average bank prime rate if the overpayment was 67632
more than one per cent of the total medicaid payments to the 67633
provider for the fiscal year for which the incorrect information 67634
was used to determine a rate. 67635

Sec. 5124.46. All of the following are subject to an 67636
adjudication conducted in accordance with Chapter 119. of the 67637
Revised Code: 67638

(A) Any audit disallowance that the department of 67639
developmental disabilities makes as the result of an audit under 67640
section 5124.109 of the Revised Code; 67641

~~(B) Any adverse finding that results from an exception review 67642
of resident assessment data conducted for an ICF/IID under section 67643
5124.198 of the Revised Code after the effective date of the 67644
ICF/IID's medicaid payment rate for direct care costs that is 67645
based on the resident assessment data; 67646~~

~~(C)~~ Any medicaid payment deemed an overpayment under section 67647
5124.523 of the Revised Code; 67648

~~(D)~~ (C) Any penalty the department imposes under section 67649
5124.42 of the Revised Code or section 5124.523 of the Revised 67650
Code. 67651

Sec. 5126.044. (A) As used in this section: 67652

(1) "Eligible person" has the same meaning as in section 67653
5126.03 of the Revised Code. 67654

(2) "Treatment" means the provision, coordination, or 67655
management of services provided to an eligible person. 67656

(3) "Payment" means activities undertaken by a service 67657

provider or governmental entity to obtain or provide reimbursement 67658
for services to an eligible person. 67659

(B) Except as provided in division (C) of this section, no 67660
person shall disclose the identity of an individual who requests 67661
programs or services under this chapter or release a record or 67662
report regarding an eligible person that is maintained by a county 67663
board of developmental disabilities or an entity under contract 67664
with a county board unless one of the following circumstances 67665
exists: 67666

(1) The individual, eligible person, or the individual's 67667
guardian, or, if the individual is a minor, the individual's 67668
parent or guardian, makes a written request to the county board or 67669
entity for or approves in writing disclosure of the individual's 67670
identity or release of the record or report regarding the eligible 67671
person. 67672

(2) Disclosure of the identity of an individual is needed for 67673
approval of a direct services contract under section 5126.032 or 67674
5126.033 of the Revised Code. The county board shall release only 67675
the individual's name and the general nature of the services to be 67676
provided. 67677

(3) Disclosure of the identity of the individual is needed to 67678
ascertain that the county board's waiting lists for programs or 67679
services are being maintained in accordance with section 5126.042 67680
of the Revised Code and the rules adopted under that section. The 67681
county board shall release only the individual's name, the general 67682
nature of the programs or services to be provided the individual, 67683
the individual's rank on each waiting list that includes the 67684
individual, and any circumstances under which the individual was 67685
given priority when placed on a waiting list. 67686

(4) Disclosure of the identity of an individual who is an 67687
eligible person is needed for treatment of or payment for services 67688

provided to the individual. 67689

(5) Release of a record or report regarding an individual 67690
that is maintained by the county board or an entity under contract 67691
with a county board is requested by a probate court pursuant to a 67692
proceeding under Chapter 2111. of the Revised Code. Any record or 67693
report released under this division may only, in the court's 67694
discretion, be released to the parties to the proceeding. 67695

(6) Release of a record or report regarding an individual 67696
that is maintained by the county board or an entity under contract 67697
with a county board is requested by the department of 67698
developmental disabilities for purposes of a proceeding under 67699
sections 5123.69 to 5123.79 of the Revised Code or for the 67700
department to comply with any court order issued under sections 67701
2945.371 to 2945.402 of the Revised Code. 67702

(C) (1) At the request of an eligible person or the person's 67703
guardian or, if the eligible person is a minor, the person's 67704
parent or guardian, a county board or entity under contract with a 67705
county board shall provide the person who made the request access 67706
to records and reports regarding the eligible person. On written 67707
request, the county board or entity shall provide copies of the 67708
records and reports to the eligible person, guardian, or parent. 67709
The county board or entity may charge a reasonable fee to cover 67710
the costs of copying. The county board or entity may waive the fee 67711
in cases of hardship. 67712

(2) A county board shall provide access to any waiting list 67713
or record or report regarding an eligible person maintained by the 67714
board to any state agency responsible for monitoring and reviewing 67715
programs and services provided or arranged by the county board, 67716
any state agency involved in the coordination of services for an 67717
eligible person, and any agency under contract with the department 67718
of developmental disabilities for the provision of protective 67719
service pursuant to section 5123.56 of the Revised Code. 67720

(3) When an eligible person who requests programs or services under this chapter dies, the county board or entity under contract with the county board, shall, on written request, provide to both of the following persons any reports and records in the board or entity's possession concerning the eligible person:

(a) If the report or records are necessary to administer the estate of the person who is the subject of the reports or records, to the executor or administrator of the person's estate;

(b) To the guardian of the person who is the subject of the reports or records or, if the individual had no guardian at the time of death, to a person in the first applicable of the following categories:

(i) The person's spouse;

(ii) The person's children;

(iii) The person's parents;

(iv) The person's brothers or sisters;

(v) The person's uncles or aunts;

(vi) The person's closest relative by blood or adoption;

(vii) The person's closest relative by marriage.

The county board or entity shall provide the reports and records as required by division (C) (3) of this section not later than thirty days after receipt of the request.

(D) A county board shall notify an eligible person, the person's guardian, or, if the eligible person is a minor, the person's parent or guardian, prior to destroying any record or report regarding the eligible person.

Sec. 5126.05. (A) Subject to the rules established by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to

this chapter, and subject to the rules established by the state 67750
board of education pursuant to Chapter 119. of the Revised Code 67751
for programs and services offered pursuant to Chapter 3323. of the 67752
Revised Code, the county board of developmental disabilities 67753
shall: 67754

(1) Administer and operate facilities, programs, and services 67755
as provided by this chapter and Chapter 3323. of the Revised Code 67756
and establish policies for their administration and operation; 67757

(2) Coordinate, monitor, and evaluate existing services and 67758
facilities available to individuals with developmental 67759
disabilities; 67760

(3) Provide early childhood services, supportive home 67761
services, and adult services, according to the plan and priorities 67762
developed under section 5126.04 of the Revised Code; 67763

(4) Provide or contract for special education services 67764
pursuant to Chapters 3317. and 3323. of the Revised Code and 67765
ensure that related services, as defined in section 3323.01 of the 67766
Revised Code, are available according to the plan and priorities 67767
developed under section 5126.04 of the Revised Code; 67768

(5) Adopt a budget, authorize expenditures for the purposes 67769
specified in this chapter and do so in accordance with section 67770
319.16 of the Revised Code, approve attendance of board members 67771
and employees at professional meetings and approve expenditures 67772
for attendance, and exercise such powers and duties as are 67773
prescribed by the director; 67774

(6) Submit annual reports of its work and expenditures, 67775
pursuant to sections 3323.09 and ~~5126.12~~ 5126.131 of the Revised 67776
Code, to the director, the superintendent of public instruction, 67777
and the board of county commissioners at the close of the fiscal 67778
year and at such other times as may reasonably be requested; 67779

(7) Authorize all positions of employment, establish 67780

compensation, including but not limited to salary schedules and 67781
fringe benefits for all board employees, approve contracts of 67782
employment for management employees that are for a term of more 67783
than one year, employ legal counsel under section 309.10 of the 67784
Revised Code, and contract for employee benefits. A county board 67785
may provide benefits through an individual or joint self-insurance 67786
program as provided under section 9.833 of the Revised Code. 67787

(8) Provide service and support administration in accordance 67788
with section 5126.15 of the Revised Code; 67789

(9) Certify respite care homes pursuant to rules adopted 67790
under section 5123.171 of the Revised Code by the director of 67791
developmental disabilities; 67792

(10) Implement an employment first policy that clearly 67793
identifies community employment as the desired outcome for every 67794
individual of working age who receives services from the board; 67795

(11) Set benchmarks for improving community employment 67796
outcomes. 67797

(B) To the extent that rules adopted under this section apply 67798
to the identification and placement of children with disabilities 67799
under Chapter 3323. of the Revised Code, they shall be consistent 67800
with the standards and procedures established under sections 67801
3323.03 to 3323.05 of the Revised Code. 67802

(C) Any county board may enter into contracts with other such 67803
boards and with public or private, nonprofit, or profit-making 67804
agencies or organizations of the same or another county, to 67805
provide the facilities, programs, and services authorized or 67806
required, upon such terms as may be agreeable, and in accordance 67807
with this chapter and Chapter 3323. of the Revised Code and rules 67808
adopted thereunder and in accordance with sections 307.86 and 67809
5126.071 of the Revised Code. 67810

(D) A county board may combine transportation for children 67811

and adults enrolled in programs and services offered under Chapter 67812
5126. of the Revised Code with transportation for children 67813
enrolled in classes funded under sections 3317.0213 and 3317.20 of 67814
the Revised Code. 67815

(E) A county board may purchase all necessary insurance 67816
policies, may purchase equipment and supplies through the 67817
department of administrative services or from other sources, and 67818
may enter into agreements with public agencies or nonprofit 67819
organizations for cooperative purchasing arrangements. 67820

(F) A county board may receive by gift, grant, devise, or 67821
bequest any moneys, lands, or property for the benefit of the 67822
purposes for which the board is established and hold, apply, and 67823
dispose of the moneys, lands, and property according to the terms 67824
of the gift, grant, devise, or bequest. All money received by 67825
gift, grant, bequest, or disposition of lands or property received 67826
by gift, grant, devise, or bequest shall be deposited in the 67827
county treasury to the credit of such board and shall be available 67828
for use by the board for purposes determined or stated by the 67829
donor or grantor, but may not be used for personal expenses of the 67830
board members. Any interest or earnings accruing from such gift, 67831
grant, devise, or bequest shall be treated in the same manner and 67832
subject to the same provisions as such gift, grant, devise, or 67833
bequest. 67834

(G) The board of county commissioners shall levy taxes and 67835
make appropriations sufficient to enable the county board of 67836
developmental disabilities to perform its functions and duties, 67837
and may utilize any available local, state, and federal funds for 67838
such purpose. 67839

Sec. 5126.054. Annually, on or before the thirty-first day of 67840
December each year, each county board of developmental 67841
disabilities shall, ~~by resolution, develop and~~ submit to the 67842

department of developmental disabilities an annual plan that 67843
includes both of the following components: 67844

~~(A) The number of individuals with developmental disabilities 67845
residing in the county who are placed on the county board's 67846
waiting list established for the services pursuant to section 67847
5126.042 of the Revised Code; the service needs of those 67848
individuals; and the projected annualized cost for services;~~ 67849

~~(B) The An annual waiver allocation projection that contains 67850
the projected number of individuals to whom the board intends to 67851
provide home and community-based services based on available 67852
funding as projected in the board's annual five-year projection 67853
report submitted pursuant to section 5126.053 of the Revised Code;~~ 67854

~~(C) How the services are to be phased in over the period the 67855
plan covers, including how the county board will serve the 67856
individuals identified in divisions (A) (1) and (2) of this 67857
section;~~ 67858

~~(D) Any other applicable information or conditions that the 67859
department requires as a condition of approving the plan under 67860
section 5123.046 of the Revised Code~~ (B) Assurances that the county 67861
board does both of the following: 67862

(1) Employs or contracts with a business manager, or has 67863
entered into an agreement with another county board that employs 67864
or contacts with a business manager to have that business manager 67865
serve both counties. The superintendent of a county board shall 67866
not serve as the business manager of the county board. 67867

(2) Employs or contracts with a medicaid services manager, or 67868
has entered into an agreement with another county board that 67869
employs or contracts with a medicaid services manager to have that 67870
medicaid services manager serve both counties. The superintendent 67871
of a county board shall not serve as the medicaid services manager 67872

of the county board.

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Sec. 5126.055. (A) Except as provided in section 5126.056 of the Revised Code, a county board of developmental disabilities has medicaid local administrative authority to, and shall, do all of the following for an individual with a developmental disability who resides in the county that the county board serves and seeks or receives home and community-based services:

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(1) Perform assessments and evaluations of the individual. As part of the assessment and evaluation process, all of the following apply:

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(a) The county board shall make a recommendation to the department of developmental disabilities on whether the department should approve or deny the individual's application for the services, including on the basis of whether the individual needs the level of care an ICF/IID provides.

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(b) If the individual's application is denied because of the county board's recommendation and the individual appeals pursuant to section 5160.31 of the Revised Code, the county board shall present, with the department of developmental disabilities or department of medicaid, whichever denies the application, the reasons for the recommendation and denial at the hearing.

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(c) If the individual's application is approved, the county board shall recommend to the departments of developmental disabilities and medicaid the services that should be included in the individual service plan. If either department under section 5166.21 of the Revised Code approves, reduces, denies, or terminates a service included in the plan because of the county board's recommendation, the board shall present, with the department that made the approval, reduction, denial, or termination, the reasons for the recommendation and approval, reduction, denial, or termination at a hearing held pursuant to an

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appeal made under section 5160.31 of the Revised Code. 67904

(2) Perform any duties assigned to the county board in rules 67905
adopted under section 5126.046 of the Revised Code regarding the 67906
individual's right to choose a qualified and willing provider of 67907
the services and, at a hearing held pursuant to an appeal made 67908
under section 5160.31 of the Revised Code, present evidence of the 67909
process for appropriate assistance in choosing providers; 67910

(3) If the county board is certified under section 5123.161 67911
of the Revised Code to provide the services and agrees to provide 67912
the services to the individual and the individual chooses the 67913
county board to provide the services, furnish, in accordance with 67914
the county board's medicaid provider agreement and for the 67915
authorized reimbursement rate, the services the individual 67916
requires; 67917

(4) Monitor the services provided to the individual and 67918
ensure the individual's health, safety, and welfare. The 67919
monitoring shall include quality assurance activities. If the 67920
county board provides the services, the department of 67921
developmental disabilities shall also monitor the services. 67922

(5) Develop, with the individual and the provider of the 67923
individual's services, an effective individual service plan that 67924
includes coordination of services, recommend that the departments 67925
of developmental disabilities and medicaid approve the plan, and 67926
implement the plan unless either department disapproves it. The 67927
plan shall include a summary page, agreed to by the county board, 67928
provider, and individual receiving services, that clearly outlines 67929
the amount, duration, and scope of services to be provided under 67930
the plan. 67931

(6) Have an investigative agent conduct investigations under 67932
section 5126.313 of the Revised Code that concern the individual; 67933

(7) Have a service and support administrator perform the 67934

duties under division (B)(8) of section 5126.15 of the Revised Code that concern the individual. 67935
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(B) A county board shall perform its medicaid local administrative authority under this section in accordance with all of the following: 67937
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~~(1) The county board's plan that the department of developmental disabilities approves under section 5123.046 of the Revised Code;~~ 67940
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~~(2)~~ All applicable federal and state laws; 67943

~~(3)~~ (2) All applicable policies of the departments of developmental disabilities and medicaid and the United States department of health and human services; 67944
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~~(4)~~ (3) The department of medicaid's supervision under its authority as the single state medicaid agency; 67947
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~~(5)~~ (4) The department of developmental disabilities' oversight. 67949
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(C) The departments of developmental disabilities and medicaid shall communicate with and provide training to county boards regarding medicaid local administrative authority granted by this section. The communication and training shall include issues regarding audit protocols and other standards established by the United States department of health and human services that the departments determine appropriate for communication and training. County boards shall participate in the training. The departments shall assess the county board's compliance against uniform standards that the departments shall establish. 67951
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(D) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local 67961
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administrative authority. A county board that enters into such a contract shall notify the director of developmental disabilities. The notice shall include the tasks and responsibilities that the contract gives to the person or government entity. The person or government entity shall comply in full with all requirements to which the county board is subject regarding the person or government entity's tasks and responsibilities under the contract. The county board remains ultimately responsible for the tasks and responsibilities.

(E) A county board that has medicaid local administrative authority under this section shall, through the departments of developmental disabilities and medicaid, reply to, and cooperate in arranging compliance with, a program or fiscal audit or program violation exception that a state or federal audit or review discovers. The department of medicaid shall timely notify the department of developmental disabilities and the county board of any adverse findings. After receiving the notice, the county board, in conjunction with the department of developmental disabilities, shall cooperate fully with the department of medicaid and timely prepare and send to the department a written plan of correction or response to the adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(F) If the department of developmental disabilities or department of medicaid determines that a county board's implementation of its medicaid local administrative authority under this section is deficient, the department that makes the determination shall require that county board do the following:

(1) If the deficiency affects the health, safety, or welfare of an individual with a developmental disability, correct the deficiency within twenty-four hours;

(2) If the deficiency does not affect the health, safety, or welfare of an individual with a developmental disability, receive technical assistance from the department or submit a plan of correction to the department that is acceptable to the department within sixty days and correct the deficiency within the time required by the plan of correction.

Sec. 5126.056. (A) The department of developmental disabilities shall take action under division (B) of this section against a county board of developmental disabilities if ~~any~~ either of the following are the case:

~~(1) The county board fails to submit to the department all the components of its annual plan required by section 5126.054 of the Revised Code.~~

~~(2) The department disapproves the county board's annual plan under section 5123.046 of the Revised Code.~~

~~(3) The county board fails to implement its annual plan approved by the department.~~

~~(4) The county board fails to correct a deficiency within the time required by division (F) of section 5126.055 of the Revised Code to the satisfaction of the department.~~

~~(5)~~ (2) The county board fails to submit an acceptable plan of correction to the department within the time required by division (F) (2) of section 5126.055 of the Revised Code.

(B) If required by division (A) of this section to take action against a county board, the department shall issue an order terminating the county board's medicaid local administrative authority over all or part of home and community-based services, medicaid case management services, or all or part of both of those services. The department shall provide a copy of the order to the board of county commissioners, senior probate judge, county

auditor, and president and superintendent of the county board. The 68027
department shall specify in the order the medicaid local 68028
administrative authority that the department is terminating, the 68029
reason for the termination, and the county board's option and 68030
responsibilities under this division. 68031

A county board whose medicaid local administrative authority 68032
is terminated may, not later than thirty days after the department 68033
issues the termination order, recommend to the department that 68034
another county board that has not had any of its medicaid local 68035
administrative authority terminated or another entity the 68036
department approves administer the services for which the county 68037
board's medicaid local administrative authority is terminated. The 68038
department may contract with the other county board or entity to 68039
administer the services. If the department enters into such a 68040
contract, the county board shall adopt a resolution giving the 68041
other county board or entity full medicaid local administrative 68042
authority over the services that the other county board or entity 68043
is to administer. The other county board or entity shall be known 68044
as the contracting authority. 68045

If the department rejects the county board's recommendation 68046
regarding a contracting authority, the county board may appeal the 68047
rejection under section 5123.043 of the Revised Code. 68048

If the county board does not submit a recommendation to the 68049
department regarding a contracting authority within the required 68050
time or the department rejects the county board's recommendation 68051
and the rejection is upheld pursuant to an appeal, if any, under 68052
section 5123.043 of the Revised Code, the department shall appoint 68053
an administrative receiver to administer the services for which 68054
the county board's medicaid local administrative authority is 68055
terminated. To the extent necessary for the department to appoint 68056
an administrative receiver, the department may utilize employees 68057
of the department, management personnel from another county board, 68058

or other individuals who are not employed by or affiliated with in 68059
any manner a person that provides home and community-based 68060
services or medicaid case management services pursuant to a 68061
contract with any county board. The administrative receiver shall 68062
assume full administrative responsibility for the county board's 68063
services for which the county board's medicaid local 68064
administrative authority is terminated. 68065

The contracting authority or administrative receiver shall 68066
develop and submit to the department a plan of correction to 68067
remediate the problems that caused the department to issue the 68068
termination order. If, after reviewing the plan, the department 68069
approves it, the contracting authority or administrative receiver 68070
shall implement the plan. 68071

The county board shall transfer control of state and federal 68072
funds it is otherwise eligible to receive for the services for 68073
which the county board's medicaid local administrative authority 68074
is terminated and funds the county board may use under division 68075
(A) of section 5126.0511 of the Revised Code to pay the nonfederal 68076
share of the services that the county board is required by 68077
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 68078
county board shall transfer control of the funds to the 68079
contracting authority or administrative receiver administering the 68080
services. The amount the county board shall transfer shall be the 68081
amount necessary for the contracting authority or administrative 68082
receiver to fulfill its duties in administering the services, 68083
including its duties to pay its personnel for time worked, travel, 68084
and related matters. If the county board fails to make the 68085
transfer, the department may withhold the state and federal funds 68086
from the county board and bring a mandamus action against the 68087
county board in the court of common pleas of the county served by 68088
the county board or in the Franklin county court of common pleas. 68089
The mandamus action may not require that the county board transfer 68090

any funds other than the funds the county board is required by 68091
division (B) of this section to transfer. 68092

The contracting authority or administrative receiver has the 68093
right to authorize the payment of bills in the same manner that 68094
the county board may authorize payment of bills under this chapter 68095
and section 319.16 of the Revised Code. 68096

Sec. 5126.071. (A) As used in this section, "minority 68097
business enterprise" has the meaning given in division (E)(1) of 68098
section 122.71 of the Revised Code. 68099

(B) Any minority business enterprise that desires to bid on a 68100
contract under division (C) or (D) of this section shall first 68101
apply to the ~~equal employment opportunity coordinator in the~~ 68102
department of ~~administrative services~~development for certification 68103
as a minority business enterprise. The ~~coordinator~~director of 68104
development shall approve the application of any minority business 68105
enterprise that complies with the rules adopted under section 68106
122.71 of the Revised Code. The ~~coordinator~~director shall prepare 68107
and maintain a list of minority business enterprises certified 68108
under this section. 68109

(C) From the contracts to be awarded for the purchases of 68110
equipment, materials, supplies, insurance, and nonprogram 68111
services, other than contracts entered into and exempt under 68112
sections 307.86 and 5126.05 of the Revised Code, each county board 68113
of developmental disabilities shall select a number of contracts 68114
with an aggregate value of approximately fifteen per cent of the 68115
total estimated value of such contracts to be awarded in the 68116
current calendar year. The board shall set aside the contracts so 68117
selected for bidding by minority business enterprises only. The 68118
bidding procedures for such contracts shall be the same as for all 68119
other contracts awarded under section 307.86 of the Revised Code, 68120
except that only minority business enterprises certified and 68121

listed under division (B) of this section shall be qualified to 68122
submit bids. Contracts set aside and awarded under this section 68123
shall not include contracts for the purchase of services such as 68124
direct and ancillary services, service and support administration, 68125
residential services, and family support services. 68126

(D) To the extent that a board is authorized to enter into 68127
contracts for construction which are not exempt from the 68128
competitive bidding requirements of section 307.86 of the Revised 68129
Code, the board shall set aside a number of contracts the 68130
aggregate value of which equals approximately five per cent of the 68131
aggregate value of construction contracts for the current calendar 68132
year for bidding by minority business enterprises only. The 68133
bidding procedures for the contracts set aside for minority 68134
business enterprises shall be the same as for all other contracts 68135
awarded by the board, except that only minority business 68136
enterprises certified and listed under division (B) of this 68137
section shall be qualified to submit bids. 68138

Any contractor awarded a construction contract pursuant to 68139
this section shall make every effort to ensure that certified 68140
minority business subcontractors and materials suppliers 68141
participate in the contract. In the case of contracts specified in 68142
this division, the total value of subcontracts awarded to and 68143
materials and services purchased from minority businesses shall be 68144
at least ten per cent of the total value of the contract, wherever 68145
possible and whenever the contractor awards subcontracts or 68146
purchases materials or services. 68147

(E) In the case of contracts set aside under divisions (C) 68148
and (D) of this section, if no bid is submitted by a minority 68149
business enterprise, the contract shall be awarded according to 68150
normal bidding procedures. The board shall from time to time set 68151
aside such additional contracts as are necessary to replace those 68152
contracts previously set aside on which no minority business 68153

enterprise bid. 68154

(F) This section does not preclude any minority business 68155
enterprise from bidding on any other contract not specifically set 68156
aside for minority business enterprises. 68157

(G) Within ninety days after the beginning of each calendar 68158
year, each county board of developmental disabilities shall file a 68159
report with the department of developmental disabilities that 68160
shows for that calendar year the name of each minority business 68161
enterprise with which the board entered into a contract, the value 68162
and type of each such contract, the total value of contracts 68163
awarded under divisions (C) and (D) of this section, the total 68164
value of contracts awarded for the purchases of equipment, 68165
materials, supplies, or services, other than contracts entered 68166
into under the exemptions of sections 307.86 and 5126.05 of the 68167
Revised Code, and the total value of contracts entered into for 68168
construction. 68169

(H) Any person who intentionally misrepresents that person as 68170
owning, controlling, operating, or participating in a minority 68171
business enterprise for the purpose of obtaining contracts or any 68172
other benefits under this section shall be guilty of theft by 68173
deception as provided for in section 2913.02 of the Revised Code. 68174

Sec. 5126.131. (A) (1) Each regional council established under 68175
section 5126.13 of the Revised Code shall file with the department 68176
of developmental disabilities an annual cost report detailing the 68177
regional council's income and expenditures. 68178

(2) Each county board of developmental disabilities shall 68179
file with the department an annual cost report detailing the 68180
board's income and expenditures. 68181

(B) (1) (a) Unless the department establishes a later date for 68182
all regional council cost reports, each council shall file its 68183

cost report not later than the last day of April. At the written request of a regional council, the department may grant a fourteen-day extension for filing the cost report.

(b) Unless the department establishes a later date for all county board cost reports, each board shall file its cost report not later than the last day of May. At the written request of a board, the department may grant a fourteen-day extension for filing the board's cost report.

(2) The cost report shall contain information on the previous calendar year's income and expenditures. Once filed by a regional council or board, no changes may be made to the cost report, including the submission of additional documentation, except as otherwise provided in this section.

(C) Each cost report filed under this section by a regional council or board ~~shall~~ may be audited by the department or an entity designated by the department, utilizing methodology approved by the United States centers for medicare and medicaid services. The department or designated entity shall notify the regional council or board of the date on which the audit is to begin. The department may permit a regional council or board to submit changes to the cost report before the audit begins.

If the department or designated entity determines that a filed cost report is not auditable, it shall provide written notification to the regional council or board of the cost report's deficiencies and may request additional documentation. If the department or designated entity requests additional documentation, the regional council or board shall be given sixty days after the request is made to provide the additional documentation. After sixty days, the department or designated entity shall determine whether the cost report is auditable with any additional documentation provided and shall notify the regional council or board of its determination. The determination of the department or

designated entity is final. 68216

(D) The department or designated entity shall certify its 68217
audit as complete and file a copy of the certified audit in the 68218
office of the clerk of the governing body, executive officer of 68219
the governing body, and chief fiscal officer of the audited 68220
regional council or board. Changes may not be made to a cost 68221
report once the department or designated entity files the 68222
certified audit. The cost report is not a public record under 68223
section 149.43 of the Revised Code until copies of the cost report 68224
are filed pursuant to this section. 68225

(E) The department may withhold any funds that it distributes 68226
to a regional council or board as subsidy payments if either of 68227
the following is the case: 68228

(1) The cost report is not timely filed by the regional 68229
council or board with the department in accordance with division 68230
(B) of this section. 68231

(2) The cost report is determined not auditable under 68232
division (C) of this section after the department or designated 68233
entity gives the regional council or board sixty days to provide 68234
additional documentation. 68235

(F) Cost reports shall be retained by regional councils and 68236
boards for seven years. The department shall provide annual 68237
training to regional council and board employees regarding cost 68238
reports required by this section. 68239

(G) The department, in accordance with Chapter 119. of the 68240
Revised Code, may adopt any rules necessary to implement this 68241
section. 68242

Sec. 5145.31. (A) As used in this section, "computer," 68243
"computer network," "computer system," "computer services," 68244
"telecommunications service," and "information service" have the 68245

same meanings as in section 2913.01 of the Revised Code. 68246

(B) No officer or employee of a correctional institution 68247
under the control or supervision of the department of 68248
rehabilitation and correction shall provide a prisoner access to 68249
or permit a prisoner to have access to the internet through the 68250
use of a computer, computer network, computer system, computer 68251
services, telecommunications service, or information service 68252
unless both of the following apply: 68253

(1) The prisoner is ~~participating in an approved educational~~ 68254
~~program with direct supervision that requires the use of the~~ 68255
~~internet for training or research purposes~~ accessing the internet 68256
solely for a use or purpose approved by the managing officer of 68257
that prisoner's institution or by the managing officer's designee. 68258

(2) The provision of and access to the internet is in 68259
accordance with rules promulgated by the department of 68260
rehabilitation and correction pursuant to section 5120.62 of the 68261
Revised Code. 68262

(C) (1) No prisoner in a correctional institution under the 68263
control or supervision of the department of rehabilitation and 68264
correction shall access the internet through the use of a 68265
computer, computer network, computer system, computer services, 68266
telecommunications service, or information service unless both of 68267
the following apply: 68268

(a) The prisoner is ~~participating in an approved educational~~ 68269
~~program with direct supervision that requires the use of the~~ 68270
~~internet for training or research purposes~~ accessing the internet 68271
solely for a use or purpose approved by the managing officer of 68272
that prisoner's institution or by the managing officer's designee. 68273

(b) The provision of and access to the internet is in 68274
accordance with rules promulgated by the department of 68275
rehabilitation and correction pursuant to section 5120.62 of the 68276

Revised Code. 68277

(2) Whoever violates division (C) (1) of this section is 68278
guilty of improper internet access, a misdemeanor of the first 68279
degree. 68280

Sec. 5149.31. (A) The department of rehabilitation and 68281
correction shall do all of the following: 68282

(1) Establish and administer a program of subsidies for 68283
eligible counties and groups of counties for felony offenders and 68284
a program of subsidies for eligible municipal corporations, 68285
counties, and groups of counties for misdemeanor offenders for the 68286
development, implementation, and operation of community 68287
corrections programs. Department expenditures for administration 68288
of both programs of subsidies shall not exceed ten per cent of the 68289
moneys appropriated for each of the purposes of this division. 68290

(2) Adopt and promulgate rules, under Chapter 119. of the 68291
Revised Code, providing standards for community corrections 68292
programs. The standards adopted by the department shall specify 68293
the class of offender whose degree of felony, whose community 68294
control sanction revocation history, or whose risk level as 68295
assessed by the single validated risk assessment tool described in 68296
section 5120.114 of the Revised Code, make the offender suitable 68297
for participation in community corrections programs. The rules 68298
shall make the level of subsidy provided to every county or group 68299
of counties contingent upon the number of offenders participating 68300
in community corrections programs each fiscal year who satisfy the 68301
participation suitability standards established by the department 68302
and upon the outcomes of any performance-based standards 68303
established by the department. The standards shall be designed to 68304
improve the quality and efficiency of the programs, to support 68305
evidence-based policies and practices, as defined by the 68306
department, and to reduce the number of persons committed to state 68307

correctional institutions and to county, multicounty, municipal, 68308
municipal-county, or multicounty-municipal jails or workhouses for 68309
offenses for which community control sanctions are authorized 68310
under section 2929.13, 2929.15, or 2929.25 of the Revised Code. In 68311
developing the standards, the department shall consult with, and 68312
seek the advice of, local corrections agencies, law enforcement 68313
agencies, and other public and private agencies concerned with 68314
corrections. The department shall conduct, and permit 68315
participation by local corrections planning boards established 68316
under section 5149.34 of the Revised Code and joint county 68317
corrections planning boards established under section 5149.35 of 68318
the Revised Code in, an annual review of the standards to measure 68319
their effectiveness in promoting the purposes specified in this 68320
division and shall amend or rescind any existing rule providing a 68321
standard or adopt and promulgate additional rules providing 68322
standards, under Chapter 119. of the Revised Code, if the review 68323
indicates that the standards fail to promote the purposes. 68324

(3) Accept and use any funds, goods, or services from the 68325
federal government or any other public or private source for the 68326
support of the subsidy programs established under division (A) of 68327
this section. The department may comply with any conditions and 68328
enter into any agreements that it considers necessary to obtain 68329
these funds, goods, or services. 68330

(4) Adopt rules, in accordance with Chapter 119. of the 68331
Revised Code, and do all other things necessary to implement 68332
sections 5149.30 to 5149.37 of the Revised Code; 68333

(5) Evaluate or provide for the evaluation of community 68334
corrections programs funded by the subsidy programs established 68335
under division (A)(1) of this section and establish means of 68336
measuring their effectiveness; 68337

(6) Prepare an annual report evaluating the subsidy programs 68338
established under division (A)(1) of this section. The report 68339

shall include, but need not be limited to, analyses of the 68340
structure of the programs and their administration by the 68341
department, the effectiveness of the programs in the development 68342
and implementation of community corrections programs, the specific 68343
standards adopted and promulgated under division (A)(2) of this 68344
section and their effectiveness in promoting the purposes of the 68345
programs, and the findings of the evaluations conducted under 68346
division (A)(5) of this section. The director of rehabilitation 68347
and correction shall review and certify the accuracy of the report 68348
and provide copies of it, upon request, to members of the general 68349
assembly. 68350

(7) Provide training or assistance, upon the request of a 68351
local corrections planning board or a joint county corrections 68352
planning board, to any local unit of government, subject to 68353
available resources of the department. 68354

(B)(1) In order to be eligible for the subsidies under this 68355
section, counties, groups of counties, and municipal corporations 68356
shall satisfy all applicable requirements under sections 2301.27 68357
and 2301.30 of the Revised Code and, except for sentencing 68358
decisions made by a court when use of the risk assessment tool is 68359
discretionary, shall utilize the single validated risk assessment 68360
tool selected by the department under section 5120.114 of the 68361
Revised Code. 68362

(2) The department shall give any county, group of counties, 68363
or municipal corporation found to be noncompliant with the 68364
requirements described in division (B)(1) of this section a 68365
reasonable period of time to come into compliance. If the 68366
noncompliant county, group of counties, or municipal corporation 68367
does not become compliant after a reasonable period of time, the 68368
department shall reduce or eliminate the subsidy granted to that 68369
county, group of counties, or municipal corporation. 68370

Sec. 5149.38. (A) In each voluntary county, subject to 68371
division (B) of this section and not later than ~~October~~ September 68372
29~~1~~, ~~2017~~ 2022, a county commissioner representing the board of 68373
county commissioners of the county, the administrative judge of 68374
the general division of the court of common pleas of the county, 68375
the sheriff of the county, and an official from any municipality 68376
operating a local correctional facility in the county to which 68377
courts of the county sentence offenders shall agree to, sign, and 68378
submit to the department of rehabilitation and correction for its 68379
approval a memorandum of understanding that does ~~both~~ all of the 68380
following: 68381

(1) Sets forth the plans by which the county will use grant 68382
money provided to the county in state fiscal year ~~2018~~ 2023 and 68383
succeeding state fiscal years under the targeting community 68384
alternatives to prison (T-CAP) program; 68385

(2) Specifies the manner in which the county will address a 68386
per diem reimbursement of local correctional facilities for 68387
prisoners who serve a prison term in the facility pursuant to 68388
division (B) (3) (c) of section 2929.34 of the Revised Code. The per 68389
diem reimbursement rate shall be the rate determined in division 68390
(F) (1) of this section and shall be specified in the memorandum; 68391

(3) Specifies whether the memorandum of understanding will 68392
apply to prison terms for felonies of the fifth degree or prison 68393
terms for felonies of the fourth and fifth degree pursuant to 68394
division (B) (3) (c) of section 2929.34 of the Revised Code. 68395

(B) Two or more voluntary counties may join together to 68396
jointly establish a memorandum of understanding of the type 68397
described in division (A) of this section. Not later than ~~October~~ 68398
September 29~~1~~, ~~2017~~2022, a county commissioner from each of the 68399
affiliating voluntary counties representing the county's board of 68400
county commissioners, the administrative judge of the general 68401

division of the court of common pleas of each affiliating 68402
voluntary county, the sheriff of each affiliating voluntary 68403
county, and an official from any municipality operating a local 68404
correctional facility in the affiliating voluntary counties to 68405
which courts of the counties sentence offenders shall agree to, 68406
sign, and submit to the department of rehabilitation and 68407
correction for its approval the memorandum of understanding. The 68408
memorandum of understanding shall set forth the plans by which, 68409
and specify the manner in which, the affiliating counties will 68410
complete the tasks identified in divisions (A) (1) ~~and (2)~~ to (3) 68411
of this section. 68412

(C) The department of rehabilitation and correction shall 68413
adopt rules establishing standards for approval of memorandums of 68414
understanding submitted to it under division (A) or (B) of this 68415
section. The department shall review the memorandums of 68416
understanding submitted to it and may require the county or 68417
counties that submit a memorandum to modify the memorandum. The 68418
director of rehabilitation and correction shall approve 68419
memorandums of understanding submitted to it under division (A) or 68420
(B) of this section that the director determines satisfy the 68421
standards adopted by the department within thirty days after 68422
receiving each memorandum submitted. 68423

(D) Any person responsible for agreeing to, signing, and 68424
submitting a memorandum of understanding under division (A) or (B) 68425
of this section may delegate the person's authority to do so to an 68426
employee of the agency, entity, or office served by the person. 68427

(E) The persons signing a memorandum of understanding under 68428
division (A) or (B) of this section, or their successors in 68429
office, may revise the memorandum as they determine necessary. Any 68430
revision of the memorandum shall be signed by the parties 68431
specified in division (A) or (B) of this section and submitted to 68432
the department of rehabilitation and correction for its approval 68433

under division (C) of this section within thirty days after the 68434
beginning of the state fiscal year. 68435

(F) (1) In each county, commencing in calendar year ~~2018~~ 2023, 68436
on or before the first day of February of each calendar year the 68437
sheriff shall determine the per diem costs for the preceding 68438
calendar year for each of the local correctional facilities for 68439
the housing in the facility of prisoners who serve a term in it 68440
pursuant to division (B) (3) (c) of section 2929.34 of the Revised 68441
Code. The per diem cost so determined shall apply in the calendar 68442
year in which the determination is made. 68443

(2) For each county, the per diem cost determined under 68444
division (F) (1) of this section that applies with respect to a 68445
facility in a specified calendar year shall be the per diem rate 68446
of reimbursement in that calendar year, under the targeting 68447
community alternatives to prison (T-CAP) program, for prisoners 68448
who serve a term in the facility pursuant to division (B) (3) (c) of 68449
section 2929.34 of the Revised Code. 68450

(3) The per diem costs of housing determined under division 68451
(F) (1) of this section for a facility shall be the actual costs of 68452
housing the specified prisoners in the facility, on a per diem 68453
basis. 68454

(G) As used in this section: 68455

(1) "Local correctional facility" means a facility of a type 68456
described in division (C) or (D) of section 2929.34 of the Revised 68457
Code. 68458

(2) "Voluntary county" has the same meanings as in section 68459
2929.34 of the Revised Code. 68460

Sec. 5153.122. Each PCSA caseworker hired after January 1, 68461
2007, shall complete at least one hundred two hours of in-service 68462
training during the first year of the caseworker's continuous 68463

employment as a PCSA caseworker, except that the executive 68464
director of the public children services agency may waive the 68465
training requirement for a school of social work graduate who 68466
participated in the university partnership program described in 68467
division (E) of section 5101.141 of the Revised Code and as 68468
provided in section 5153.124 of the Revised Code. The training 68469
shall consist of courses in all of the following: 68470

(A) Recognizing, accepting reports of, and preventing child 68471
abuse, neglect, and dependency; 68472

(B) Assessing child safety; 68473

(C) Assessing risks; 68474

(D) Interviewing persons; 68475

(E) Investigating cases; 68476

(F) Intervening; 68477

(G) Providing services to children and their families; 68478

(H) The importance of and need for accurate data; 68479

(I) Preparation for court; 68480

(J) Maintenance of case record information; 68481

(K) The legal duties of PCSA caseworkers to protect the 68482
constitutional and statutory rights of children and families from 68483
the initial time of contact during investigation through 68484
treatment, including instruction regarding parents' rights and the 68485
limitations that the Fourth Amendment to the United States 68486
Constitution places upon caseworkers and their investigations; 68487

(L) Content on other topics relevant to child abuse, neglect, 68488
and dependency, including permanency strategies, concurrent 68489
planning, and adoption as an option for unintended pregnancies. 68490

After a PCSA caseworker's first year of continuous employment 68491
as a PCSA caseworker, the caseworker annually shall complete 68492

thirty-six hours of training in areas relevant to the caseworker's assigned duties. 68493
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During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of job and family services shall adopt pursuant to Chapter 119. of the Revised Code. The twelve hours may be in addition to the training required during the caseworker's first year of employment or part of the training required during the second year of employment. 68495
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Sec. 5153.124. ~~(A)~~(A) (1) The director of job and family services shall adopt rules as necessary to implement the training requirements of sections 5153.122 and 5153.123 of the Revised Code. 68504
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(2) Not later than nine months after the effective date of the amendment to this section by H.B. 110 of the 134th general assembly, the director shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the circumstances under which an executive director of a public children services agency may waive portions of in-service training for PCSA caseworkers, in addition to the waiver described in section 5153.122 of the Revised Code. 68508
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(B) Notwithstanding sections 5103.33 to 5103.422 and sections 5153.122 to 5153.127 of the Revised Code, the department of job and family services may require additional training for PCSA caseworkers and PCSA caseworker supervisors as necessary to comply with federal requirements. 68516
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Sec. 5153.163. (A) As used in this section, ~~"adoptive;~~ 68521

(1) "Adoptive parent" means, as the context requires, a 68522

prospective adoptive parent or an adoptive parent. 68523

(2) "Relative" has the same meaning as in section 5101.141 of 68524
the Revised Code. 68525

(B) (1) Before a child's adoption is finalized, a public 68526
children services agency may enter into an agreement with the 68527
child's adoptive parent under which the agency, to the extent 68528
state funds are available, may make state adoption maintenance 68529
subsidy payments as needed on behalf of the child when all of the 68530
following apply: 68531

(a) The child is a child with special needs. 68532

(b) The child was placed in the adoptive home by a public 68533
children services agency or a private child placing agency and may 68534
legally be adopted. 68535

(c) The adoptive parent has the capability of providing the 68536
permanent family relationships needed by the child. 68537

(d) The needs of the child are beyond the economic resources 68538
of the adoptive parent. 68539

(e) Acceptance of the child as a member of the adoptive 68540
parent's family would not be in the child's best interest without 68541
payments on the child's behalf under this section. 68542

(f) The gross income of the adoptive parent's family does not 68543
exceed one hundred twenty per cent of the median income of a 68544
family of the same size, including the child, as most recently 68545
determined for this state by the secretary of health and human 68546
services under Title XX of the "Social Security Act," 88 Stat. 68547
2337, 42 U.S.C.A. 1397, as amended. 68548

(g) The child is not eligible for adoption assistance 68549
payments under Title IV-E of the "Social Security Act," 94 Stat. 68550
501 (1980), 42 U.S.C.A. 671, as amended. 68551

(2) State adoption maintenance subsidy payment agreements 68552

must be made by either the public children services agency that 68553
has permanent custody of the child or the public children services 68554
agency of the county in which the private child placing agency 68555
that has permanent custody of the child is located. 68556

(3) State adoption maintenance subsidy payments shall be made 68557
in accordance with the agreement between the public children 68558
services agency and the adoptive parent and are subject to an 68559
annual redetermination of need. 68560

(4) Payments under this division may begin either before or 68561
after issuance of the final adoption decree, except that payments 68562
made before issuance of the final adoption decree may be made only 68563
while the child is living in the adoptive parent's home. 68564
Preadoption payments may be made for not more than twelve months, 68565
unless the final adoption decree is not issued within that time 68566
because of a delay in court proceedings. Payments that begin 68567
before issuance of the final adoption decree may continue after 68568
its issuance. 68569

~~(C) (1) If, after the child's adoption is finalized, a public 68570
children services agency considers a child residing in the county 68571
served by the agency to be in need of public care or protective 68572
services, the agency may, to the extent state funds are available 68573
for this purpose, enter into an agreement with the child's 68574
adoptive parent under which the agency may make post adoption 68575
special services subsidy payments on behalf of the child as needed 68576
when both of the following apply: 68577~~

~~(a) The child has a physical or developmental handicap or 68578
mental or emotional condition that either: 68579~~

~~(i) Existed before the adoption petition was filed; or 68580~~

~~(ii) Developed after the adoption petition was filed and can 68581
be directly attributed to factors in the child's preadoption 68582
background, medical history, or biological family's background or 68583~~

~~medical history.~~ 68584

~~(b) The agency determines the expenses necessitated by the child's handicap or condition are beyond the adoptive parent's economic resources.~~ 68585
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~~(2) Services for which a public children services agency may make post adoption special services subsidy payments on behalf of a child under this division shall include medical, surgical, psychiatric, psychological, and counseling services, including residential treatment.~~ 68588
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~~(3) The department of job and family services shall establish clinical standards to evaluate a child's physical or developmental handicap or mental or emotional condition and assess the child's need for services.~~ 68593
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~~(4) The total dollar value of post adoption special services subsidy payments made on a child's behalf shall not exceed ten thousand dollars in any fiscal year, unless the department determines that extraordinary circumstances exist that necessitate further funding of services for the child. Under such extraordinary circumstances, the value of the payments made on the child's behalf shall not exceed fifteen thousand dollars in any fiscal year.~~ 68597
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~~(5) The adoptive parent or parents of a child who receives post adoption special services subsidy payments shall pay at least five per cent of the total cost of all services provided to the child, except that a public children services agency may waive this requirement if the gross annual income of the child's adoptive family is not more than two hundred per cent of the federal poverty guideline.~~ 68605
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~~(6) A public children services agency may use other sources of revenue to make post adoption special services subsidy payments, in addition to any state funds appropriated for that~~ 68612
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purpose A public children services agency may enter into an 68615
agreement with a child's relative under which the agency, to the 68616
extent state funds are available, may provide state kinship 68617
guardianship assistance as needed on behalf of the child when all 68618
of the following apply: 68619

(a) The relative has cared for the eligible child as a foster 68620
caregiver as defined by section 5103.02 of the Revised Code for at 68621
least six consecutive months. 68622

(b) Both of the following apply: 68623

(i) A juvenile court issued an order granting legal custody 68624
of the child to the relative, or a probate court issued an order 68625
granting guardianship of the child to the relative, and the order 68626
is not a temporary court order. 68627

(ii) The relative has committed to care for the child on a 68628
permanent basis. 68629

(c) The relative signed a state kinship guardianship 68630
assistance agreement prior to assuming legal guardianship or legal 68631
custody of the child. 68632

(d) The child had been removed from home pursuant to a 68633
voluntary placement agreement or as a result of a judicial 68634
determination to the effect that continuation in the home would be 68635
contrary to the welfare of the child. 68636

(e) Returning the child home or adoption are not appropriate 68637
permanency options for the child. 68638

(f) The child demonstrates a strong attachment to the 68639
relative and the relative has a strong commitment to caring 68640
permanently for the child. 68641

(g) With respect to a child who has attained fourteen years 68642
of age, the child has been consulted regarding the state kinship 68643
guardianship assistance arrangement. 68644

(h) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended. 68645
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(2) The public children services agency that had custody of a child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child described in division (C)(1) of this section is authorized to enter into a state kinship guardianship assistance agreement with that relative. 68648
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(3) State kinship guardianship assistance for a child shall be provided in accordance with a state kinship guardianship assistance agreement entered into between the public children services agency and relative of the child described in division (C)(1) of this section and is subject to an annual redetermination of need. 68654
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(4) Not later than fifteen months after the effective date of this section, if the amended state plan submitted under Title IV-E to implement 42 U.S.C. 673(d) as described in section 5101.1416 of the Revised Code is approved, division (C) of this section shall be implemented. 68660
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(D) No payment shall be made under division (B) or (C) of this section on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a mentally or physically handicapped person twenty-one years of age or older. 68665
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(E) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement this section. The rules shall establish all of the following: 68670
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(1) The application process for all forms of assistance provided under this section; 68674
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(2) The method to determine the amount of assistance payable under division (B) of this section; 68676
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(3) The definition of "child with special needs" for this section; 68678
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(4) The process whereby a child's continuing need for services provided under division (B) or (C) of this section is annually redetermined; 68680
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~~(5) The method of determining the amount, duration, and scope of services provided to a child under division (C) of this section;~~ 68683
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~~(6)~~ Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section. 68686
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(F) The state adoption special services subsidy program ceases to exist on July 1, 2004, except that, subject to the findings of the annual redetermination process established under division (E) of this section and the child's individual need for services, a public children services agency may continue to provide state adoption special services subsidy payments on behalf of a child for whom payments were being made prior to July 1, 2004. 68688
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~~(G) No public children services agency shall, pursuant to either section 2151.353 or 5103.15 of the Revised Code, place or maintain a child with special needs who is in the permanent custody of an institution or association certified by the department of job and family services under section 5103.03 of the Revised Code in a setting other than with a person seeking to adopt the child, unless the agency has determined and redetermined at intervals of not more than six months the impossibility of adoption by a person who wishes to adopt children, and is approved by an agency so empowered under Chapter 5103. of the Revised Code, or by a person who wishes to adopt a child with special needs as~~ 68696
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~~defined in rules adopted under this section, and who is approved~~ 68707
~~by an agency so empowered under Chapter 5103. of the Revised Code,~~ 68708
~~including the impossibility of entering into a payment agreement~~ 68709
~~with such a person. The agency so maintaining such a child shall~~ 68710
~~report its reasons for doing so to the department of job and~~ 68711
~~family services. Benefits and services provided under this section~~ 68712
~~are inalienable whether by way of assignment, charge, or otherwise~~ 68713
~~and exempt from execution, attachment, garnishment, and other like~~ 68714
~~processes.~~ 68715

~~The department may take any action permitted under section~~ 68716
~~5101.24 of the Revised Code for an agency's failure to determine,~~ 68717
~~redetermine, and report on a child's status.~~ 68718

Sec. 5162.82. Before making any payment rate increases 68719
greater than ten per cent under the medicaid program, the medicaid 68720
director shall notify the joint medicaid oversight committee of 68721
the increase and be available to testify before the joint medicaid 68722
oversight committee regarding the increase. 68723

Sec. 5163.06. The medicaid program shall cover all of the 68724
following optional eligibility groups: 68725

(A) The group consisting of children placed with adoptive 68726
parents who are specified in the "Social Security Act," section 68727
1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 68728

(B) Subject to section 5163.061 of the Revised Code, the 68729
group consisting of women during pregnancy and the ~~sixty-day~~ 68730
maximum postpartum period permitted under 42 U.S.C. 1396a(e) 68731
beginning on the last day of the pregnancy, infants, and children 68732
who are specified in the "Social Security Act," section 68733
1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX); 68734

(C) Subject to sections 5163.09 to 5163.098 of the Revised 68735
Code, the group consisting of employed individuals with 68736

disabilities who are specified in the "Social Security Act," 68737
section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV); 68738

(D) Subject to sections 5163.09 to 5163.098 of the Revised 68739
Code, the group consisting of employed individuals with medically 68740
improved disabilities who are specified in the "Social Security 68741
Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 68742
1396a(a)(10)(A)(ii)(XVI); 68743

(E) The group consisting of independent foster care 68744
adolescents who are specified in the "Social Security Act," 68745
section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 68746
1396a(a)(10)(A)(ii)(XVII); 68747

(F) The group consisting of women in need of treatment for 68748
breast or cervical cancer who are specified in the "Social 68749
Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 68750
1396a(a)(10)(A)(ii)(XVIII)†. 68751

Sec. 5163.061. The income eligibility threshold is two 68752
hundred per cent of the federal poverty line for women during 68753
pregnancy and the ~~sixty-day~~ postpartum period beginning on the 68754
last day of the pregnancy who are covered by the medicaid program 68755
under division (B) of section 5163.06 of the Revised Code. 68756

Sec. 5163.52. If the department of medicaid receives federal 68757
funding for the medicaid program that is contingent on a temporary 68758
maintenance of effort restriction or that otherwise limits the 68759
department's ability to disenroll ineligible medicaid recipients, 68760
such as the requirements under Section 6008 of the "Families First 68761
Coronavirus Response Act," Pub. L. No. 116-127, the department 68762
shall do both of the following: 68763

(A) Continue to conduct eligibility redeterminations under 68764
the medicaid program and act on those redeterminations to the 68765
fullest extent permitted under federal law and regulations. 68766

(B) Within sixty days of the expiration of the restriction or limitation, complete an audit in which the department does all of the following: 68767
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(1) Completes and acts on eligibility redeterminations for all medicaid recipients for whom a redetermination has not been conducted in the past twelve months; 68770
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(2) Requests approval from the United States centers for medicare and medicaid services to conduct and act on eligibility redeterminations on all medicaid recipients who were enrolled for three or more months during the period of restriction or limitation; the department shall, within sixty days of any such approval, conduct and act on the redeterminations; 68773
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(3) Submits a report summarizing the results of the audit to the speaker of the house of representatives and senate president in accordance with section 101.68 of the Revised Code. 68779
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Sec. 5164.34. (A) As used in this section: 68782

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 68783
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(2) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code. 68785
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(3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section. 68788
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(4) "Person subject to the criminal records check requirement" means the following: 68791
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(a) A medicaid provider who is notified under division (E) (1) of this section that the provider is subject to a criminal records check; 68793
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(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in information given to the provider under division (E)(1) of this section;

(c) An employee or prospective employee of a medicaid provider if both of the following apply:

(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section.

(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee.

(5) "Responsible entity" means the following:

(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid or the department's designee;

(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a medicaid provider, the provider.

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

(1) An individual who is subject to a criminal records check under section 3712.09, 3721.121, 5123.081, or 5123.169 of the Revised Code;

(2) An individual who is subject to a database review or criminal records check under section 173.38, 173.381, ~~3701.881~~ 3740.11, or 5164.342 of the Revised Code;

(3) An individual who is an applicant or independent provider, both as defined in section 5164.341 of the Revised Code. 68826
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(C) The department of medicaid may do any of the following: 68828

(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a provider agreement; 68829
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(2) Require that any medicaid provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider submit to a criminal records check as a condition of being an owner, officer, or board member of the provider; 68832
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(3) Require that any medicaid provider do the following: 68837

(a) If so required by rules authorized by this section, determine pursuant to a database review conducted under division (F) (1) (a) of this section whether any employee or prospective employee of the provider is included in a database; 68838
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(b) Unless the provider is prohibited by division (D) (3) (b) of this section from employing the employee or prospective employee, require the employee or prospective employee to submit to a criminal records check as a condition of being an employee of the provider. 68842
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(D) (1) The department or the department's designee shall deny or terminate a medicaid provider's provider agreement if the provider is a person subject to the criminal records check requirement and either of the following applies: 68847
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(a) The provider fails to obtain the criminal records check after being given the information specified in division (G) (1) of this section. 68851
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(b) Except as provided in rules authorized by this section, the provider is found by the criminal records check to have been 68854
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convicted of or have pleaded guilty to a disqualifying offense, 68856
regardless of the date of the conviction or the date of entry of 68857
the guilty plea. 68858

(2) No medicaid provider shall permit a person to be an 68859
owner, officer, or board member of the provider if the person is a 68860
person subject to the criminal records check requirement and 68861
either of the following applies: 68862

(a) The person fails to obtain the criminal records check 68863
after being given the information specified in division (G)(1) of 68864
this section. 68865

(b) Except as provided in rules authorized by this section, 68866
the person is found by the criminal records check to have been 68867
convicted of or have pleaded guilty to a disqualifying offense, 68868
regardless of the date of the conviction or the date of entry of 68869
the guilty plea. 68870

(3) Except as provided in division (I) of this section, no 68871
medicaid provider shall employ a person if any of the following 68872
apply: 68873

(a) The person has been excluded from being a medicaid 68874
provider, a medicare provider, or provider for any other federal 68875
health care program. 68876

(b) If the person is subject to a database review conducted 68877
under division (F)(1)(a) of this section, the person is found by 68878
the database review to be included in a database and the rules 68879
authorized by this section regarding the database review prohibit 68880
the provider from employing a person included in the database. 68881

(c) If the person is a person subject to the criminal records 68882
check requirement, either of the following applies: 68883

(i) The person fails to obtain the criminal records check 68884
after being given the information specified in division (G)(1) of 68885

this section. 68886

(ii) Except as provided in rules authorized by this section, 68887
the person is found by the criminal records check to have been 68888
convicted of or have pleaded guilty to a disqualifying offense, 68889
regardless of the date of the conviction or the date of entry of 68890
the guilty plea. 68891

(E) (1) The department or the department's designee shall 68892
inform each medicaid provider whether the provider is subject to a 68893
criminal records check. For providers with valid provider 68894
agreements, the information shall be given at times designated in 68895
rules authorized by this section. For providers applying to be 68896
medicaid providers, the information shall be given at the time of 68897
initial application. When the information is given, the department 68898
or the department's designee shall specify the following: 68899

(a) Which of the provider's owners or prospective owners, 68900
officers or prospective officers, or board members or prospective 68901
board members are subject to a criminal records check; 68902

(b) Which of the provider's employees or prospective 68903
employees are subject to division (C) (3) of this section. 68904

(2) At times designated in rules authorized by this section, 68905
a medicaid provider that is a person subject to the criminal 68906
records check requirement shall do the following: 68907

(a) Inform each person specified under division (E) (1) (a) of 68908
this section that the person is required to submit to a criminal 68909
records check as a condition of being an owner, officer, or board 68910
member of the provider; 68911

(b) Inform each person specified under division (E) (1) (b) of 68912
this section that the person is subject to division (C) (3) of this 68913
section. 68914

(F) (1) If a medicaid provider is a person subject to the 68915

criminal records check requirement, the department or the 68916
department's designee shall require the conduct of a criminal 68917
records check by the superintendent of the bureau of criminal 68918
identification and investigation. A medicaid provider shall 68919
require the conduct of a criminal records check by the 68920
superintendent with respect to each of the persons specified under 68921
division (E) (1) (a) of this section. With respect to each employee 68922
and prospective employee specified under division (E) (1) (b) of 68923
this section, a medicaid provider shall do the following: 68924

(a) If rules authorized by this section require the provider 68925
to conduct a database review to determine whether the employee or 68926
prospective employee is included in a database, conduct the 68927
database review in accordance with the rules; 68928

(b) Unless the provider is prohibited by division (D) (3) (b) 68929
of this section from employing the employee or prospective 68930
employee, require the conduct of a criminal records check of the 68931
employee or prospective employee by the superintendent. 68932

(2) If a person subject to the criminal records check 68933
requirement does not present proof of having been a resident of 68934
this state for the five-year period immediately prior to the date 68935
the criminal records check is requested or provide evidence that 68936
within that five-year period the superintendent has requested 68937
information about the person from the federal bureau of 68938
investigation in a criminal records check, the responsible entity 68939
shall require the person to request that the superintendent obtain 68940
information from the federal bureau of investigation as part of 68941
the criminal records check of the person. Even if the person 68942
presents proof of having been a resident of this state for the 68943
five-year period, the responsible entity may require that the 68944
person request that the superintendent obtain information from the 68945
federal bureau of investigation and include it in the criminal 68946
records check of the person. 68947

(G) Criminal records checks required by this section shall be 68948
obtained as follows: 68949

(1) The responsible entity shall provide each person subject 68950
to the criminal records check requirement information about 68951
accessing and completing the form prescribed pursuant to division 68952
(C) (1) of section 109.572 of the Revised Code and the standard 68953
impression sheet prescribed pursuant to division (C) (2) of that 68954
section. 68955

(2) The person subject to the criminal records check 68956
requirement shall submit the required form and one complete set of 68957
the person's fingerprint impressions directly to the 68958
superintendent for purposes of conducting the criminal records 68959
check using the applicable methods prescribed by division (C) of 68960
section 109.572 of the Revised Code. The person shall pay all fees 68961
associated with obtaining the criminal records check. 68962

(3) The superintendent shall conduct the criminal records 68963
check in accordance with section 109.572 of the Revised Code. The 68964
person subject to the criminal records check requirement shall 68965
instruct the superintendent to submit the report of the criminal 68966
records check directly to the responsible entity. If the 68967
department or the department's designee is not the responsible 68968
entity, the department or designee may require the responsible 68969
entity to submit the report to the department or designee. 68970

(H) (1) A medicaid provider may employ conditionally a person 68971
for whom a criminal records check is required by this section 68972
prior to obtaining the results of the criminal records check if 68973
both of the following apply: 68974

(a) The provider is not prohibited by division (D) (3) (b) of 68975
this section from employing the person. 68976

(b) The person submits a request for the criminal records 68977
check not later than five business days after the person begins 68978

conditional employment. 68979

(2) Except as provided in division (I) of this section, a 68980
medicaid provider that employs a person conditionally under 68981
division (H) (1) of this section shall terminate the person's 68982
employment if either of the following apply: 68983

(a) The results of the criminal records check request are not 68984
obtained within the period ending sixty days after the date the 68985
request is made. 68986

(b) Regardless of when the results of the criminal records 68987
check are obtained, the results indicate that the person has been 68988
convicted of or has pleaded guilty to a disqualifying offense, 68989
unless circumstances specified in rules authorized by this section 68990
exist that permit the provider to employ the person and the 68991
provider chooses to employ the person. 68992

(I) As used in this division, "behavioral health services" 68993
means alcohol and drug addiction services, mental health services, 68994
or both. 68995

A medicaid provider of behavioral health services may choose 68996
to employ a person who the provider would be prohibited by 68997
division (D) (3) of this section from employing or would be 68998
required by division (H) (2) of this section to terminate the 68999
person's employment if both of the following apply: 69000

(1) The person holds a valid health professional license 69001
issued under the Revised Code granting the person authority to 69002
provide behavioral health services, holds a valid peer recovery 69003
supporter certificate issued pursuant to rules adopted by the 69004
department of mental health and addiction services, or is in the 69005
process of obtaining such a license or certificate. 69006

(2) The provider does not submit any medicaid claims for any 69007
services the person provides. 69008

(J) The report of a criminal records check conducted pursuant to this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;

(3) The department's designee;

(4) The medicaid provider who required the person who is the subject of the criminal records check to submit to the criminal records check;

(5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan;

(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) The denial or termination of a provider agreement;

(b) A person's denial of employment, termination of employment, or employment or unemployment benefits;

(c) A civil or criminal action regarding the medicaid program.

(K) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following:

(1) Designate the categories of persons who are subject to a criminal records check under this section;

(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a criminal records check to have been convicted of or pleaded guilty to a disqualifying offense;

(3) Specify circumstances under which a medicaid provider may permit a person to be an employee, owner, officer, or board member of the provider when the person is found by a criminal records check conducted pursuant to this section to have been convicted of or have pleaded guilty to a disqualifying offense;

(4) Specify all of the following:

(a) The circumstances under which a database review must be conducted under division (F) (1) (a) of this section to determine whether an employee or prospective employee of a medicaid provider is included in a database;

(b) The procedures for conducting the database review;

(c) The databases that are to be checked;

(d) The circumstances under which, except as provided in division (I) of this section, a medicaid provider is prohibited from employing a person who is found by the database review to be included in a database.

Sec. 5164.342. (A) As used in this section:

"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.

"Community-based long-term care subcontractor" means a

subcontractor as defined in section 173.38 of the Revised Code. 69067

"Criminal records check" has the same meaning as in section 69068
109.572 of the Revised Code. 69069

"Disqualifying offense" means any of the offenses listed or 69070
described in divisions (A) (3) (a) to (e) of section 109.572 of the 69071
Revised Code. 69072

"Employee" means a person employed by a waiver agency in a 69073
full-time, part-time, or temporary position that involves 69074
providing home and community-based services. 69075

"Waiver agency" means a person or government entity that 69076
provides home and community-based services under a home and 69077
community-based services medicaid waiver component administered by 69078
the department of medicaid, other than such a person or government 69079
entity that is certified under the medicare program. "Waiver 69080
agency" does not mean an independent provider as defined in 69081
section 5164.341 of the Revised Code. 69082

(B) This section does not apply to any individual who is 69083
subject to a database review or criminal records check under 69084
section ~~3701.881~~ 3740.11 of the Revised Code. If a waiver agency 69085
also is a community-based long-term care provider or 69086
community-based long-term care subcontractor, the waiver agency 69087
may provide for any of its applicants and employees who are not 69088
subject to database reviews and criminal records checks under 69089
section 173.38 of the Revised Code to undergo database reviews and 69090
criminal records checks in accordance with that section rather 69091
than this section. 69092

(C) No waiver agency shall employ an applicant or continue to 69093
employ an employee in a position that involves providing home and 69094
community-based services if any of the following apply: 69095

(1) A review of the databases listed in division (E) of this 69096
section reveals any of the following: 69097

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules authorized by this section and the rules prohibit the waiver agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing home and community-based services.

(2) After the applicant or employee is given the information and notification required by divisions (F)(2)(a) and (b) of this section, the applicant or employee fails to do either of the following:

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the chief administrator of the waiver agency.

(3) Except as provided in rules authorized by this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the

conviction or date of entry of the guilty plea. 69129

(D) At the time of each applicant's initial application for 69130
employment in a position that involves providing home and 69131
community-based services, the chief administrator of a waiver 69132
agency shall inform the applicant of both of the following: 69133

(1) That a review of the databases listed in division (E) of 69134
this section will be conducted to determine whether the waiver 69135
agency is prohibited by division (C)(1) of this section from 69136
employing the applicant in the position; 69137

(2) That, unless the database review reveals that the 69138
applicant may not be employed in the position, a criminal records 69139
check of the applicant will be conducted and the applicant is 69140
required to provide a set of the applicant's fingerprint 69141
impressions as part of the criminal records check. 69142

(E) As a condition of employing any applicant in a position 69143
that involves providing home and community-based services, the 69144
chief administrator of a waiver agency shall conduct a database 69145
review of the applicant in accordance with rules authorized by 69146
this section. If rules authorized by this section so require, the 69147
chief administrator of a waiver agency shall conduct a database 69148
review of an employee in accordance with the rules as a condition 69149
of continuing to employ the employee in a position that involves 69150
providing home and community-based services. A database review 69151
shall determine whether the applicant or employee is included in 69152
any of the following: 69153

(1) The excluded parties list system that is maintained by 69154
the United States general services administration pursuant to 69155
subpart 9.4 of the federal acquisition regulation and available at 69156
the federal web site known as the system for award management; 69157

(2) The list of excluded individuals and entities maintained 69158
by the office of inspector general in the United States department 69159

of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 69160
69161

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code; 69162
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(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code; 69164
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(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 69167
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(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 69169
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(7) Any other database, if any, specified in rules authorized by this section. 69171
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(F)(1) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall require the applicant to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules authorized by this section so require, the chief administrator of a waiver agency shall require an employee to request that the superintendent conduct a criminal records check of the employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. However, a criminal records check is not required for an applicant or employee if the waiver agency is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing home and community-based services. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a 69173
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resident of this state for the five-year period immediately prior 69191
to the date the criminal records check is requested or provide 69192
evidence that within that five-year period the superintendent has 69193
requested information about the applicant or employee from the 69194
federal bureau of investigation in a criminal records check, the 69195
chief administrator shall require the applicant or employee to 69196
request that the superintendent obtain information from the 69197
federal bureau of investigation as part of the criminal records 69198
check. Even if an applicant or employee for whom a criminal 69199
records check request is required by this section presents proof 69200
of having been a resident of this state for the five-year period, 69201
the chief administrator may require the applicant or employee to 69202
request that the superintendent include information from the 69203
federal bureau of investigation in the criminal records check. 69204

(2) The chief administrator shall provide the following to 69205
each applicant and employee for whom a criminal records check is 69206
required by this section: 69207

(a) Information about accessing, completing, and forwarding 69208
to the superintendent of the bureau of criminal identification and 69209
investigation the form prescribed pursuant to division (C) (1) of 69210
section 109.572 of the Revised Code and the standard impression 69211
sheet prescribed pursuant to division (C) (2) of that section; 69212

(b) Written notification that the applicant or employee is to 69213
instruct the superintendent to submit the completed report of the 69214
criminal records check directly to the chief administrator. 69215

(3) A waiver agency shall pay to the bureau of criminal 69216
identification and investigation the fee prescribed pursuant to 69217
division (C) (3) of section 109.572 of the Revised Code for any 69218
criminal records check required by this section. However, a waiver 69219
agency may require an applicant to pay to the bureau the fee for a 69220
criminal records check of the applicant. If the waiver agency pays 69221
the fee for an applicant, it may charge the applicant a fee not 69222

exceeding the amount the waiver agency pays to the bureau under 69223
this section if the waiver agency notifies the applicant at the 69224
time of initial application for employment of the amount of the 69225
fee and that, unless the fee is paid, the applicant will not be 69226
considered for employment. 69227

(G) (1) A waiver agency may employ conditionally an applicant 69228
for whom a criminal records check is required by this section 69229
prior to obtaining the results of the criminal records check if 69230
both of the following apply: 69231

(a) The waiver agency is not prohibited by division (C) (1) of 69232
this section from employing the applicant in a position that 69233
involves providing home and community-based services. 69234

(b) The chief administrator of the waiver agency requires the 69235
applicant to request a criminal records check regarding the 69236
applicant in accordance with division (F) (1) of this section not 69237
later than five business days after the applicant begins 69238
conditional employment. 69239

(2) A waiver agency that employs an applicant conditionally 69240
under division (G) (1) of this section shall terminate the 69241
applicant's employment if the results of the criminal records 69242
check, other than the results of any request for information from 69243
the federal bureau of investigation, are not obtained within the 69244
period ending sixty days after the date the request for the 69245
criminal records check is made. Regardless of when the results of 69246
the criminal records check are obtained, if the results indicate 69247
that the applicant has been convicted of or has pleaded guilty to 69248
a disqualifying offense, the waiver agency shall terminate the 69249
applicant's employment unless circumstances specified in rules 69250
authorized by this section exist that permit the waiver agency to 69251
employ the applicant and the waiver agency chooses to employ the 69252
applicant. 69253

(H) The report of any criminal records check conducted 69254
pursuant to a request made under this section is not a public 69255
record for the purposes of section 149.43 of the Revised Code and 69256
shall not be made available to any person other than the 69257
following: 69258

(1) The applicant or employee who is the subject of the 69259
criminal records check or the representative of the applicant or 69260
employee; 69261

(2) The chief administrator of the waiver agency that 69262
requires the applicant or employee to request the criminal records 69263
check or the administrator's representative; 69264

(3) The medicaid director and the staff of the department who 69265
are involved in the administration of the medicaid program; 69266

(4) The director of aging or the director's designee if the 69267
waiver agency also is a community-based long-term care provider or 69268
community-based long-term care subcontractor; 69269

(5) An individual receiving or deciding whether to receive 69270
home and community-based services from the subject of the criminal 69271
records check; 69272

(6) A court, hearing officer, or other necessary individual 69273
involved in a case dealing with any of the following: 69274

(a) A denial of employment of the applicant or employee; 69275

(b) Employment or unemployment benefits of the applicant or 69276
employee; 69277

(c) A civil or criminal action regarding the medicaid 69278
program. 69279

(I) The medicaid director shall adopt rules under section 69280
5164.02 of the Revised Code to implement this section. 69281

(1) The rules may do the following: 69282

(a) Require employees to undergo database reviews and criminal records checks under this section;	69283 69284
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	69285 69286 69287
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	69288 69289 69290
(2) The rules shall specify all of the following:	69291
(a) The procedures for conducting a database review under this section;	69292 69293
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	69294 69295 69296 69297
(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases;	69298 69299 69300 69301 69302
(d) The circumstances under which a waiver agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense.	69303 69304 69305 69306
(J) The amendments made by H.B. 487 of the 129th general assembly to this section do not preclude the department of medicaid from taking action against a person for failure to comply with former division (H) of this section as that division existed on the day preceding January 1, 2013.	69307 69308 69309 69310 69311
Sec. 5165.01. As used in this chapter:	69312

(A) "Affiliated operator" means an operator affiliated with 69313
either of the following: 69314

(1) The exiting operator for whom the affiliated operator is 69315
to assume liability for the entire amount of the exiting 69316
operator's debt under the medicaid program or the portion of the 69317
debt that represents the franchise permit fee the exiting operator 69318
owes; 69319

(2) The entering operator involved in the change of operator 69320
with the exiting operator specified in division (A) (1) of this 69321
section. 69322

(B) "Allowable costs" are a nursing facility's costs that the 69323
department of medicaid determines are reasonable. Fines paid under 69324
sections 5165.60 to 5165.89 and section 5165.99 of the Revised 69325
Code are not allowable costs. 69326

(C) "Ancillary and support costs" means all reasonable costs 69327
incurred by a nursing facility other than direct care costs, tax 69328
costs, or capital costs. "Ancillary and support costs" includes, 69329
but is not limited to, costs of activities, social services, 69330
pharmacy consultants, habilitation supervisors, qualified 69331
intellectual disability professionals, program directors, medical 69332
and habilitation records, program supplies, incontinence supplies, 69333
food, enterals, dietary supplies and personnel, laundry, 69334
housekeeping, security, administration, medical equipment, 69335
utilities, liability insurance, bookkeeping, purchasing 69336
department, human resources, communications, travel, dues, license 69337
fees, subscriptions, home office costs not otherwise allocated, 69338
legal services, accounting services, minor equipment, maintenance 69339
and repairs, help-wanted advertising, informational advertising, 69340
start-up costs, organizational expenses, other interest, property 69341
insurance, employee training and staff development, employee 69342
benefits, payroll taxes, and workers' compensation premiums or 69343
costs for self-insurance claims and related costs as specified in 69344

rules adopted under section 5165.02 of the Revised Code, for 69345
personnel listed in this division. "Ancillary and support costs" 69346
also means the cost of equipment, including vehicles, acquired by 69347
operating lease executed before December 1, 1992, if the costs are 69348
reported as administrative and general costs on the nursing 69349
facility's cost report for the cost reporting period ending 69350
December 31, 1992. 69351

(D) "Applicable calendar year" means the calendar year 69352
immediately preceding the calendar year that precedes the first of 69353
the state fiscal years for which a rebasing is conducted. 69354

~~(E)(1)~~(E) For purposes of calculating a critical access 69355
nursing facility's occupancy rate and utilization rate under this 69356
chapter, "as of the last day of the calendar year" refers to the 69357
occupancy and utilization rates during the calendar year 69358
identified in the cost report filed under section 5165.10 of the 69359
Revised Code. 69360

(F)(1) "Capital costs" means the actual expense incurred by a 69361
nursing facility for all of the following: 69362

(a) Depreciation and interest on any capital assets that cost 69363
five hundred dollars or more per item, including the following: 69364

(i) Buildings; 69365

(ii) Building improvements; 69366

(iii) Except as provided in division ~~(C)~~(D) of this section, 69367
equipment; 69368

(iv) Transportation equipment. 69369

(b) Amortization and interest on land improvements and 69370
leasehold improvements; 69371

(c) Amortization of financing costs; 69372

(d) Lease and rent of land, buildings, and equipment. 69373

(2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice. 69374
69375
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~~(F)~~(G) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles. 69377
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~~(G)~~(H) "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing facility resident. 69380
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~~(H)~~(I) "Change of operator" means an entering operator becoming the operator of a nursing facility in the place of the exiting operator. 69384
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(1) Actions that constitute a change of operator include the following: 69387
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(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship; 69389
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(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing facility is also transferred; 69392
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(c) A lease of the nursing facility to the entering operator or the exiting operator's termination of the exiting operator's lease; 69397
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(d) If the exiting operator is a partnership, dissolution of the partnership; 69400
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(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply: 69402
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(i) The change in composition does not cause the partnership's dissolution under state law. 69404
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(ii) The partners agree that the change in composition does not constitute a change in operator. 69406
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(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. 69408
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(2) The following, alone, do not constitute a change of operator: 69412
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(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions; 69414
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(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator; 69417
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69420

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator. 69421
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~~(I)~~(J) "Cost center" means the following: 69425

(1) Ancillary and support costs; 69426

(2) Capital costs; 69427

(3) Direct care costs; 69428

(4) Tax costs. 69429

~~(J)~~(K) "Custom wheelchair" means a wheelchair to which both of the following apply: 69430
69431

(1) It has been measured, fitted, or adapted in consideration 69432

of either of the following: 69433

(a) The body size or disability of the individual who is to use the wheelchair; 69434
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(b) The individual's period of need for, or intended use of, the wheelchair. 69436
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(2) It has customized features, modifications, or components, such as adaptive seating and positioning systems, that the supplier who assembled the wheelchair, or the manufacturer from which the wheelchair was ordered, added or made in accordance with the instructions of the physician of the individual who is to use the wheelchair. 69438
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~~(K)~~ (L) (1) "Date of licensure" means the following: 69444

(a) In the case of a nursing facility that was required by law to be licensed as a nursing home under Chapter 3721. of the Revised Code when it originally began to be operated as a nursing home, the date the nursing facility was originally so licensed; 69445
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(b) In the case of a nursing facility that was not required by law to be licensed as a nursing home when it originally began to be operated as a nursing home, the date it first began to be operated as a nursing home, regardless of the date the nursing facility was first licensed as a nursing home. 69449
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(2) If, after a nursing facility's original date of licensure, more nursing home beds are added to the nursing facility, the nursing facility has a different date of licensure for the additional beds. This does not apply, however, to additional beds when both of the following apply: 69454
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(a) The additional beds are located in a part of the nursing facility that was constructed at the same time as the continuing beds already located in that part of the nursing facility; 69459
69460
69461

(b) The part of the nursing facility in which the additional 69462

beds are located was constructed as part of the nursing facility 69463
at a time when the nursing facility was not required by law to be 69464
licensed as a nursing home. 69465

(3) The definition of "date of licensure" in this section 69466
applies in determinations of nursing facilities' medicaid payment 69467
rates but does not apply in determinations of nursing facilities' 69468
franchise permit fees. 69469

~~(L)~~(M) "Desk-reviewed" means that a nursing facility's costs 69470
as reported on a cost report submitted under section 5165.10 of 69471
the Revised Code have been subjected to a desk review under 69472
section 5165.108 of the Revised Code and preliminarily determined 69473
to be allowable costs. 69474

~~(M)~~(N) "Direct care costs" means all of the following costs 69475
incurred by a nursing facility: 69476

(1) Costs for registered nurses, licensed practical nurses, 69477
and nurse aides employed by the nursing facility; 69478

(2) Costs for direct care staff, administrative nursing 69479
staff, medical directors, respiratory therapists, and except as 69480
provided in division ~~(M)~~(8)(N) (8) of this section, other persons 69481
holding degrees qualifying them to provide therapy; 69482

(3) Costs of purchased nursing services; 69483

(4) Costs of quality assurance; 69484

(5) Costs of training and staff development, employee 69485
benefits, payroll taxes, and workers' compensation premiums or 69486
costs for self-insurance claims and related costs as specified in 69487
rules adopted under section 5165.02 of the Revised Code, for 69488
personnel listed in divisions ~~(M)~~(1)(N) (1), (2), (4), and (8) of 69489
this section; 69490

(6) Costs of consulting and management fees related to direct 69491
care; 69492

(7) Allocated direct care home office costs;	69493
(8) Costs of habilitation staff (other than habilitation supervisors), medical supplies, emergency oxygen, over-the-counter pharmacy products, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, and universal precautions supplies;	69494 69495 69496 69497 69498 69499
(9) Costs of wheelchairs other than the following:	69500
(a) Custom wheelchairs;	69501
(b) Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.	69502 69503 69504
(10) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the Revised Code.	69505 69506 69507
(N) (O) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	69508 69509
(O) (P) "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility.	69510 69511 69512
(P) (O) "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility.	69513 69514 69515
(O) (R) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility.	69516 69517 69518
(R) (S) "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in the nursing facility on the day before the effective date of the	69519 69520 69521 69522

voluntary withdrawal of participation. 69523

~~(S)~~(T) "Entering operator" means the person or government 69524
entity that will become the operator of a nursing facility when a 69525
change of operator occurs or following an involuntary termination. 69526

~~(P)~~(U) "Exiting operator" means any of the following: 69527

(1) An operator that will cease to be the operator of a 69528
nursing facility on the effective date of a change of operator; 69529

(2) An operator that will cease to be the operator of a 69530
nursing facility on the effective date of a facility closure; 69531

(3) An operator of a nursing facility that is undergoing or 69532
has undergone a voluntary withdrawal of participation; 69533

(4) An operator of a nursing facility that is undergoing or 69534
has undergone an involuntary termination. 69535

~~(U)~~(1)~~(V)~~(1) Subject to divisions ~~(U)~~(2)~~(V)~~(2) and (3) of 69536
this section, "facility closure" means either of the following: 69537

(a) Discontinuance of the use of the building, or part of the 69538
building, that houses the facility as a nursing facility that 69539
results in the relocation of all of the nursing facility's 69540
residents; 69541

(b) Conversion of the building, or part of the building, that 69542
houses a nursing facility to a different use with any necessary 69543
license or other approval needed for that use being obtained and 69544
one or more of the nursing facility's residents remaining in the 69545
building, or part of the building, to receive services under the 69546
new use. 69547

(2) A facility closure occurs regardless of any of the 69548
following: 69549

(a) The operator completely or partially replacing the 69550
nursing facility by constructing a new nursing facility or 69551
transferring the nursing facility's license to another nursing 69552

facility; 69553

(b) The nursing facility's residents relocating to another of 69554
the operator's nursing facilities; 69555

(c) Any action the department of health takes regarding the 69556
nursing facility's medicaid certification that may result in the 69557
transfer of part of the nursing facility's survey findings to 69558
another of the operator's nursing facilities; 69559

(d) Any action the department of health takes regarding the 69560
nursing facility's license under Chapter 3721. of the Revised 69561
Code. 69562

(3) A facility closure does not occur if all of the nursing 69563
facility's residents are relocated due to an emergency evacuation 69564
and one or more of the residents return to a medicaid-certified 69565
bed in the nursing facility not later than thirty days after the 69566
evacuation occurs. 69567

~~(V)~~ (W) "Franchise permit fee" means the fee imposed by 69568
sections 5168.40 to 5168.56 of the Revised Code. 69569

~~(W)~~ (X) "Inpatient days" means both of the following: 69570

(1) All days during which a resident, regardless of payment 69571
source, occupies a licensed bed in a nursing facility ~~that is~~ 69572
~~included in the nursing facility's medicaid-certified capacity;~~ 69573

(2) Fifty per cent of the days for which payment is made 69574
under section 5165.34 of the Revised Code. 69575

~~(X)~~ (Y) "Involuntary termination" means the department of 69576
medicaid's termination of the operator's provider agreement for 69577
the nursing facility when the termination is not taken at the 69578
operator's request. 69579

~~(Y)~~ (Z) "Low resource utilization resident" means a medicaid 69580
recipient residing in a nursing facility who, for purposes of 69581
calculating the nursing facility's medicaid payment rate for 69582

direct care costs, is placed in either of the two lowest resource 69583
utilization groups, excluding any resource utilization group that 69584
is a default group used for residents with incomplete assessment 69585
data. 69586

~~(Z)~~ (AA) "Maintenance and repair expenses" means a nursing 69587
facility's expenditures that are necessary and proper to maintain 69588
an asset in a normally efficient working condition and that do not 69589
extend the useful life of the asset two years or more. 69590
"Maintenance and repair expenses" includes but is not limited to 69591
the costs of ordinary repairs such as painting and wallpapering. 69592

~~(AA)~~ (BB) "Medicaid-certified capacity" means the number of a 69593
nursing facility's beds that are certified for participation in 69594
medicaid as nursing facility beds. 69595

~~(BB)~~ (CC) "Medicaid days" means both of the following: 69596

(1) All days during which a resident who is a medicaid 69597
recipient eligible for nursing facility services occupies a bed in 69598
a nursing facility that is included in the nursing facility's 69599
medicaid-certified capacity; 69600

(2) Fifty per cent of the days for which payment is made 69601
under section 5165.34 of the Revised Code. 69602

~~(CC)~~ ~~(1)~~ (DD) (1) "New nursing facility" means a nursing 69603
facility for which the provider obtains an initial provider 69604
agreement following medicaid certification of the nursing facility 69605
by the director of health, including such a nursing facility that 69606
replaces one or more nursing facilities for which a provider 69607
previously held a provider agreement. 69608

(2) "New nursing facility" does not mean a nursing facility 69609
for which the entering operator seeks a provider agreement 69610
pursuant to section 5165.511 or 5165.512 or (pursuant to section 69611
5165.515) section 5165.07 of the Revised Code. 69612

~~(DD)~~(EE) "Nursing facility" has the same meaning as in the 69613
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 69614

~~(EE)~~(FF) "Nursing facility services" has the same meaning as 69615
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 69616

~~(FF)~~(GG) "Nursing home" has the same meaning as in section 69617
3721.01 of the Revised Code. 69618

~~(GG)~~(HH) "Occupancy rate" means the percentage of licensed 69619
beds that, regardless of payer source, are either of the 69620
following: 69621

(1) Reserved for use under section 5165.34 of the Revised 69622
Code; 69623

(2) Actually being used. 69624

(II) "Operator" means the person or government entity 69625
responsible for the daily operating and management decisions for a 69626
nursing facility. 69627

~~(HH)~~(1)~~(JJ)~~(1) "Owner" means any person or government entity 69628
that has at least five per cent ownership or interest, either 69629
directly, indirectly, or in any combination, in any of the 69630
following regarding a nursing facility: 69631

(a) The land on which the nursing facility is located; 69632

(b) The structure in which the nursing facility is located; 69633

(c) Any mortgage, contract for deed, or other obligation 69634
secured in whole or in part by the land or structure on or in 69635
which the nursing facility is located; 69636

(d) Any lease or sublease of the land or structure on or in 69637
which the nursing facility is located. 69638

(2) "Owner" does not mean a holder of a debenture or bond 69639
related to the nursing facility and purchased at public issue or a 69640
regulated lender that has made a loan related to the nursing 69641

facility unless the holder or lender operates the nursing facility 69642
directly or through a subsidiary. 69643

~~(II)~~(KK) "Per diem" means a nursing facility's actual, 69644
allowable costs in a given cost center in a cost reporting period, 69645
divided by the nursing facility's inpatient days for that cost 69646
reporting period. 69647

~~(JJ)~~(LL) "Provider" means an operator with a provider 69648
agreement. 69649

~~(KK)~~(MM) "Provider agreement" means a provider agreement, as 69650
defined in section 5164.01 of the Revised Code, that is between 69651
the department of medicaid and the operator of a nursing facility 69652
for the provision of nursing facility services under the medicaid 69653
program. 69654

~~(LL)~~(NN) "Purchased nursing services" means services that are 69655
provided in a nursing facility by registered nurses, licensed 69656
practical nurses, or nurse aides who are not employees of the 69657
nursing facility. 69658

~~(MM)~~(OO) "Reasonable" means that a cost is an actual cost 69659
that is appropriate and helpful to develop and maintain the 69660
operation of patient care facilities and activities, including 69661
normal standby costs, and that does not exceed what a prudent 69662
buyer pays for a given item or services. Reasonable costs may vary 69663
from provider to provider and from time to time for the same 69664
provider. 69665

~~(NN)~~(PP) "Rebasing" means a redetermination of each of the 69666
following using information from cost reports for an applicable 69667
calendar year that is later than the applicable calendar year used 69668
for the previous rebasing: 69669

(1) Each peer group's rate for ancillary and support costs as 69670
determined pursuant to division (C) of section 5165.16 of the 69671
Revised Code; 69672

- (2) Each peer group's rate for capital costs as determined pursuant to division (C) of section 5165.17 of the Revised Code; 69673
69674
- (3) Each peer group's cost per case-mix unit as determined pursuant to division (C) of section 5165.19 of the Revised Code; 69675
69676
- (4) Each nursing facility's rate for tax costs as determined pursuant to section 5165.21 of the Revised Code. 69677
69678
- ~~(00)~~(00) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, the provider. 69679
69680
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69682
- (1) An individual who is a relative of an owner is a related party. 69683
69684
- (2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property. 69685
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- (3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization. 69694
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69696
- (4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met: 69697
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- (a) The supplier is a separate bona fide organization. 69700
- (b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others 69701
69702

than the provider and there is an open, competitive market for the 69703
types of goods or services the supplier furnishes. 69704

(c) The types of goods or services are commonly obtained by 69705
other nursing facilities from outside organizations and are not a 69706
basic element of patient care ordinarily furnished directly to 69707
patients by nursing facilities. 69708

(d) The charge to the provider is in line with the charge for 69709
the goods or services in the open market and no more than the 69710
charge made under comparable circumstances to others by the 69711
supplier. 69712

~~(PP)~~ (RR) "Relative of owner" means an individual who is 69713
related to an owner of a nursing facility by one of the following 69714
relationships: 69715

(1) Spouse; 69716

(2) Natural parent, child, or sibling; 69717

(3) Adopted parent, child, or sibling; 69718

(4) Stepparent, stepchild, stepbrother, or stepsister; 69719

(5) Father-in-law, mother-in-law, son-in-law, 69720
daughter-in-law, brother-in-law, or sister-in-law; 69721

(6) Grandparent or grandchild; 69722

(7) Foster caregiver, foster child, foster brother, or foster 69723
sister. 69724

~~(QQ)~~ (SS) "Residents' rights advocate" has the same meaning as 69725
in section 3721.10 of the Revised Code. 69726

~~(RR)~~ (TT) "Skilled nursing facility" has the same meaning as 69727
in the "Social Security Act," section 1819(a), 42 U.S.C. 69728
1395i-3(a). 69729

~~(SS)~~ (UU) "State fiscal year" means the fiscal year of this 69730
state, as specified in section 9.34 of the Revised Code. 69731

~~(TT)~~ (VV) "Sponsor" has the same meaning as in section 3721.10 of the Revised Code. 69732
69733

~~(UU)~~ (WW) "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes. 69734
69735
69736

~~(VV)~~ (XX) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq. 69737
69738

~~(WW)~~ (YY) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq. 69739
69740

~~(XX)~~ (ZZ) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility. 69741
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Sec. 5165.15. Except as otherwise provided by sections 5165.151 to 5165.157 and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility services the provider's nursing facility provides during a state fiscal year shall be determined as follows: 69745
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69750

(A) Determine the sum of all of the following: 69751

(1) The per medicaid day payment rate for ancillary and support costs determined for the nursing facility under section 5165.16 of the Revised Code; 69752
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(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code; 69755
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69757

(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code; 69758
69759
69760

(4) The per medicaid day payment rate for tax costs 69761
determined for the nursing facility under section 5165.21 of the 69762
Revised Code; 69763

(5) If the nursing facility qualifies as a critical access 69764
nursing facility, the nursing facility's critical access incentive 69765
payment paid under section 5165.23 of the Revised Code. 69766

(B) To the sum determined under division (A) of this section, 69767
add sixteen dollars and forty-four cents. 69768

(C) From the sum determined under division (B) of this 69769
section, subtract one dollar and seventy-nine cents. 69770

~~(D) To the difference determined under division (C) of this 69771
section, add the per medicaid day quality payment rate determined 69772
for the nursing facility under section 5165.25 of the Revised 69773
Code. 69774~~

~~(E)~~ To the sum determined under division ~~(D)~~ (C) of this 69775
section, add, for state fiscal year ~~2021~~ 2022 and for state fiscal 69776
year 2023, the per medicaid day quality incentive payment rate 69777
determined for the nursing facility under section 5165.26 of the 69778
Revised Code. 69779

Sec. 5165.151. (A) The total per medicaid day payment rate 69780
determined under section 5165.15 of the Revised Code shall not be 69781
the initial rate for nursing facility services provided by a new 69782
nursing facility. Instead, the initial total per medicaid day 69783
payment rate for nursing facility services provided by a new 69784
nursing facility shall be determined in the following manner: 69785

(1) The initial rate for ancillary and support costs shall be 69786
the rate for the new nursing facility's peer group determined 69787
under division (C) of section 5165.16 of the Revised Code. 69788

(2) The initial rate for capital costs shall be the rate for 69789
the new nursing facility's peer group determined under division 69790

(C) of section 5165.17 of the Revised Code; 69791

(3) The initial rate for direct care costs shall be the 69792
product of the cost per case-mix unit determined under division 69793
(C) of section 5165.19 of the Revised Code for the new nursing 69794
facility's peer group and the new nursing facility's case-mix 69795
score determined under division (B) of this section. 69796

(4) The initial rate for tax costs shall be the following: 69797

(a) If the provider of the new nursing facility submits to 69798
the department of medicaid the nursing facility's projected tax 69799
costs for the calendar year in which the provider obtains an 69800
initial provider agreement for the new nursing facility, an amount 69801
determined by dividing those projected tax costs by the number of 69802
inpatient days the nursing facility would have for that calendar 69803
year if its occupancy rate were one hundred per cent; 69804

(b) If division (A)(4)(a) of this section does not apply, the 69805
median rate for tax costs for the new nursing facility's peer 69806
group in which the nursing facility is placed under division (B) 69807
of section 5165.16 of the Revised Code. 69808

~~(5) The quality payment shall be the mean quality payment 69809
rate determined for nursing facilities under section 5165.25 of 69810
the Revised Code. 69811~~

~~(6) Fourteen dollars and sixty-five cents shall be added to 69812
the sum of the rates and payment specified in divisions (A)(1) to 69813
(5)(4) of this section. 69814~~

(B) For the purpose of division (A)(3) of this section, a new 69815
nursing facility's case-mix score shall be the following: 69816

(1) Unless the new nursing facility replaces an existing 69817
nursing facility that participated in the medicaid program 69818
immediately before the new nursing facility begins participating 69819
in the medicaid program, the median annual average case-mix score 69820

for the new nursing facility's peer group; 69821

(2) If the nursing facility replaces an existing nursing 69822
facility that participated in the medicaid program immediately 69823
before the new nursing facility begins participating in the 69824
medicaid program, the semiannual case-mix score most recently 69825
determined under section 5165.192 of the Revised Code for the 69826
replaced nursing facility as adjusted, if necessary, to reflect 69827
any difference in the number of beds in the replaced and new 69828
nursing facilities. 69829

(C) Subject to division (D) of this section, the department 69830
of medicaid shall adjust the rates established under division (A) 69831
of this section effective the first day of July, to reflect new 69832
rate calculations for all nursing facilities under this chapter. 69833

(D) If a rate for direct care costs is determined under this 69834
section for a new nursing facility using the median annual average 69835
case-mix score for the new nursing facility's peer group, the rate 69836
shall be redetermined to reflect the new nursing facility's actual 69837
semiannual average case-mix score determined under section 69838
5165.192 of the Revised Code after the new nursing facility 69839
submits its first two quarterly assessment data that qualify for 69840
use in calculating a case-mix score in accordance with rules 69841
authorized by section 5165.192 of the Revised Code. If the new 69842
nursing facility's quarterly submissions do not qualify for use in 69843
calculating a case-mix score, the department shall continue to use 69844
the median annual average case-mix score for the new nursing 69845
facility's peer group in lieu of the new nursing facility's 69846
semiannual case-mix score until the new nursing facility submits 69847
two consecutive quarterly assessment data that qualify for use in 69848
calculating a case-mix score. 69849

Sec. 5165.16. (A) The department of medicaid shall determine 69850
each nursing facility's per medicaid day payment rate for 69851

ancillary and support costs. A nursing facility's rate shall be 69852
the rate determined under division (C) of this section for the 69853
nursing facility's peer group. 69854

(B) For the purpose of determining nursing facilities' rates 69855
for ancillary and support costs, the department shall establish 69856
six peer groups composed as follows: 69857

(1) Each nursing facility located in any of the following 69858
counties shall be placed in peer group one or two: Brown, Butler, 69859
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 69860
located in any of those counties that has fewer than one hundred 69861
beds shall be placed in peer group one. Each nursing facility 69862
located in any of those counties that has one hundred or more beds 69863
shall be placed in peer group two. 69864

(2) Each nursing facility located in any of the following 69865
counties shall be placed in peer group three or four: Allen, 69866
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 69867
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 69868
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 69869
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 69870
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 69871
nursing facility located in any of those counties that has fewer 69872
than one hundred beds shall be placed in peer group three. Each 69873
nursing facility located in any of those counties that has one 69874
hundred or more beds shall be placed in peer group four. 69875

(3) Each nursing facility located in any of the following 69876
counties shall be placed in peer group five or six: Adams, 69877
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 69878
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 69879
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 69880
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 69881
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 69882

Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 69883
and Wyandot. Each nursing facility located in any of those 69884
counties that has fewer than one hundred beds shall be placed in 69885
peer group five. Each nursing facility located in any of those 69886
counties that has one hundred or more beds shall be placed in peer 69887
group six. 69888

(C) (1) The department shall determine the rate for ancillary 69889
and support costs for each peer group established under division 69890
(B) of this section. The rate for ancillary and support costs 69891
determined under this division for a peer group shall be used for 69892
subsequent years until the department conducts a rebasing. To 69893
determine a peer group's rate for ancillary and support costs, the 69894
department shall do all of the following: 69895

(a) ~~Subject to division (C) (2) of this section, determine~~ 69896
Determine the rate for ancillary and support costs for each 69897
nursing facility in the peer group for the applicable calendar 69898
year by using the greater of the nursing facility's actual 69899
inpatient days for the applicable calendar year or the inpatient 69900
days the nursing facility would have had for the applicable 69901
calendar year if its occupancy rate had been ninety per cent; 69902

(b) Subject to division ~~(C) (3)~~ (C) (2) of this section, 69903
identify which nursing facility in the peer group is at the 69904
twenty-fifth percentile of the rate for ancillary and support 69905
costs for the applicable calendar year determined under division 69906
(C) (1) (a) of this section; 69907

(c) Multiply the rate for ancillary and support costs 69908
determined under division (C) (1) (a) of this section for the 69909
nursing facility identified under division (C) (1) (b) of this 69910
section by the rate of inflation for the eighteen-month period 69911
beginning on the first day of July of the applicable calendar year 69912
and ending the last day of December of the calendar year 69913
immediately following the applicable calendar year using the 69914

following: 69915

(i) Except as provided in division (C) (1) (c) (ii) of this 69916
section, the consumer price index for all items for all urban 69917
consumers for the midwest region, published by the United States 69918
bureau of labor statistics; 69919

(ii) If the United States bureau of labor statistics ceases 69920
to publish the index specified in division (C) (1) (c) (i) of this 69921
section, the index the bureau subsequently publishes that covers 69922
urban consumers' prices for items for the region that includes 69923
this state. 69924

~~(2) For the purpose of determining a nursing facility's 69925
occupancy rate under division (C) (1) (a) of this section, the 69926
department shall include any beds that the nursing facility 69927
removes from its medicaid certified capacity unless the nursing 69928
facility also removes the beds from its licensed bed capacity. 69929~~

~~(3)~~ In making the identification under division (C) (1) (b) of 69930
this section, the department shall exclude both of the following: 69931

(a) Nursing facilities that participated in the medicaid 69932
program under the same provider for less than twelve months in the 69933
applicable calendar year; 69934

(b) Nursing facilities whose ancillary and support costs are 69935
more than one standard deviation from the mean desk-reviewed, 69936
actual, allowable, per diem ancillary and support cost for all 69937
nursing facilities in the nursing facility's peer group for the 69938
applicable calendar year. 69939

~~(4)~~(3) The department shall not redetermine a peer group's 69940
rate for ancillary and support costs under this division based on 69941
additional information that it receives after the rate is 69942
determined. The department shall redetermine a peer group's rate 69943
for ancillary and support costs only if the department made an 69944
error in determining the rate based on information available to 69945

the department at the time of the original determination. 69946

Sec. 5165.17. (A) The department of medicaid shall determine 69947
each nursing facility's per medicaid day payment rate for capital 69948
costs. A nursing facility's rate shall be the rate determined 69949
under division (C) of this section for the nursing facility's peer 69950
group. 69951

(B) For the purpose of determining nursing facilities' rates 69952
for capital costs, the department shall establish six peer groups. 69953

(1) Each nursing facility located in any of the following 69954
counties shall be placed in peer group one or two: Brown, Butler, 69955
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 69956
located in any of those counties that has fewer than one hundred 69957
beds shall be placed in peer group one. Each nursing facility 69958
located in any of those counties that has one hundred or more beds 69959
shall be placed in peer group two. 69960

(2) Each nursing facility located in any of the following 69961
counties shall be placed in peer group three or four: Allen, 69962
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 69963
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 69964
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 69965
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 69966
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 69967
nursing facility located in any of those counties that has fewer 69968
than one hundred beds shall be placed in peer group three. Each 69969
nursing facility located in any of those counties that has one 69970
hundred or more beds shall be placed in peer group four. 69971

(3) Each nursing facility located in any of the following 69972
counties shall be placed in peer group five or six: Adams, 69973
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 69974
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 69975
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 69976

Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 69977
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 69978
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 69979
and Wyandot. Each nursing facility located in any of those 69980
counties that has fewer than one hundred beds shall be placed in 69981
peer group five. Each nursing facility located in any of those 69982
counties that has one hundred or more beds shall be placed in peer 69983
group six. 69984

(C) (1) The department shall determine the rate for capital 69985
costs for each peer group established under division (B) of this 69986
section. The rate for capital costs determined under this division 69987
for a peer group shall be used for subsequent years until the 69988
department conducts a rebasing. A peer group's rate for capital 69989
costs shall be the rate for capital costs for the nursing facility 69990
in the peer group that is at the twenty-fifth percentile of the 69991
rate for capital costs for the applicable calendar year. 69992

(2) To identify the nursing facility in a peer group that is 69993
at the twenty-fifth percentile of the rate for capital costs for 69994
the applicable calendar year, the department shall do both of the 69995
following: 69996

(a) ~~Subject to division (C) (3) of this section, use~~ Use the 69997
greater of each nursing facility's actual inpatient days for the 69998
applicable calendar year or the inpatient days the nursing 69999
facility would have had for the applicable calendar year if its 70000
occupancy rate had been one hundred per cent; 70001

(b) Exclude both of the following: 70002

(i) Nursing facilities that participated in the medicaid 70003
program under the same provider for less than twelve months in the 70004
applicable calendar year; 70005

(ii) Nursing facilities whose capital costs are more than one 70006
standard deviation from the mean desk-reviewed, actual, allowable, 70007

per diem capital cost for all nursing facilities in the nursing 70008
facility's peer group for the applicable calendar year. 70009

~~(3) For the purpose of determining a nursing facility's 70010
occupancy rate under division (C) (2) (a) of this section, the 70011
department shall include any beds that the nursing facility 70012
removes from its medicaid certified capacity after June 30, 2005, 70013
unless the nursing facility also removes the beds from its 70014
licensed bed capacity. 70015~~

~~(4) The department shall not redetermine a peer group's rate 70016
for capital costs under this division based on additional 70017
information that it receives after the rate is determined. The 70018
department shall redetermine a peer group's rate for capital costs 70019
only if the department made an error in determining the rate based 70020
on information available to the department at the time of the 70021
original determination. 70022~~

(D) Buildings shall be depreciated using the straight line 70023
method over forty years or over a different period approved by the 70024
department. Components and equipment shall be depreciated using 70025
the straight-line method over a period designated in rules adopted 70026
under section 5165.02 of the Revised Code, consistent with the 70027
guidelines of the American hospital association, or over a 70028
different period approved by the department. Any rules authorized 70029
by this division that specify useful lives of buildings, 70030
components, or equipment apply only to assets acquired on or after 70031
July 1, 1993. Depreciation for costs paid or reimbursed by any 70032
government agency shall not be included in capital costs unless 70033
that part of the payment under this chapter is used to reimburse 70034
the government agency. 70035

(E) The capital cost basis of nursing facility assets shall 70036
be determined in the following manner: 70037

(1) Except as provided in division (E) (3) of this section, 70038

for purposes of calculating the rates to be paid for facilities 70039
with dates of licensure on or before June 30, 1993, the capital 70040
cost basis of each asset shall be equal to the desk-reviewed, 70041
actual, allowable, capital cost basis that is listed on the 70042
facility's cost report for the calendar year preceding the state 70043
fiscal year during which the rate will be paid. 70044

(2) For facilities with dates of licensure after June 30, 70045
1993, the capital cost basis shall be determined in accordance 70046
with the principles of the medicare program, except as otherwise 70047
provided in this chapter. 70048

(3) Except as provided in division (E) (4) of this section, if 70049
a provider transfers an interest in a facility to another provider 70050
after June 30, 1993, there shall be no increase in the capital 70051
cost basis of the asset if the providers are related parties or 70052
the provider to which the interest is transferred authorizes the 70053
provider that transferred the interest to continue to operate the 70054
facility under a lease, management agreement, or other 70055
arrangement. If the previous sentence does not prohibit the 70056
adjustment of the capital cost basis under this division, the 70057
basis of the asset shall be adjusted by one-half of the change in 70058
the consumer price index for all items for all urban consumers, as 70059
published by the United States bureau of labor statistics, during 70060
the time that the transferor held the asset. 70061

(4) If a provider transfers an interest in a facility to 70062
another provider who is a related party, the capital cost basis of 70063
the asset shall be adjusted as specified in division (E) (3) of 70064
this section if all of the following conditions are met: 70065

(a) The related party is a relative of owner; 70066

(b) Except as provided in division (E) (4) (c) (ii) of this 70067
section, the provider making the transfer retains no ownership 70068
interest in the facility; 70069

(c) The department determines that the transfer is an arm's length transaction pursuant to rules adopted under section 5165.02 of the Revised Code. The rules shall provide that a transfer is an arm's length transaction if all of the following apply:

(i) Once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the facility or the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a creditor.

(ii) The provider that made the transfer does not reacquire an interest in the facility except through the exercise of a creditor's rights in the event of a default. If the provider reacquires an interest in the facility in this manner, the department shall treat the facility as if the transfer never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The transfer satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (E)(4) of this section or actual, allowable capital costs was determined most recently under division (F)(9) of this section.

(F) As used in this division:

"Imputed interest" means the lesser of the prime rate plus two per cent or ten per cent.

"Lease expense" means lease payments in the case of an

operating lease and depreciation expense and interest expense in 70101
the case of a capital lease. 70102

"New lease" means a lease, to a different lessee, of a 70103
nursing facility that previously was operated under a lease. 70104

(1) Subject to division (A) of this section, for a lease of a 70105
facility that was effective on May 27, 1992, the entire lease 70106
expense is an actual, allowable capital cost during the term of 70107
the existing lease. The entire lease expense also is an actual, 70108
allowable capital cost if a lease in existence on May 27, 1992, is 70109
renewed under either of the following circumstances: 70110

(a) The renewal is pursuant to a renewal option that was in 70111
existence on May 27, 1992; 70112

(b) The renewal is for the same lease payment amount and 70113
between the same parties as the lease in existence on May 27, 70114
1992. 70115

(2) Subject to division (A) of this section, for a lease of a 70116
facility that was in existence but not operated under a lease on 70117
May 27, 1992, actual, allowable capital costs shall include the 70118
lesser of the annual lease expense or the annual depreciation 70119
expense and imputed interest expense that would be calculated at 70120
the inception of the lease using the lessor's entire historical 70121
capital asset cost basis, adjusted by one-half of the change in 70122
the consumer price index for all items for all urban consumers, as 70123
published by the United States bureau of labor statistics, during 70124
the time the lessor held each asset until the beginning of the 70125
lease. 70126

(3) Subject to division (A) of this section, for a lease of a 70127
facility with a date of licensure on or after May 27, 1992, that 70128
is initially operated under a lease, actual, allowable capital 70129
costs shall include the annual lease expense if there was a 70130
substantial commitment of money for construction of the facility 70131

after December 22, 1992, and before July 1, 1993. If there was not 70132
a substantial commitment of money after December 22, 1992, and 70133
before July 1, 1993, actual, allowable capital costs shall include 70134
the lesser of the annual lease expense or the sum of the 70135
following: 70136

(a) The annual depreciation expense that would be calculated 70137
at the inception of the lease using the lessor's entire historical 70138
capital asset cost basis; 70139

(b) The greater of the lessor's actual annual amortization of 70140
financing costs and interest expense at the inception of the lease 70141
or the imputed interest expense calculated at the inception of the 70142
lease using seventy per cent of the lessor's historical capital 70143
asset cost basis. 70144

(4) Subject to division (A) of this section, for a lease of a 70145
facility with a date of licensure on or after May 27, 1992, that 70146
was not initially operated under a lease and has been in existence 70147
for ten years, actual, allowable capital costs shall include the 70148
lesser of the annual lease expense or the annual depreciation 70149
expense and imputed interest expense that would be calculated at 70150
the inception of the lease using the entire historical capital 70151
asset cost basis of one-half of the change in the consumer price 70152
index for all items for all urban consumers, as published by the 70153
United States bureau of labor statistics, during the time the 70154
lessor held each asset until the beginning of the lease. 70155

(5) Subject to division (A) of this section, for a new lease 70156
of a facility that was operated under a lease on May 27, 1992, 70157
actual, allowable capital costs shall include the lesser of the 70158
annual new lease expense or the annual old lease payment. If the 70159
old lease was in effect for ten years or longer, the old lease 70160
payment from the beginning of the old lease shall be adjusted by 70161
one-half of the change in the consumer price index for all items 70162
for all urban consumers, as published by the United States bureau 70163

of labor statistics, from the beginning of the old lease to the 70164
beginning of the new lease. 70165

(6) Subject to division (A) of this section, for a new lease 70166
of a facility that was not in existence or that was in existence 70167
but not operated under a lease on May 27, 1992, actual, allowable 70168
capital costs shall include the lesser of annual new lease expense 70169
or the annual amount calculated for the old lease under division 70170
(F) (2), (3), (4), or (6) of this section, as applicable. If the 70171
old lease was in effect for ten years or longer, the lessor's 70172
historical capital asset cost basis shall be, for purposes of 70173
calculating the annual amount under division (F) (2), (3), (4), or 70174
(6) of this section, adjusted by one-half of the change in the 70175
consumer price index for all items for all urban consumers, as 70176
published by the United States bureau of labor statistics, from 70177
the beginning of the old lease to the beginning of the new lease. 70178

In the case of a lease under division (F) (3) of this section 70179
of a facility for which a substantial commitment of money was made 70180
after December 22, 1992, and before July 1, 1993, the old lease 70181
payment shall be adjusted for the purpose of determining the 70182
annual amount. 70183

(7) For any revision of a lease described in division (F) (1), 70184
(2), (3), (4), (5), or (6) of this section, or for any subsequent 70185
lease of a facility operated under such a lease, other than 70186
execution of a new lease, the portion of actual, allowable capital 70187
costs attributable to the lease shall be the same as before the 70188
revision or subsequent lease. 70189

(8) Except as provided in division (F) (9) of this section, if 70190
a provider leases an interest in a facility to another provider 70191
who is a related party or previously operated the facility, the 70192
related party's or previous operator's actual, allowable capital 70193
costs shall include the lesser of the annual lease expense or the 70194
reasonable cost to the lessor. 70195

(9) If a provider leases an interest in a facility to another provider who is a related party, regardless of the date of the lease, the related party's actual, allowable capital costs shall include the annual lease expense, subject to the limitations specified in divisions (F)(1) to (7) of this section, if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) If the lessor retains an ownership interest, it is, except as provided in division (F)(9)(c)(ii) of this section, in only the real property and any improvements on the real property;

(c) The department determines that the lease is an arm's length transaction pursuant to rules adopted under section 5165.02 of the Revised Code. The rules shall provide that a lease is an arm's length transaction if all of the following apply:

(i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (F)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor.

(ii) The lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The lease satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost

basis was adjusted most recently under division (E) (4) of this 70227
section or actual, allowable capital costs were determined most 70228
recently under division (F) (9) of this section. 70229

(10) This division does not apply to leases of specific items 70230
of equipment. 70231

Sec. 5165.191. Each calendar quarter, each nursing facility 70232
provider shall compile complete assessment data for each resident 70233
of each of the provider's nursing facilities, regardless of 70234
payment source, who is in the nursing facility, or on hospital or 70235
therapeutic leave from the nursing facility, on the last day of 70236
the quarter. A resident assessment instrument specified in rules 70237
authorized by this section shall be used to compile the resident 70238
assessment data. Each provider shall submit the resident 70239
assessment data to the department of health and, if required by 70240
the rules, the department of medicaid. The resident assessment 70241
data shall be submitted not later than fifteen days after the end 70242
of the calendar quarter for which the data is compiled. If the 70243
resident assessment data is to be submitted to the department of 70244
medicaid, it shall be submitted to the department through the 70245
medium or media specified in the rules. 70246

Rules adopted under section 5165.02 of the Revised Code shall 70247
do all of the following: 70248

(A) In a manner consistent with the "Social Security Act," 70249
section 1919(e) (5), 42 U.S.C. 1396r(e) (5), specify a resident 70250
assessment instrument to be used by nursing facility providers 70251
under this section; 70252

(B) Specify whether nursing facility providers must submit 70253
the resident assessment data to the department of medicaid; 70254

(C) Specify any resident assessment data that is excluded 70255
from the case mix calculation made under section 5165.192 of the 70256

Revised Code; 70257

(D) If the rules specify that nursing facility providers must 70258
submit the resident assessment data to the department, specify the 70259
medium or media through which the data is to be submitted. 70260

Sec. 5165.26. (A) As used in this section: 70261

(1) "Base rate" means the portion of a nursing facility's 70262
total per medicaid day payment rate determined under divisions (A) 70263
~~and~~, (B), and (C) of section 5165.15 of the Revised Code. 70264

(2) "CMS" means the United States centers for medicare and 70265
medicaid services. 70266

(3) ~~"Force majeure event" means an uncontrollable force or~~ 70267
~~natural disaster not within the power of a nursing facility's~~ 70268
~~operator.~~ 70269

~~(4) "Long-stay resident" has the same meaning as in section~~ 70270
~~5165.25 of the Revised Code~~ means an individual who has resided in 70271
a nursing facility for at least one hundred one days. 70272

~~(5)(4) "Nursing facilities for which a quality score was~~ 70273
~~determined" includes nursing facilities that are determined to~~ 70274
~~have a quality score of zero.~~ 70275

(5) "SFF list" means the list of nursing facilities that the 70276
United States department of health and human services creates 70277
under the special focus facility program. 70278

(6) "Special focus facility program" means the program 70279
conducted by the United States secretary of health and human 70280
services pursuant to section 1919(f)(10) of the "Social Security 70281
Act," 42 U.S.C. 1396r(f)(10). 70282

(7) "Table A" means the table included in the SFF list that 70283
identifies nursing facilities that are newly added to the SFF 70284
list. 70285

(8) "Table B" means the table included in the SFF list that identifies nursing facilities that have not improved. 70286
70287

(9) "Table C" means the table included in the SFF list that identifies nursing facilities that have recently graduated from the special focus facility program. 70288
70289
70290

(B) For state fiscal year ~~2021~~ 2022 and state fiscal year 70291
2023, and subject to divisions (D), and (E), ~~and (F)~~ and except as 70292
provided in division (E) of this section, the department of 70293
medicaid shall determine each nursing facility's per medicaid day 70294
quality incentive payment rate as follows: 70295

(1) Determine the sum of the quality scores determined under 70296
division (C) of this section for all nursing facilities. 70297

(2) Determine the average quality score by dividing the sum 70298
determined under division (B) (1) of this section by the number of 70299
nursing facilities for which a quality score was determined. 70300

(3) ~~For state fiscal year 2021, determine~~ Determine the sum 70301
of the total number of medicaid days for all of the calendar year 70302
~~2019~~ preceding the fiscal year for which the rate is determined 70303
for all nursing facilities for which a quality score was 70304
determined. 70305

(4) Multiply the average quality score determined under 70306
division (B) (2) of this section by the sum determined under 70307
division (B) (3) of this section. 70308

(5) Determine the value per quality point by determining the 70309
quotient of the following: 70310

(a) ~~For state fiscal year 2021, the~~ The sum determined under 70311
division ~~(F) (2)~~ (E) (3) of this section. 70312

(b) The product determined under division (B) (4) of this 70313
section. 70314

(6) Multiply the value per quality point determined under 70315

division (B) (5) of this section by the nursing facility's quality score determined under division (C) of this section. 70316
70317

(C) (1) Except as provided in ~~divisions~~ division (C) (2) ~~and~~ 70318
~~(3)~~ of this section, a nursing facility's quality score for state 70319
fiscal year ~~2021~~ 2022 and state fiscal year 2023 shall be the sum 70320
of the total number of points that CMS assigned to the nursing 70321
facility under CMS's nursing facility five-star quality rating 70322
system for the following quality metrics based on the most recent 70323
four-quarter average data available in the database maintained by 70324
~~the United States centers for medicare and medicaid services~~ CMS 70325
and known as nursing home compare in May of ~~2020~~ the calendar year 70326
during which the fiscal year for which the rate is determined 70327
begins: 70328

(a) The percentage of the nursing facility's long-stay 70329
residents at high risk for pressure ulcers who had pressure 70330
ulcers; 70331

(b) The percentage of the nursing facility's long-stay 70332
residents who had a urinary tract infection; 70333

(c) The percentage of the nursing facility's long-stay 70334
residents whose ability to move independently worsened; 70335

(d) The percentage of the nursing facility's long-stay 70336
residents who had a catheter inserted and left in their bladder. 70337

(2) In determining a nursing facility's quality score for 70338
state fiscal year ~~2021~~ 2022 and state fiscal year 2023, the 70339
department shall make the following adjustment to the number of 70340
points that CMS assigned to the nursing facility for each of the 70341
quality metrics specified in division (C) (1) of this section: 70342

(a) Unless division (C) (2) (b) of this section applies, divide 70343
the number of the nursing facility's points for the quality metric 70344
by twenty. 70345

(b) If CMS assigned the nursing facility to the lowest 70346
percentile for the quality metric, reduce the number of the 70347
nursing facility's points for the quality metric to zero. 70348

(c) If the nursing facility's total number of points for 70349
state fiscal year 2022 or for state fiscal year 2023 for all of 70350
the quality metrics specified in division (C)(1) of this section 70351
is less than a number of points that is equal to the twenty-fifth 70352
percentile of all nursing facilities, reduce the nursing 70353
facility's points to zero for that fiscal year. 70354

~~(3) A nursing facility's quality score shall be zero for 70355
state fiscal year 2021 if it is not to receive a quality incentive 70356
payment for that state fiscal year because of division (D) of this 70357
section. 70358~~

~~(D) (1) Except as provided in division (D) (2) of this section, 70359
a nursing facility shall not receive a quality incentive payment 70360
for state fiscal year 2021 if the nursing facility's licensed 70361
occupancy percentage is less than eighty per cent. 70362~~

~~(2) Division (D) (1) of this section does not apply to a 70363
nursing facility if any of the following apply: 70364~~

~~(a) The nursing facility has a quality score under division 70365
(C) of this section for state fiscal year 2021 of at least fifteen 70366
points; 70367~~

~~(b) The nursing facility was initially certified for 70368
participation in the medicaid program on or after January 1, 2019 70369
70370~~

~~(c) Subject to division (D) (4) of this section, one or more 70371
of the beds that are part of the nursing facility's licensed 70372
capacity could not be used for resident care during calendar year 70373
2019 due to causes beyond the reasonable control of the nursing 70374
facility's operator, including a force majeure event; 70375~~

~~(d) Subject to division (D) (5) of this section, the nursing facility underwent a renovation during the period beginning January 1, 2018, and ending January 1, 2020, to which both of the following apply:~~

~~(i) The renovation involved capital expenditures of at least fifty thousand dollars, excluding expenditures for equipment, staffing, or operational costs.~~

~~(ii) The renovation directly impacted the area of the nursing facility in which the beds that are part of the nursing facility's licensed capacity are located.~~

~~(3) A nursing facility's licensed occupancy percentage for the purpose of division (D) (1) of this section shall be determined as follows:~~

~~(a) Determine the product of the following:~~

~~(i) The nursing facility's licensed capacity as of December 31, 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;~~

~~(ii) Three hundred sixty five.~~

~~(b) Determine the quotient of the following:~~

~~(i) The total number of the nursing facility's inpatient days for calendar year 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;~~

~~(ii) The product determined under division (D) (3) (a) of this section.~~

~~(c) Multiply the quotient determined under division (D) (3) (b) of this section by one hundred.~~

~~(4) For a nursing facility to be exempt from division (D) (1) of this section on account of division (D) (2) (c) of this section,~~

~~the nursing facility's operator must provide to the department
written documentation of the number of days during calendar year
2019 that one or more of the beds that are part of the nursing
facility's licensed capacity could not be used and the specific
reason why they could not be used.~~

~~(5) For a nursing facility to be exempt from division (D) (1)
of this section on account of division (D) (2) (d) of this section,
the nursing facility's operator must provide to the department
written documentation that confirms the renovation and capital
expenditures.~~

~~(E)(D) A nursing facility shall not receive a quality
incentive payment for state fiscal year 2021 2022 or state fiscal
year 2023 if either of the following apply:~~

~~(1) The nursing facility's initial total per medicaid day
payment rate for calendar year 2019 or state fiscal year 2021 is
determined pursuant to section 5165.151 of the Revised Code.~~

~~(2) The nursing facility undergoes a change of operator
during calendar year 2019 or state fiscal year 2021 the Department
of Health assigned the nursing facility to the SFF list under the
special focus facility program and the nursing facility is listed
in table A, table B, or table C on the first day of May of the
calendar year for which the rate is being determined.~~

~~(F)(E) The total amount to be spent on quality incentive
payments under division (B) of this section for each fiscal year
during state fiscal year 2021 years 2022 and 2023 shall be
determined as follows:~~

(1) Determine the following amount for each nursing facility,
including those that do not receive a quality incentive payment
because of division (D) of this section:

(a) The amount that is five and two-tenths per cent of the
nursing facility's base rate for nursing facility services

provided on the first day of the state fiscal year plus one dollar 70437
and seventy-nine cents; 70438

(b) Multiply the amount determined under division ~~(F) (1) (a)~~ 70439
(E) (1) (a) of this section by the number of the nursing facility's 70440
medicaid days for the calendar year 2019 preceding the fiscal year 70441
for which the rate is determined. 70442

(2) Determine the sum of the products determined under 70443
division ~~(F) (1) (b)~~ (E) (1) (b) of this section for all nursing 70444
facilities for which the product was determined for the state 70445
fiscal year. 70446

(3) To the sum determined under division (F) (2) of this 70447
section, add \$25 million. 70448

(G) A new nursing facility or a nursing facility that 70449
undergoes a change of operator during fiscal year 2022 or fiscal 70450
year 2023 shall not receive a quality incentive payment for the 70451
fiscal year in which the new facility obtains an initial provider 70452
agreement or the change of operator occurred, whichever is 70453
applicable. For the immediately following state fiscal year, the 70454
quality incentive payment shall be determined under division (C) 70455
of this section. 70456

Sec. 5165.261. (A) The joint medicaid oversight committee 70457
shall analyze the efficacy of all of the following: 70458

(1) The current quality incentive payment formula under 70459
section 5165.26 of the Revised Code for efficacy; 70460

(2) The nursing facility base rate calculation, as defined 70461
under section 5165.26 of the Revised Code; 70462

(3) The nursing facility cost centers, which are redetermined 70463
as part of the rebasing process under section 5165.36 of the 70464
Revised Code. 70465

(D) Not later than August 31, 2022, the joint medicaid 70466

oversight committee shall submit a report to the general assembly, 70467
in accordance with section 101.68 of the Revised Code, the senate 70468
president, the speaker of the house of representatives, the 70469
minority leaders of the senate and the house of representatives, 70470
the chair and ranking minority member of the standing committee on 70471
finance in the senate, the chair and ranking minority member of 70472
the standing committee on finance in the house of representatives, 70473
and the medicaid director with its recommendations and 70474
determinations on whether the quality measures under section 70475
5165.26 of the Revised Code are sufficient or whether the measures 70476
need to be changed. 70477

Sec. 5165.36. The department of medicaid shall conduct a 70478
rebasings at least once every five state fiscal years. ~~When~~ Except 70479
as provided in division (B) of this section, when the department 70480
conducts a rebasing for a state fiscal year, it shall conduct the 70481
rebasings for each cost center. 70482

(B) For each rebasing conducted after state fiscal year 2022, 70483
the sum of the capital costs component of the rebasing shall not 70484
exceed an amount that is greater than ten per cent of the sum of 70485
all of the cost centers calculated under the rebasing. The 70486
department shall exclude any capital costs amounts exceeding an 70487
amount that is ten per cent of the sum of all of the cost centers 70488
of a rebasing. 70489

Sec. 5165.80. (A) Whenever a nursing facility is closed under 70490
sections 5165.60 to 5165.89 of the Revised Code, the department of 70491
medicaid or contracting agency shall arrange for the safe and 70492
orderly transfer of all residents, including residents who are not 70493
medicaid eligible residents, to other appropriate care settings. 70494
Whenever a nursing facility's participation in the medicaid 70495
program is terminated under sections 5165.60 to 5165.89 of the 70496
Revised Code, the department or agency shall arrange for the safe 70497

and orderly transfer of all medicaid eligible residents or, if the
termination results in the closure of the facility, of all
residents. The provider and all persons involved in the facility's
operation shall cooperate with and assist in the transfer of
residents.

(B) After a nursing facility's participation in the medicaid
program is terminated under section 5165.71, 5165.72, 5165.77,
~~5165.771~~, or 5165.85 of the Revised Code, the department of
medicaid or contracting agency may appoint a temporary manager
subject to the continuing consent of the provider, or may apply to
the common pleas court of the county in which the facility is
located for such injunctive relief as is necessary for the
appointment of a special master, to ensure the transfer of
medicaid eligible residents to other appropriate care settings
and, if applicable, the orderly closure of the facility.

Sec. 5166.01. As used in this chapter:

"209(b) option" means the option described in section 1902(f)
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the
medicaid program's eligibility requirements for aged, blind, and
disabled individuals are more restrictive than the eligibility
requirements for the supplemental security income program.

"Administrative agency" means, with respect to a home and
community-based services medicaid waiver component, the department
of medicaid or, if a state agency or political subdivision
contracts with the department under section 5162.35 of the Revised
Code to administer the component, that state agency or political
subdivision.

"Care management system" has the same meaning as in section
5167.01 of the Revised Code.

"Dual eligible individual" has the same meaning as in section

5160.01 of the Revised Code. 70528

"Enrollee" has the same meaning as in section 5167.01 of the Revised Code. 70529
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"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code. 70531
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"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code. 70533
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"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services. 70535
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"Hospital" has the same meaning as in section 3727.01 of the Revised Code. 70539
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"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code. 70541
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"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code. 70543
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"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code. 70545
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"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code. 70547
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"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component. 70549
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"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code. 70555
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"Medicaid MCO plan" has the same meaning as in section 70557
5167.01 of the Revised Code. 70558

"Medicaid provider" has the same meaning as in section 70559
5164.01 of the Revised Code. 70560

"Medicaid services" has the same meaning as in section 70561
5164.01 of the Revised Code. 70562

"Medicaid waiver component" means a component of the medicaid 70563
program authorized by a waiver granted by the United States 70564
department of health and human services under section 1115 or 1915 70565
of the "Social Security Act," ~~section 1115 or 1915,~~ 42 U.S.C. 1315 70566
or 1396n. "Medicaid waiver component" does not include the care 70567
management system or services delivered under a prepaid inpatient 70568
health plan, as defined in 42 C.F.R. 438.2. 70569

"Medically fragile child" means an individual who is under 70570
eighteen years of age, has intensive health care needs, and is 70571
considered blind or disabled under section 1614(a)(2) or (3) of 70572
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 70573

"Nursing facility" and "nursing facility services" have the 70574
same meanings as in section 5165.01 of the Revised Code. 70575

"Ohio home care waiver program" means the home and 70576
community-based services medicaid waiver component that is known 70577
as Ohio home care and was created pursuant to section 5166.11 of 70578
the Revised Code. 70579

"Provider agreement" has the same meaning as in section 70580
5164.01 of the Revised Code. 70581

"Residential treatment facility" means a residential facility 70582
licensed by the department of mental health and addiction services 70583
under section 5119.34 of the Revised Code, or an institution 70584
certified by the department of job and family services under 70585
section 5103.03 of the Revised Code, that serves children and 70586

either has more than sixteen beds or is part of a campus of 70587
multiple facilities or institutions that, combined, have a total 70588
of more than sixteen beds. 70589

"Skilled nursing facility" has the same meaning as in section 70590
5165.01 of the Revised Code. 70591

"Unified long-term services and support medicaid waiver 70592
component" means the medicaid waiver component authorized by 70593
section 5166.14 of the Revised Code. 70594

Sec. 5166.33. Subject to federal approval, the medicaid 70595
director shall establish a medicaid waiver component under which a 70596
woman who meets all of the following conditions shall receive 70597
treatment for breast or cervical cancer: 70598

(A) The woman was screened for breast or cervical cancer by a 70599
provider who either does not participate in or was not paid for 70600
the screening by the Ohio breast and cervical cancer project 70601
administered under section 3701.144 of the Revised Code. 70602

(B) The woman is in need of treatment for breast or cervical 70603
cancer. 70604

(C) The woman has a countable income not exceeding three 70605
hundred per cent of the federal poverty line. 70606

(D) The woman is not covered by health insurance. 70607

(E) The woman is less than sixty-five years of age. 70608

Sec. 5167.10. (A) The department of medicaid may enter into 70609
contracts with managed care organizations under which the 70610
organizations are authorized to provide, or arrange for the 70611
provision of, health care services to medicaid recipients who are 70612
required or permitted to participate in the care management 70613
system. 70614

(B) Beginning on and after the effective date of the 70615

amendments to this section, the department shall include contracts with organizations under division (A) of this section that meet the following requirements:

(a) Are domiciled in this state, including their parent entities;

(b) Are currently participating in the care management system as medicaid managed care organizations;

(c) Have a proven history of providing quality services and customer satisfaction, as reported by the department of medicaid's medicaid managed care plans report card and NCOA medicaid health insurance plan ratings.

(2) Division (B)(1) of this section does not apply to a behavioral health managed care plan selected to assist the state to implement the Ohio resilience through integrated systems and excellence (OhioRISE) program for children and youth involved in multiple state systems or children and youth with other complex behavioral health needs.

(C) The organizations included under division (B) of this section shall participate, at minimum, in the regions of this state where they are providing services as of the effective date of this amendment.

Sec. 5167.15. (A) A medicaid managed care organization shall use a competitive selection process when contracting with a vendor to provide laboratory services for the organization under the care management system. The competitive selection process shall include a request for proposal period, during which time a prospective laboratory services vendor may submit a business proposal to the organization outlining the vendor's proposed contract terms regarding providing laboratory services. An organization shall permit a laboratory services vendor to participate in the request

for proposal process if the vendor can demonstrate that it has the 70646
staff, equipment, and resources necessary to do both of the 70647
following: 70648

(1) Process laboratory requests received from the 70649
organization in a timely manner; 70650

(2) Comply with the laboratory services requirements 70651
specified in the organization's contract with the department of 70652
medicaid under section 5167.10 of the Revised Code. 70653

(B) In evaluating applications during the competitive 70654
selection process, if all criteria are equal between two or more 70655
laboratory services vendor applicants, a medicaid managed care 70656
organization shall give preference to an applicant whose principal 70657
place of business is located in this state. 70658

Sec. 5167.29. (A) Each medicaid managed care organization 70659
shall establish an employment connection incentive program to 70660
assist medicaid recipients enrolled in a medicaid MCO plan offered 70661
by the organization in obtaining and maintaining employment. 70662

(B) A medicaid recipient enrolled in a medicaid managed care 70663
organization's medicaid MCO plan may volunteer to participate in 70664
the organization's employment connection incentive program. No 70665
recipient is required to participate. 70666

(C) Each medicaid managed care organization shall do both of 70667
the following for each medicaid recipient participating in the 70668
organization's employment connection incentive program: 70669

(1) Identify the barriers that the recipient has to achieving 70670
greater financial independence, including all of the following 70671
barriers: 70672

(a) Education; 70673

(b) Employment; 70674

<u>(c) Physical and behavioral health care;</u>	70675
<u>(d) Transportation;</u>	70676
<u>(e) Child care;</u>	70677
<u>(f) Housing;</u>	70678
<u>(g) Legal problems, including criminal records;</u>	70679
<u>(h) Other barriers identified for the recipient.</u>	70680
<u>(2) Assist the recipient in overcoming the barriers identified for the recipient.</u>	70681 70682
<u>(D) (1) The assistance provided to a medicaid recipient pursuant to division (C) (2) of this section shall include assistance in obtaining and maintaining meaningful employment. Such assistance shall include all of the following as appropriate for the recipient:</u>	70683 70684 70685 70686 70687
<u>(a) Education programs, including the following types of education programs:</u>	70688 70689
<u>(i) English as a second language;</u>	70690
<u>(ii) Literacy;</u>	70691
<u>(iii) Programs designed to lead to the attainment of the equivalent of a high school diploma;</u>	70692 70693
<u>(iv) Post-secondary.</u>	70694
<u>(b) Job training, placement, and retention programs;</u>	70695
<u>(c) Apprenticeship programs;</u>	70696
<u>(d) Mentoring programs;</u>	70697
<u>(e) Other activities the department of medicaid shall specify.</u>	70698 70699
<u>(2) Each medicaid managed care organization may contract with a county department of job and family services, county workforce development agency, or local workforce development board for the</u>	70700 70701 70702

delivery of the services described in division (D)(1) of this section. 70703
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(E) The department of medicaid shall establish criteria it shall use to determine the success that medicaid managed care organizations have with their employment connection incentive programs. The criteria shall include the length of time that a medicaid recipient who participated in a medicaid managed care organization's employment connection incentive program has ceased to be eligible for medicaid due to increased earnings resulting from employment that the program helped the recipient obtain or maintain. 70705
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(F) The department shall provide incentive payments to medicaid managed care organizations according to their successes with their employment connection incentive programs. The department shall determine the amount of each payment and the times at which medicaid managed care organizations earn payments. The amount of a payment to be made to a medicaid managed care organization shall be based on the savings in the nonfederal share of the per recipient per month cost of the capitation payments to the organization resulting from the organization's success with its employment connection incentive program. 70714
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Sec. 5168.60. As used in sections 5168.60 to 5168.71 of the Revised Code: 70724
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(A) "Franchise Unless modified under division (C)(2) of section 5168.61 of the Revised Code, "franchise permit fee rate" means the following: 70726
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(1) For fiscal year 2020, twenty-three dollars and ninety-five cents; 70729
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(2) For fiscal year 2021 and each fiscal year thereafter, twenty-four dollars and eighty-nine cents. 70731
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(B) "Indirect guarantee percentage" means the percentage specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;

(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage.

(C) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.

(D) Except as provided in division (B) of section 5168.62 of the Revised Code, "inpatient days" has the same meaning as in section 5124.01 of the Revised Code.

(E) "Medicaid-certified capacity" has the same meaning as in section 5124.01 of the Revised Code.

(F) "Provider agreement" has the same meaning as in section 5124.01 of the Revised Code.

Sec. 5168.61. The department of developmental disabilities shall do all of the following:

(A) Subject to section 5168.64 of the Revised Code and divisions (B) and (C) of this section and for the purposes specified in section 5168.69 of the Revised Code, quarterly assess each ICF/IID a franchise permit fee equal to the product of the following:

(1) The franchise permit fee rate;

(2) The number of the ICF/IID's inpatient days for the

quarter as determined using the monthly reports submitted to the 70762
department under section 5168.62 of the Revised Code. 70763

(B) If the total amount of the franchise permit fee assessed 70764
under division (A) of this section for a fiscal year exceeds the 70765
indirect guarantee percentage of the actual net patient revenue 70766
for all ICFs/IID for that fiscal year and seventy-five per cent or 70767
more of the total number of ICFs/IID receive enhanced medicaid 70768
payments or other state payments equal to seventy-five per cent or 70769
more of their total franchise permit fee assessments, do both of 70770
the following: 70771

(1) Recalculate the assessments under division (A) of this 70772
section using a per inpatient day rate equal to the indirect 70773
guarantee percentage of actual net patient revenue for all 70774
ICFs/IID for that fiscal year; 70775

(2) Refund the difference between the total amount of the 70776
franchise permit fee assessed for that fiscal year under division 70777
(A) of this section and the amount recalculated under division 70778
(B) (1) of this section as a credit against the assessments imposed 70779
under division (A) of this section for the quarters of the 70780
subsequent fiscal year. 70781

(C) (1) If the United States secretary of health and human 70782
services determines that the franchise permit fee established by 70783
sections 5168.60 to 5168.71 of the Revised Code would be an 70784
impermissible health care-related tax under section 1903(w) of the 70785
"Social Security Act," 42 U.S.C. 1396b(w), take all necessary 70786
actions to cease implementation of those sections in accordance 70787
with rules adopted under section 5168.71 of the Revised Code. 70788

(2) If the United States secretary of health and human 70789
services adjusts the indirect guarantee percentage at any time 70790
during the fiscal year, adjust the franchise permit fee rate and 70791
associated ICF/IID invoices so as not to exceed the indirect 70792

guarantee percentage. 70793

Sec. 5168.90. (A) At least quarterly, the medicaid director shall report to the members of the joint medicaid oversight committee and the executive director of the joint medicaid oversight committee both of the following: 70794
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(1) The fee rates and the aggregate total of the fees assessed for each of the following: 70798
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(a) The hospital assessment established under section 5168.21 of the Revised Code; 70800
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(b) The nursing home and hospital long-term care unit franchise permit fee under section 5168.41 of the Revised Code; 70802
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(c) The ICF/IID franchise permit fee under section 5168.61 of the Revised Code; 70804
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(d) The health insuring corporation franchise fee under section 5168.76 of the Revised Code. 70806
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(2) If there is a rate increase for any of the fee rates listed under division (A) (1) of this section pending before the centers for medicare and medicaid services. 70808
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(B) The director may adopt rules under section 5162.02 of the Revised Code to compile and submit the reports required under this section, including rules, as authorized under section 5162.021 of the Revised Code, that specify the information that must be submitted to the director by the department of developmental disabilities regarding the ICF/IID franchise permit fee. 70811
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Sec. 5301.05. (A) Discriminatory restrictive covenants in deeds limiting the transfer or lease of real property to individuals against whom discrimination is prohibited by division (H) (1) of section 4112.02 of the Revised Code are void. If an attorney, in preparing a deed, discovers a discriminatory covenant 70817
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that is void under this section, the attorney may omit the 70822
discriminatory restrictive covenant from the new deed with 70823
immunity from civil liability. 70824

(B) Omission of a discriminatory restrictive covenant from a 70825
deed pursuant to division (A) of this section does not affect the 70826
validity of the deed. No county recorder shall refuse to record a 70827
deed pursuant to division (B) of section 317.13 of the Revised 70828
Code due to such omission. 70829

Sec. 5301.13. All conveyances of real estate, or any interest 70830
therein, sold on behalf of the state, ~~with the exception of those~~ 70831
~~agreements made pursuant to divisions (A), (B), (C), (D), and (E)~~ 70832
~~of section 123.53 of the Revised Code,~~ shall be drafted by the 70833
auditor of state director of administrative services, executed in 70834
the name of the state, signed by the governor, countersigned by 70835
the secretary of state, and sealed with the great seal of the 70836
state. The ~~auditor of state~~ director of administrative services 70837
thereupon must record such conveyance in books to be kept by ~~him~~ 70838
the director of administrative services for that purpose, deliver 70839
them to the persons entitled thereto, and keep a record of such 70840
delivery, showing to whom delivered and the date thereof. 70841

Sec. 5301.14. When a title deed, recorded by the ~~auditor of~~ 70842
~~state~~ director of administrative services as required by section 70843
5301.13 of the Revised Code, or recorded in the office of the 70844
secretary of state, the record of which is required to be kept in 70845
the office of the ~~auditor of state~~ director of administrative 70846
services, has been lost or destroyed by accident, without having 70847
been recorded in the county recorder's office, on demand and 70848
tender of the fees therefor, the ~~auditor of state~~ director of 70849
administrative services shall furnish to any person a copy of such 70850
deed certified under the ~~auditor of state's~~ director of 70851
administrative services' official seal, which copy shall be 70852

received everywhere in this state as prima-facie evidence of the 70853
existence of the deed, and in all respects shall have the effect 70854
of certified copies from the official records of the county where 70855
such lands are situated. 70856

Sec. 5301.15. When a deed executed for land purchase from the 70857
state is lost or destroyed, or when a person who has an interest 70858
in such land, by the use of diligence cannot find it, and no 70859
record exists from which a certified copy can be made to supply 70860
the evidence of such deed, or when a certificate of the purchase 70861
of land sold at a land office of this state, or any other 70862
contract, bond, or memorandum evidencing a purchase of land has 70863
been lost or destroyed, or when from any cause the owner of such 70864
land, by the use of diligence, cannot find such certificate, 70865
contract, bond, or memorandum, the governor, when satisfied that 70866
the original purchase money for such land has been fully paid, 70867
shall execute a deed therefor in the name of the original 70868
purchaser which must recite the facts authorizing its making. Such 70869
deed shall be recorded in the office of the ~~auditor of state~~ 70870
director of administrative services who shall transmit it to the 70871
present claimant. 70872

Such deed has the same effect as the original deed, had it 70873
been preserved and recorded, or as a deed would have had, made to 70874
the original purchaser upon the date of the full payment of the 70875
purchase money. 70876

Sec. 5301.18. All deeds executed under sections 5301.15, 70877
5301.16, and 5301.17 of the Revised Code must recite the facts, as 70878
ascertained by the governor and attorney general, upon the proof 70879
of which they are executed, and shall be recorded in the office of 70880
the ~~auditor of state~~ director of administrative services. 70881

Sec. 5301.21. When the owners of adjoining tracts of land, or 70882

of lots in a municipal corporation, agree upon the site of a 70883
corner or line common to such tracts or lots, in a written 70884
instrument containing a pertinent description thereof, either with 70885
or without a plat, executed, acknowledged, and recorded as are 70886
deeds, such corner or line thenceforth shall be established as 70887
between the parties to such agreement, and all persons 70888
subsequently deriving title from them. 70889

Such agreement shall be recorded by the county recorder in 70890
the official records. The original agreement, after being so 70891
recorded, or a certified copy thereof from the record, is 70892
competent evidence in any court in this state against a party 70893
thereto, or person in privity with a party. 70894

When a tract of land is owned by the state, the officer or 70895
board having administrative control thereof, with the approval of 70896
the attorney general, may execute said written instrument and 70897
following recording in the county where the land is situated, said 70898
instrument shall be filed with the ~~auditor of state~~ director of 70899
administrative services with the evidence of title to the land 70900
affected. 70901

Sec. 5501.332. Upon the occurrence of the condition stated in 70902
a deed pursuant to division (C) of section 5501.331 of the Revised 70903
Code, the director of transportation shall prepare and issue a 70904
certification of the occurrence to the grantor or ~~his~~ the 70905
grantor's successors or assigns, the governor, and the ~~auditor of~~ 70906
~~state~~ director of administrative services. 70907

Upon receipt of the certification, the ~~auditor of state~~ 70908
director of administrative services, with the assistance of the 70909
attorney general, shall prepare a deed releasing the property 70910
donated under section 5501.33 of the Revised Code to the grantor 70911
or ~~his~~ the grantor's successors or assigns. The deed shall declare 70912
the occurrence of the condition and the consequent reversion. The 70913

deed shall be executed by the governor, countersigned by the 70914
secretary of state, recorded in the office of the ~~auditor of state~~ 70915
director of administrative services, and delivered to the grantor 70916
or ~~his~~ the grantor's successors or assigns. 70917

Sec. 5502.262. (A) As used in this section: 70918

(1) "Administrator" means the superintendent, principal, 70919
chief administrative officer, or other person having supervisory 70920
authority of any of the following: 70921

(a) A city, exempted village, local, or joint vocational 70922
school district; 70923

(b) A community school established under Chapter 3314. of the 70924
Revised Code, as required through reference in division ~~(A) (11) (d)~~ 70925
(A) (11) (c) of section 3314.03 of the Revised Code; 70926

(c) A STEM school established under Chapter 3326. of the 70927
Revised Code, as required through reference in section 3326.11 of 70928
the Revised Code; 70929

(d) A college-preparatory boarding school established under 70930
Chapter 3328. of the Revised Code; 70931

(e) A district or school operating a career-technical 70932
education program approved by the department of education under 70933
section 3317.161 of the Revised Code; 70934

(f) A chartered nonpublic school; 70935

(g) An educational service center; 70936

(h) A preschool program or school-age child care program 70937
licensed by the department of education; 70938

(i) Any other facility that primarily provides educational 70939
services to children subject to regulation by the department of 70940
education. 70941

(2) "Emergency management test" means a regularly scheduled 70942

drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.

(3) "Building" means any school, school building, facility, program, or center.

(B) (1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The administrator shall incorporate remediation strategies into the plan for any building where documented safety problems have occurred.

(2) Each administrator shall also incorporate into the emergency management plan adopted under division (B) (1) of this section all of the following:

(a) A protocol for addressing serious threats to the safety of property, students, employees, or administrators;

(b) A protocol for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators. This protocol shall include, but not be limited to, all of the following:

(i) A floor plan that is unique to each floor of the building;

(ii) A site plan that includes all building property and

surrounding property; 70974

(iii) An emergency contact information sheet. 70975

(c) A threat assessment plan developed as prescribed in 70976
section 5502.263 of the Revised Code. A building may use the model 70977
plan developed by the department of public safety under that 70978
section; 70979

(d) A protocol for school threat assessment teams established 70980
under section 3313.669 of the Revised Code. 70981

(3) Each protocol described in division (B) of this section 70982
shall include procedures determined to be appropriate by the 70983
administrator for responding to threats and emergency events, 70984
respectively, including such things as notification of appropriate 70985
law enforcement personnel, calling upon specified emergency 70986
response personnel for assistance, and informing parents of 70987
affected students. 70988

Prior to the opening day of each school year, the 70989
administrator shall inform each student or child enrolled in the 70990
school and the student's or child's parent of the parental 70991
notification procedures included in the protocol. 70992

(4) Each administrator shall keep a copy of the emergency 70993
management plan adopted pursuant to this section in a secure 70994
place. 70995

(C) (1) The administrator shall submit to the director of 70996
public safety, in accordance with rules adopted pursuant to 70997
division (F) of this section, an electronic copy of the emergency 70998
management plan prescribed by division (B) of this section not 70999
less than once every three years, whenever a major modification to 71000
the building requires changes in the procedures outlined in the 71001
plan, and whenever information on the emergency contact 71002
information sheet changes. 71003

(2) The administrator also shall file a copy of the plan with each law enforcement agency that has jurisdiction over the school building and, upon request, to any of the following:

(a) The fire department that serves the political subdivision in which the building is located;

(b) The emergency medical service organization that serves the political subdivision in which the building is located;

(c) The county emergency management agency for the county in which the building is located.

(3) Upon receipt of an emergency management plan, the director shall post the information on the contact and information management system and submit the information in accordance with rules adopted pursuant to division (F) of this section, to the attorney general, who shall post that information on the Ohio law enforcement gateway or its successor.

(4) Any department or entity to which copies of an emergency management plan are filed under this section shall keep the copies in a secure place.

(D) (1) Not later than the first day of July of each year, each administrator shall review the emergency management plan and certify to the director that the plan is current and accurate.

(2) Anytime that an administrator updates the emergency management plan pursuant to division (C) (1) of this section, the administrator shall file copies, not later than the tenth day after the revision is adopted and in accordance with rules adopted pursuant to division (F) of this section, to the director and to any entity with which the administrator filed a copy under division (C) (2) of this section.

(E) Each administrator shall do both of the following:

(1) Prepare and conduct at least one annual emergency

management test, as defined in division (A) (2) of this section, in 71034
accordance with rules adopted pursuant to division (F) of this 71035
section; 71036

(2) Grant access to each building under the control of the 71037
administrator to law enforcement personnel and to entities 71038
described in division (C) (2) of this section, to enable the 71039
personnel and entities to hold training sessions for responding to 71040
threats and emergency events affecting the building, provided that 71041
the access occurs outside of student instructional hours and the 71042
administrator, or the administrator's designee, is present in the 71043
building during the training sessions. 71044

(F) The director of public safety, in consultation with 71045
representatives from the education community and in accordance 71046
with Chapter 119. of the Revised Code, shall adopt rules regarding 71047
emergency management plans under this section, including the 71048
content of the plans and procedures for filing the plans. The 71049
rules shall specify that plans and information required under 71050
division (B) of this section be submitted on standardized forms 71051
developed by the director for such purpose. The rules shall also 71052
specify the requirements and procedures for emergency management 71053
tests conducted pursuant to division (E) (1) of this section. 71054
Failure to comply with the rules may result in discipline pursuant 71055
to section 3319.31 of the Revised Code or any other action against 71056
the administrator as prescribed by rule. 71057

(G) Division (B) of section 3319.31 of the Revised Code 71058
applies to any administrator who is subject to the requirements of 71059
this section and is not exempt under division (H) of this section 71060
and who is an applicant for a license or holds a license from the 71061
state board pursuant to section 3319.22 of the Revised Code. 71062

(H) The director may exempt any administrator from the 71063
requirements of this section, if the director determines that the 71064
requirements do not otherwise apply to a building or buildings 71065

under the control of that administrator. 71066

(I) Copies of the emergency management plan and information 71067
required under division (B) of this section are security records 71068
and are not public records pursuant to section 149.433 of the 71069
Revised Code. In addition, the information posted to the contact 71070
and information management system, pursuant to division (C) (3) (b) 71071
of this section, is exempt from public disclosure or release in 71072
accordance with sections 149.43, 149.433, and 5502.03 of the 71073
Revised Code. 71074

Notwithstanding section 149.433 of the Revised Code, a floor 71075
plan filed with the attorney general pursuant to this section is 71076
not a public record to the extent it is a record kept by the 71077
attorney general. 71078

Sec. 5502.30. (A) The state, any political subdivision, any 71079
municipal agency, any emergency management volunteer, another 71080
state, or an emergency management agency thereof or of the federal 71081
government or of another country or province or subdivision 71082
thereof performing emergency management services in this state 71083
pursuant to an arrangement, agreement, or compact for mutual aid 71084
and assistance, or any agency, member, agent, or representative of 71085
any of them, or any individual, partnership, corporation, 71086
association, trustee, or receiver, or any of the agents thereof, 71087
in good faith carrying out, complying with, or attempting to 71088
comply with any state or federal law or any arrangement, 71089
agreement, or compact for mutual aid and assistance, or any order 71090
issued by federal or state military authorities relating to 71091
emergency management, is not liable for any injury to or death of 71092
persons or damage to property as the result thereof during 71093
training periods, test periods, practice periods, or other 71094
emergency management operations, or false alerts, as well as 71095
during any hazard, actual or imminent, and subsequent to the same 71096

except in cases of willful misconduct. As used in this division, 71097
"emergency management volunteer" means only an individual who is 71098
authorized to assist any agency performing emergency management 71099
during a hazard. 71100

(B) The state, any political subdivision, any individual, 71101
partnership, corporation, association, trustee, or receiver, or 71102
any agent, agency, representative, officer, or employee of any of 71103
them that owns, maintains, occupies, operates, or controls all or 71104
part of any building, structure, or premises shall not be liable 71105
for any injury or death sustained by any person or damage caused 71106
to any property while that person or property is in the building, 71107
structure, or premises for duty, training, or shelter purposes 71108
during a hazard, drill, test, or false warning, or is entering 71109
therein for such purposes or departing therefrom, or for any 71110
injury, death, or property damage as the result of any condition 71111
in or on the building, structure, or premises or of any act or 71112
omission with respect thereto, except a willful act intended to 71113
cause injury or damage. 71114

(C) Any employee of a political subdivision of this state 71115
that is rendering aid in another state is considered an officer or 71116
employee of the state for purposes of the immunity established 71117
under Article VI of the emergency management assistance compact 71118
enacted under section 5502.40 of the Revised Code. Nothing in this 71119
division entitles an employee of a political subdivision to any 71120
other right or benefit of a state employee. 71121

(D) This section does not affect the right of any person to 71122
receive benefits to which ~~he~~ the person may be entitled under 71123
Chapter 4123. of the Revised Code or any pension law, nor the 71124
rights of any person to receive any benefits or compensation under 71125
any act of congress or under any law of this state. 71126

Sec. 5543.19. (A) The county engineer may, when authorized by 71127

the board of county commissioners and not required by this section 71128
or other law to use competitive bidding, employ such laborers and 71129
vehicles, use such county employees and property, lease such 71130
implements and tools, and purchase such materials as are necessary 71131
in the construction, reconstruction, improvement, maintenance, or 71132
repair of roads by force account. 71133

In determining whether construction or reconstruction, 71134
including widening and resurfacing, of roads may be undertaken by 71135
force account, the county engineer shall first cause to be made an 71136
estimate of the cost of such work using the force account project 71137
assessment form developed by the auditor of state under section 71138
117.16 of the Revised Code. When the total estimated cost of the 71139
work exceeds ~~thirty~~thirty-nine thousand dollars per mile, the county 71140
commissioners shall invite and receive competitive bids for 71141
furnishing all the labor, materials, and equipment necessary to 71142
complete the work in accordance with sections 307.86 to 307.92 of 71143
the Revised Code. 71144

(B) The county engineer may, when authorized by the board of 71145
county commissioners and not required by this section or other law 71146
to use competitive bidding, employ such laborers and vehicles, use 71147
such county employees and property, lease such implements and 71148
tools, and purchase such materials as are necessary in the 71149
construction, reconstruction, improvement, maintenance, or repair 71150
of bridges and culverts by force account. 71151

In determining whether such construction, reconstruction, 71152
improvement, maintenance, or repair of bridges or culverts may be 71153
undertaken by force account, the county engineer shall first cause 71154
to be made an estimate of the cost of such work using the force 71155
account project assessment form. When the total estimated cost of 71156
the work exceeds ~~one~~two hundred twenty-five thousand dollars, the 71157
board of county commissioners shall invite and receive competitive 71158

bids for furnishing all the labor, materials, and equipment 71159
necessary to complete the work, in accordance with sections 307.86 71160
to 307.92 of the Revised Code. The county engineer shall obtain 71161
the approval required by section 5543.02 of the Revised Code. 71162

(C) On the first day of July of every odd-numbered year 71163
beginning in 2021, the threshold amounts established in this 71164
section shall increase by an amount not to exceed the lesser of 71165
three per cent, or the percentage amount of any increase in the 71166
department of transportation's construction cost index as 71167
annualized and totaled for the prior two calendar years. The 71168
director of transportation shall notify each appropriate county 71169
engineer of the increased amount. 71170

(D) "Force account," as used in this section means that the 71171
county engineer will act as contractor, using labor employed by 71172
the engineer using material and equipment either owned by the 71173
county or leased or purchased in compliance with sections 307.86 71174
to 307.92 of the Revised Code and excludes subcontracting any part 71175
of such work unless done pursuant to sections 307.86 to 307.92 of 71176
the Revised Code. 71177

The term "competitive bids" as used in this section requires 71178
competition for the whole contract and in regard to its component 71179
parts, including labor and materials. Neither plans nor 71180
specifications shall be drawn to favor any manufacturer or bidder 71181
unless required by the public interest. 71182

Sec. 5575.01. (A) In the maintenance and repair of roads, the 71183
board of township trustees may proceed either by contract or force 71184
account, but, unless the exemption specified in division (C) of 71185
this section applies, if the board wishes to proceed by force 71186
account, it first shall cause the county engineer to complete the 71187
force account assessment form developed by the auditor of state 71188
under section 117.16 of the Revised Code. Except as otherwise 71189

provided in sections 505.08 and 505.101 of the Revised Code, when 71190
the board proceeds by contract, the contract shall, if the amount 71191
involved exceeds ~~forty-five~~ ninety thousand dollars, be let by the 71192
board to the lowest responsible bidder after advertisement for 71193
bids once, not later than two weeks, prior to the date fixed for 71194
the letting of the contract, in a newspaper of general circulation 71195
within the township. If the amount involved is ~~forty-five~~ ninety 71196
thousand dollars or less, a contract may be let without 71197
competitive bidding, or the work may be done by force account. 71198
Such a contract shall be performed under the supervision of a 71199
member of the board or the township road superintendent. 71200

(B) Before undertaking the construction or reconstruction of 71201
a township road, the board shall cause to be made by the county 71202
engineer an estimate of the cost of the work, which estimate shall 71203
include labor, material, freight, fuel, hauling, use of machinery 71204
and equipment, and all other items of cost. If the board finds it 71205
in the best interest of the public, it may, in lieu of 71206
constructing the road by contract, proceed to construct the road 71207
by force account. Except as otherwise provided under sections 71208
505.08 and 505.101 of the Revised Code, where the total estimated 71209
cost of the work exceeds ~~fifteen~~ forty-five thousand dollars per 71210
mile, the board shall invite and receive competitive bids for 71211
furnishing all the labor, materials, and equipment and doing the 71212
work, as provided in section 5575.02 of the Revised Code, and 71213
shall consider and reject them before ordering the work done by 71214
force account. When such bids are received, considered, and 71215
rejected, and the work is done by force account, the work shall be 71216
performed in compliance with the plans and specifications upon 71217
which the bids were based. 71218

(C) Force account assessment forms are not required under 71219
division (A) of this section for road maintenance or repair 71220
projects of less than ~~fifteen~~ thirty thousand dollars, or under 71221

division (B) of this section for road construction or 71222
reconstruction projects of less than ~~five~~ fifteen thousand dollars 71223
per mile. 71224

(D) On the first day of July of every odd-numbered year 71225
beginning in 2021, the threshold amounts established in divisions 71226
(A) and (B) of this section shall increase by an amount not to 71227
exceed the lesser of three per cent, or the percentage amount of 71228
any increase in the department of transportation's construction 71229
cost index as annualized and totaled for the prior two calendar 71230
years. The director of transportation shall notify each 71231
appropriate county engineer of the increased amount. 71232

(E) All force account work under this section shall be done 71233
under the direction of a member of the board or the township road 71234
superintendent. 71235

Sec. 5701.11. The effective date to which this section refers 71236
is the effective date of this section as amended by S.B. 18 of the 71237
134th general assembly. 71238

(A) (1) Except as provided under division (A) (2) or (B) of 71239
this section, any reference in Title LVII or section 3123.90, 71240
3770.073, or 3772.37 of the Revised Code to the Internal Revenue 71241
Code, to the Internal Revenue Code "as amended," to other laws of 71242
the United States, or to other laws of the United States, "as 71243
amended," means the Internal Revenue Code or other laws of the 71244
United States as they exist on the effective date. 71245

(2) This section does not apply to any reference in Title 71246
LVII of the Revised Code to the Internal Revenue Code as of a date 71247
certain specifying the day, month, and year, or to other laws of 71248
the United States as of a date certain specifying the day, month, 71249
and year. 71250

(B) (1) For purposes of applying section 5733.04, 5745.01, or 71251

5747.01 of the Revised Code to a taxpayer's taxable year ending 71252
after March 27, 2020, and before the effective date, a taxpayer 71253
may irrevocably elect to incorporate the provisions of the 71254
Internal Revenue Code or other laws of the United States that are 71255
in effect for federal income tax purposes for that taxable year if 71256
those provisions differ from the provisions that, under division 71257
(A) of this section, would otherwise apply. The filing by the 71258
taxpayer for that taxable year of a report or return that 71259
incorporates the provisions of the Internal Revenue Code or other 71260
laws of the United States applicable for federal income tax 71261
purposes for that taxable year, and that does not include any 71262
adjustments to reverse the effects of any differences between 71263
those provisions and the provisions that would otherwise apply, 71264
constitutes the making of an irrevocable election under this 71265
division for that taxable year. 71266

(2) Elections under prior versions of division (B)(1) of this 71267
section remain in effect for the taxable years to which they 71268
apply. 71269

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 71270
of this section, no agent of the department of taxation, except in 71271
the agent's report to the department or when called on to testify 71272
in any court or proceeding, shall divulge any information acquired 71273
by the agent as to the transactions, property, or business of any 71274
person while acting or claiming to act under orders of the 71275
department. Whoever violates this provision shall thereafter be 71276
disqualified from acting as an officer or employee or in any other 71277
capacity under appointment or employment of the department. 71278

(B) (1) For purposes of an audit pursuant to section 117.15 of 71279
the Revised Code, or an audit of the department pursuant to 71280
Chapter 117. of the Revised Code, or an audit, pursuant to that 71281
chapter, the objective of which is to express an opinion on a 71282

financial report or statement prepared or issued pursuant to 71283
division (A) (7) or (9) of section 126.21 of the Revised Code, the 71284
officers and employees of the auditor of state charged with 71285
conducting the audit shall have access to and the right to examine 71286
any state tax returns and state tax return information in the 71287
possession of the department to the extent that the access and 71288
examination are necessary for purposes of the audit. Any 71289
information acquired as the result of that access and examination 71290
shall not be divulged for any purpose other than as required for 71291
the audit or unless the officers and employees are required to 71292
testify in a court or proceeding under compulsion of legal 71293
process. Whoever violates this provision shall thereafter be 71294
disqualified from acting as an officer or employee or in any other 71295
capacity under appointment or employment of the auditor of state. 71296

(2) For purposes of an internal audit pursuant to section 71297
126.45 of the Revised Code, the officers and employees of the 71298
office of internal audit in the office of budget and management 71299
charged with directing the internal audit shall have access to and 71300
the right to examine any state tax returns and state tax return 71301
information in the possession of the department to the extent that 71302
the access and examination are necessary for purposes of the 71303
internal audit. Any information acquired as the result of that 71304
access and examination shall not be divulged for any purpose other 71305
than as required for the internal audit or unless the officers and 71306
employees are required to testify in a court or proceeding under 71307
compulsion of legal process. Whoever violates this provision shall 71308
thereafter be disqualified from acting as an officer or employee 71309
or in any other capacity under appointment or employment of the 71310
office of internal audit. 71311

(3) As provided by section 6103(d) (2) of the Internal Revenue 71312
Code, any federal tax returns or federal tax information that the 71313
department has acquired from the internal revenue service, through 71314

federal and state statutory authority, may be disclosed to the auditor of state or the office of internal audit solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;

(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or

rules adopted under section 5745.16 of the Revised Code; 71345

(7) Providing information regarding the name, account number, 71346
or business address of a holder of a vendor's license issued 71347
pursuant to section 5739.17 of the Revised Code, a holder of a 71348
direct payment permit issued pursuant to section 5739.031 of the 71349
Revised Code, or a seller having a use tax account maintained 71350
pursuant to section 5741.17 of the Revised Code, or information 71351
regarding the active or inactive status of a vendor's license, 71352
direct payment permit, or seller's use tax account; 71353

(8) Releasing invoices or invoice information furnished under 71354
section 4301.433 of the Revised Code pursuant to that section; 71355

(9) Providing to a county auditor notices or documents 71356
concerning or affecting the taxable value of property in the 71357
county auditor's county. Unless authorized by law to disclose 71358
documents so provided, the county auditor shall not disclose such 71359
documents; 71360

(10) Providing to a county auditor sales or use tax return or 71361
audit information under section 333.06 of the Revised Code; 71362

(11) Subject to section 4301.441 of the Revised Code, 71363
disclosing to the appropriate state agency information in the 71364
possession of the department of taxation that is necessary to 71365
verify a permit holder's gallonage or noncompliance with taxes 71366
levied under Chapter 4301. or 4305. of the Revised Code; 71367

(12) Disclosing to the department of natural resources 71368
information in the possession of the department of taxation that 71369
is necessary for the department of taxation to verify the 71370
taxpayer's compliance with section 5749.02 of the Revised Code or 71371
to allow the department of natural resources to enforce Chapter 71372
1509. of the Revised Code; 71373

(13) Disclosing to the department of job and family services, 71374
industrial commission, and bureau of workers' compensation 71375

information in the possession of the department of taxation solely 71376
for the purpose of identifying employers that misclassify 71377
employees as independent contractors or that fail to properly 71378
report and pay employer tax liabilities. The department of 71379
taxation shall disclose only such information that is necessary to 71380
verify employer compliance with law administered by those 71381
agencies. 71382

(14) Disclosing to the Ohio casino control commission 71383
information in the possession of the department of taxation that 71384
is necessary to verify a casino operator's compliance with section 71385
5747.063 or 5753.02 of the Revised Code and sections related 71386
thereto; 71387

(15) Disclosing to the state lottery commission information 71388
in the possession of the department of taxation that is necessary 71389
to verify a lottery sales agent's compliance with section 5747.064 71390
of the Revised Code. 71391

(16) Disclosing to the department of development services 71392
~~agency~~ information in the possession of the department of taxation 71393
that is necessary to ensure compliance with the laws of this state 71394
governing taxation and to verify information reported to the 71395
department of development services ~~agency~~ for the purpose of 71396
evaluating potential tax credits, grants, or loans. Such 71397
information shall not include information received from the 71398
internal revenue service the disclosure of which is prohibited by 71399
section 6103 of the Internal Revenue Code. No officer, employee, 71400
or agent of the department of development services ~~agency~~ shall 71401
disclose any information provided to the department of development 71402
~~services agency~~ by the department of taxation under division 71403
(C) (16) of this section except when disclosure of the information 71404
is necessary for, and made solely for the purpose of facilitating, 71405
the evaluation of potential tax credits, grants, or loans. 71406

(17) Disclosing to the department of insurance information in 71407

the possession of the department of taxation that is necessary to 71408
ensure a taxpayer's compliance with the requirements with any tax 71409
credit administered by the department of development ~~services~~ 71410
~~agency~~ and claimed by the taxpayer against any tax administered by 71411
the superintendent of insurance. No officer, employee, or agent of 71412
the department of insurance shall disclose any information 71413
provided to the department of insurance by the department of 71414
taxation under division (C)(17) of this section. 71415

(18) Disclosing to the division of liquor control information 71416
in the possession of the department of taxation that is necessary 71417
for the division and department to comply with the requirements of 71418
sections 4303.26 and 4303.271 of the Revised Code. 71419

(19) Disclosing to the department of education, upon that 71420
department's request, information in the possession of the 71421
department of taxation that is necessary only to verify whether 71422
the family income of a student applying for or receiving a 71423
scholarship under the educational choice scholarship pilot program 71424
is equal to, less than, or greater than the income thresholds 71425
prescribed by section ~~3310.02~~ or 3310.032 of the Revised Code. The 71426
department of education shall provide sufficient information about 71427
the student and the student's family to enable the department of 71428
taxation to make the verification. 71429

(20) Disclosing to the Ohio rail development commission 71430
information in the possession of the department of taxation that 71431
is necessary to ensure compliance with the laws of this state 71432
governing taxation and to verify information reported to the 71433
commission for the purpose of evaluating potential grants or 71434
loans. Such information shall not include information received 71435
from the internal revenue service the disclosure of which is 71436
prohibited by section 6103 of the Internal Revenue Code. No 71437
member, officer, employee, or agent of the Ohio rail development 71438
commission shall disclose any information provided to the 71439

commission by the department of taxation under division (C) (20) of 71440
this section except when disclosure of the information is 71441
necessary for, and made solely for the purpose of facilitating, 71442
the evaluation of potential grants or loans. 71443

(21) Disclosing to the state racing commission information in 71444
the possession of the department of taxation that is necessary for 71445
verification of compliance with and for enforcement and 71446
administration of the taxes levied by Chapter 3769. of the Revised 71447
Code. Such information shall include information that is necessary 71448
for the state racing commission to verify compliance with Chapter 71449
3769. of the Revised Code for the purposes of issuance, denial, 71450
suspension, or revocation of a permit pursuant to section 3769.03 71451
or 3769.06 of the Revised Code and related sections. Unless 71452
disclosure is otherwise authorized by law, information provided to 71453
the state racing commission under this section remains 71454
confidential and is not subject to public disclosure pursuant to 71455
section 3769.041 of the Revised Code. 71456

(22) Disclosing to a tax administrator, as that term is 71457
defined in section 718.01 of the Revised Code, a return or other 71458
information filed or reported through the Ohio business gateway or 71459
another electronic manner prescribed by the tax commissioner under 71460
section 718.051 or 718.851 of the Revised Code, if that return or 71461
information relates to income tax levied by a municipal 71462
corporation under Chapter 718. of the Revised Code for which the 71463
tax administrator is charged with administering. 71464

Sec. 5703.70. (A) On the filing of an application for refund 71465
under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 71466
5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 71467
5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 71468
5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 71469
of the Revised Code, or an application for compensation under 71470

section 5739.061 of the Revised Code, if the tax commissioner 71471
determines that the amount of the refund or compensation to which 71472
the applicant is entitled is less than the amount claimed in the 71473
application, the commissioner shall give the applicant written 71474
notice by ordinary mail of the amount. The notice shall be sent to 71475
the address shown on the application unless the applicant notifies 71476
the commissioner of a different address. The applicant shall have 71477
sixty days from the date the commissioner mails the notice to 71478
provide additional information to the commissioner or request a 71479
hearing, or both. 71480

(B) If the applicant neither requests a hearing nor provides 71481
additional information to the tax commissioner within the time 71482
prescribed by division (A) of this section, the commissioner shall 71483
take no further action, and the refund or compensation amount 71484
denied becomes final. 71485

(C) (1) If the applicant requests a hearing within the time 71486
prescribed by division (A) of this section, the tax commissioner 71487
shall assign a time and place for the hearing and notify the 71488
applicant of such time and place, but the commissioner may 71489
continue the hearing from time to time, as necessary. After the 71490
hearing, the commissioner may make such adjustments to the refund 71491
or compensation as the commissioner finds proper, and shall issue 71492
a final determination thereon. 71493

(2) If the applicant does not request a hearing, but provides 71494
additional information, within the time prescribed by division (A) 71495
of this section, the commissioner shall review the information, 71496
make such adjustments to the refund or compensation as the 71497
commissioner finds proper, and issue a final determination 71498
thereon. The commissioner may review such information and make 71499
such adjustments as many times as the commissioner finds proper 71500
before the issuance of a final determination. 71501

(3) If the applicant requests a hearing and provides additional information within the time prescribed by division (A) of this section, the commissioner may review the information and make such adjustments to the refund or compensation as the commissioner finds proper. The commissioner may review such information and make such adjustments as many times as the commissioner finds proper before the issuance of a final determination. 71502
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The commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the hearing, the commissioner may make any additional adjustments to the refund or compensation as the commissioner finds proper and shall issue a final determination thereon. 71510
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(4) The commissioner shall serve a copy of the final determination made under division (C) (1) ~~or~~, (2), or (3) of this section on the applicant in the manner provided in section 5703.37 of the Revised Code, and the decision is final, subject to appeal under section 5717.02 of the Revised Code. 71517
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(D) The tax commissioner shall certify to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code, the amount of the refund to be refunded under division (B) or (C) of this section. The commissioner also shall certify to the director and treasurer of state for payment from the general revenue fund the amount of compensation to be paid under division (B) or (C) of this section. 71522
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Sec. 5705.16. A resolution of the taxing authority of any political subdivision shall be passed by a majority of all the members thereof, declaring the necessity for the transfer of funds 71530
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authorized by section 5705.15 of the Revised Code, and such taxing 71533
authority shall submit to the tax commissioner a petition that 71534
includes the name and amount of the fund, the fund to which it is 71535
desired to be transferred, a copy of such resolution with a full 71536
statement of the proceedings pertaining to its passage, and the 71537
reason or necessity for the transfer. The commissioner shall 71538
approve the transfer of such funds upon determining each of the 71539
following: 71540

(A) The petition states sufficient facts; 71541

(B) That there are good reasons, or that a necessity exists, 71542
for the transfer; 71543

(C) No injury will result from the transfer of such funds. 71544

If the petition is disapproved by the commissioner, it shall 71545
be returned within ~~ten~~ thirty days of its receipt to the officers 71546
who submitted it, with a memorandum of the commissioner's 71547
objections, and the taxing authority shall not transfer the funds 71548
as requested by the petition. This disapproval shall not prejudice 71549
a later application for approval. If the petition is approved by 71550
the commissioner, it shall be returned within ~~ten~~ thirty days of 71551
its receipt to the officers who submitted it, and the taxing 71552
authority may transfer the funds as requested by the petition. 71553

Sec. 5705.19. This section does not apply to school 71554
districts, county school financing districts, or lake facilities 71555
authorities. 71556

The taxing authority of any subdivision at any time and in 71557
any year, by vote of two-thirds of all the members of the taxing 71558
authority, may declare by resolution and certify the resolution to 71559
the board of elections not less than ninety days before the 71560
election upon which it will be voted that the amount of taxes that 71561
may be raised within the ten-mill limitation will be insufficient 71562

to provide for the necessary requirements of the subdivision and 71563
that it is necessary to levy a tax in excess of that limitation 71564
for any of the following purposes: 71565

(A) For current expenses of the subdivision, except that the 71566
total levy for current expenses of a detention facility district 71567
or district organized under section 2151.65 of the Revised Code 71568
shall not exceed two mills and that the total levy for current 71569
expenses of a combined district organized under sections 2151.65 71570
and 2152.41 of the Revised Code shall not exceed four mills; 71571

(B) For the payment of debt charges on certain described 71572
bonds, notes, or certificates of indebtedness of the subdivision 71573
issued subsequent to January 1, 1925; 71574

(C) For the debt charges on all bonds, notes, and 71575
certificates of indebtedness issued and authorized to be issued 71576
prior to January 1, 1925; 71577

(D) For a public library of, or supported by, the subdivision 71578
under whatever law organized or authorized to be supported; 71579

(E) For a municipal university, not to exceed two mills over 71580
the limitation of one mill prescribed in section 3349.13 of the 71581
Revised Code; 71582

(F) For the construction or acquisition of any specific 71583
permanent improvement or class of improvements that the taxing 71584
authority of the subdivision may include in a single bond issue; 71585

(G) For the general construction, reconstruction, 71586
resurfacing, and repair of streets, roads, and bridges in 71587
municipal corporations, counties, or townships; 71588

(H) For parks and recreational purposes; 71589

(I) For providing and maintaining fire apparatus, mechanical 71590
resuscitators, underwater rescue and recovery equipment, or other 71591
fire equipment and appliances, buildings and sites therefor, or 71592

sources of water supply and materials therefor, for the 71593
establishment and maintenance of lines of fire-alarm 71594
communications, for the payment of firefighting companies or 71595
permanent, part-time, or volunteer firefighting, emergency medical 71596
service, administrative, or communications personnel to operate 71597
the same, including the payment of any employer contributions 71598
required for such personnel under section 145.48 or 742.34 of the 71599
Revised Code, for the purchase of ambulance equipment, for the 71600
provision of ambulance, paramedic, or other emergency medical 71601
services operated by a fire department or firefighting company, or 71602
for the payment of other related costs; 71603

(J) For providing and maintaining motor vehicles, 71604
communications, other equipment, buildings, and sites for such 71605
buildings used directly in the operation of a police department, 71606
for the payment of salaries of permanent or part-time police, 71607
communications, or administrative personnel to operate the same, 71608
including the payment of any employer contributions required for 71609
such personnel under section 145.48 or 742.33 of the Revised Code, 71610
for the payment of the costs incurred by townships as a result of 71611
contracts made with other political subdivisions in order to 71612
obtain police protection, for the provision of ambulance or 71613
emergency medical services operated by a police department, or for 71614
the payment of other related costs; 71615

(K) For the maintenance and operation of a county home or 71616
detention facility; 71617

(L) For community developmental disabilities programs and 71618
services pursuant to Chapter 5126. of the Revised Code, except 71619
that such levies shall be subject to the procedures and 71620
requirements of section 5705.222 of the Revised Code; 71621

(M) For regional planning; 71622

(N) For a county's share of the cost of maintaining and 71623

operating schools, district detention facilities, forestry camps, 71624
or other facilities, or any combination thereof, established under 71625
section 2151.65 or 2152.41 of the Revised Code or both of those 71626
sections; 71627

(O) For providing for flood defense, providing and 71628
maintaining a flood wall or pumps, and other purposes to prevent 71629
floods; 71630

(P) For maintaining and operating sewage disposal plants and 71631
facilities; 71632

(Q) For the purpose of purchasing, acquiring, constructing, 71633
enlarging, improving, equipping, repairing, maintaining, or 71634
operating, or any combination of the foregoing, a county transit 71635
system pursuant to sections 306.01 to 306.13 of the Revised Code, 71636
or of making any payment to a board of county commissioners 71637
operating a transit system or a county transit board pursuant to 71638
section 306.06 of the Revised Code; 71639

(R) For the subdivision's share of the cost of acquiring or 71640
constructing any schools, forestry camps, detention facilities, or 71641
other facilities, or any combination thereof, under section 71642
2151.65 or 2152.41 of the Revised Code or both of those sections; 71643

(S) For the prevention, control, and abatement of air 71644
pollution; 71645

(T) For maintaining and operating cemeteries; 71646

(U) For providing ambulance service, emergency medical 71647
service, or both; 71648

(V) For providing for the collection and disposal of garbage 71649
or refuse, including yard waste; 71650

(W) For the payment of the police officer employers' 71651
contribution or the firefighter employers' contribution required 71652
under sections 742.33 and 742.34 of the Revised Code; 71653

(X) For the construction and maintenance of a drainage	71654
improvement pursuant to section 6131.52 of the Revised Code;	71655
(Y) For providing or maintaining senior citizens services or	71656
facilities as authorized by section 307.694, 307.85, 505.70, or	71657
505.706 or division (EE) of section 717.01 of the Revised Code;	71658
(Z) For the provision and maintenance of zoological park	71659
services and facilities as authorized under section 307.76 of the	71660
Revised Code;	71661
(AA) For the maintenance and operation of a free public	71662
museum of art, science, or history;	71663
(BB) For the establishment and operation of a 9-1-1 system,	71664
as defined in section 128.01 of the Revised Code;	71665
(CC) For the purpose of acquiring, rehabilitating, or	71666
developing rail property or rail service. As used in this	71667
division, "rail property" and "rail service" have the same	71668
meanings as in section 4981.01 of the Revised Code. This division	71669
applies only to a county, township, or municipal corporation.	71670
(DD) For the purpose of acquiring property for, constructing,	71671
operating, and maintaining community centers as provided for in	71672
section 755.16 of the Revised Code;	71673
(EE) For the creation and operation of an office or joint	71674
office of economic development, for any economic development	71675
purpose of the office, and to otherwise provide for the	71676
establishment and operation of a program of economic development	71677
pursuant to sections 307.07 and 307.64 of the Revised Code, or to	71678
the extent that the expenses of a county land reutilization	71679
corporation organized under Chapter 1724. of the Revised Code are	71680
found by the board of county commissioners to constitute the	71681
promotion of economic development, for the payment of such	71682
operations and expenses;	71683

(FF) For the purpose of acquiring, establishing, 71684
constructing, improving, equipping, maintaining, or operating, or 71685
any combination of the foregoing, a township airport, landing 71686
field, or other air navigation facility pursuant to section 505.15 71687
of the Revised Code; 71688

(GG) For the payment of costs incurred by a township as a 71689
result of a contract made with a county pursuant to section 71690
505.263 of the Revised Code in order to pay all or any part of the 71691
cost of constructing, maintaining, repairing, or operating a water 71692
supply improvement; 71693

(HH) For a board of township trustees to acquire, other than 71694
by appropriation, an ownership interest in land, water, or 71695
wetlands, or to restore or maintain land, water, or wetlands in 71696
which the board has an ownership interest, not for purposes of 71697
recreation, but for the purposes of protecting and preserving the 71698
natural, scenic, open, or wooded condition of the land, water, or 71699
wetlands against modification or encroachment resulting from 71700
occupation, development, or other use, which may be styled as 71701
protecting or preserving "greenspace" in the resolution, notice of 71702
election, or ballot form. Except as otherwise provided in this 71703
division, land is not acquired for purposes of recreation, even if 71704
the land is used for recreational purposes, so long as no 71705
building, structure, or fixture used for recreational purposes is 71706
permanently attached or affixed to the land. Except as otherwise 71707
provided in this division, land that previously has been acquired 71708
in a township for these greenspace purposes may subsequently be 71709
used for recreational purposes if the board of township trustees 71710
adopts a resolution approving that use and no building, structure, 71711
or fixture used for recreational purposes is permanently attached 71712
or affixed to the land. The authorization to use greenspace land 71713
for recreational use does not apply to land located in a township 71714
that had a population, at the time it passed its first greenspace 71715

levy, of more than thirty-eight thousand within a county that had 71716
a population, at that time, of at least eight hundred sixty 71717
thousand. 71718

(II) For the support by a county of a crime victim assistance 71719
program that is provided and maintained by a county agency or a 71720
private, nonprofit corporation or association under section 307.62 71721
of the Revised Code; 71722

(JJ) For any or all of the purposes set forth in divisions 71723
(I) and (J) of this section. This division applies only to a 71724
municipal corporation or a township. 71725

(KK) For a countywide public safety communications system 71726
under section 307.63 of the Revised Code. This division applies 71727
only to counties. 71728

(LL) For the support by a county of criminal justice services 71729
under section 307.45 of the Revised Code; 71730

(MM) For the purpose of maintaining and operating a jail or 71731
other detention facility as defined in section 2921.01 of the 71732
Revised Code; 71733

(NN) For purchasing, maintaining, or improving, or any 71734
combination of the foregoing, real estate on which to hold, and 71735
the operating expenses of, agricultural fairs operated by a county 71736
agricultural society or independent agricultural society under 71737
Chapter 1711. of the Revised Code. This division applies only to a 71738
county. 71739

(OO) For constructing, rehabilitating, repairing, or 71740
maintaining sidewalks, walkways, trails, bicycle pathways, or 71741
similar improvements, or acquiring ownership interests in land 71742
necessary for the foregoing improvements; 71743

(PP) For both of the purposes set forth in divisions (G) and 71744
(OO) of this section. 71745

(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township. 71746
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(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township to acquire agricultural easements, as defined in section 5301.67 of the Revised Code, and to supervise and enforce the easements. 71748
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(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county. 71753
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(TT) For the maintenance and operation of a facility that is organized in whole or in part to promote the sciences and natural history under section 307.761 of the Revised Code. 71755
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(UU) For the creation and operation of a county land reutilization corporation and for any programs or activities of the corporation found by the board of directors of the corporation to be consistent with the purposes for which the corporation is organized; 71758
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(VV) For construction and maintenance of improvements and expenses of soil and water conservation district programs under Chapter 940. of the Revised Code; 71763
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(WW) For the OSU extension fund created under section 3335.35 of the Revised Code for the purposes prescribed under section 3335.36 of the Revised Code for the benefit of the citizens of a county. This division applies only to a county. 71766
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(XX) For a municipal corporation that withdraws or proposes by resolution to withdraw from a regional transit authority under section 306.55 of the Revised Code to provide transportation services for the movement of persons within, from, or to the municipal corporation; 71770
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(YY) For any combination of the purposes specified in 71775

divisions (NN), (VV), and (WW) of this section. This division 71776
applies only to a county. 71777

(ZZ) For any combination of the following purposes: the 71778
acquisition, construction, improvement, or maintenance of 71779
buildings, equipment, and supplies for police, firefighting, or 71780
emergency medical services; the construction, reconstruction, 71781
resurfacing, or repair of streets, roads, and bridges; or for 71782
general infrastructure projects. This division applies only to a 71783
township or municipal corporation. 71784

(AAA) For any combination of the purposes specified in 71785
divisions (G), (K), (N), (O), (P), (X), (BB), and (MM) of this 71786
section, for the acquisition, construction or maintenance of 71787
county facilities, or for the acquisition of or improvements to 71788
land. This division applies only to a county. 71789

The resolution shall be confined to the purpose or purposes 71790
described in one division of this section, to which the revenue 71791
derived therefrom shall be applied. The existence in any other 71792
division of this section of authority to levy a tax for any part 71793
or all of the same purpose or purposes does not preclude the use 71794
of such revenues for any part of the purpose or purposes of the 71795
division under which the resolution is adopted. 71796

The resolution shall specify the amount of the increase in 71797
rate that it is necessary to levy, the purpose of that increase in 71798
rate, and the number of years during which the increase in rate 71799
shall be in effect, which may or may not include a levy upon the 71800
duplicate of the current year. The number of years may be any 71801
number not exceeding five, except as follows: 71802

(1) When the additional rate is for the payment of debt 71803
charges, the increased rate shall be for the life of the 71804
indebtedness. 71805

(2) When the additional rate is for any of the following, the 71806

increased rate shall be for a continuing period of time: 71807

(a) For the current expenses for a detention facility 71808
district, a district organized under section 2151.65 of the 71809
Revised Code, or a combined district organized under sections 71810
2151.65 and 2152.41 of the Revised Code; 71811

(b) For providing a county's share of the cost of maintaining 71812
and operating schools, district detention facilities, forestry 71813
camps, or other facilities, or any combination thereof, 71814
established under section 2151.65 or 2152.41 of the Revised Code 71815
or under both of those sections. 71816

(3) When the additional rate is for either of the following, 71817
the increased rate may be for a continuing period of time: 71818

(a) For the purposes set forth in division (I), (J), (U), 71819
(JJ), or (KK) of this section; 71820

(b) For the maintenance and operation of a joint recreation 71821
district. 71822

(4) When the increase is for the purpose or purposes set 71823
forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this 71824
section, the tax levy may be for any specified number of years or 71825
for a continuing period of time, as set forth in the resolution. 71826

(5) When the increase is for the purpose set forth in 71827
division (ZZ) or (AAA) of this section, the tax levy may be for 71828
any number of years not exceeding ten. 71829

A levy for one of the purposes set forth in division (G), 71830
(I), (J), ~~or (U)~~, or (JJ) of this section may be reduced pursuant 71831
to section 5705.261 or 5705.31 of the Revised Code. A levy for one 71832
of the purposes set forth in division (G), (I), (J), ~~or (U)~~, or 71833
(JJ) of this section may also be terminated or permanently reduced 71834
by the taxing authority if it adopts a resolution stating that the 71835
continuance of the levy is unnecessary and the levy shall be 71836

terminated or that the millage is excessive and the levy shall be 71837
decreased by a designated amount. 71838

A resolution of a detention facility district, a district 71839
organized under section 2151.65 of the Revised Code, or a combined 71840
district organized under both sections 2151.65 and 2152.41 of the 71841
Revised Code may include both current expenses and other purposes, 71842
provided that the resolution shall apportion the annual rate of 71843
levy between the current expenses and the other purpose or 71844
purposes. The apportionment need not be the same for each year of 71845
the levy, but the respective portions of the rate actually levied 71846
each year for the current expenses and the other purpose or 71847
purposes shall be limited by the apportionment. 71848

Whenever a board of county commissioners, acting either as 71849
the taxing authority of its county or as the taxing authority of a 71850
sewer district or subdistrict created under Chapter 6117. of the 71851
Revised Code, by resolution declares it necessary to levy a tax in 71852
excess of the ten-mill limitation for the purpose of constructing, 71853
improving, or extending sewage disposal plants or sewage systems, 71854
the tax may be in effect for any number of years not exceeding 71855
twenty, and the proceeds of the tax, notwithstanding the general 71856
provisions of this section, may be used to pay debt charges on any 71857
obligations issued and outstanding on behalf of the subdivision 71858
for the purposes enumerated in this paragraph, provided that any 71859
such obligations have been specifically described in the 71860
resolution. 71861

A resolution adopted by the legislative authority of a 71862
municipal corporation that is for the purpose in division (XX) of 71863
this section may be combined with the purpose provided in section 71864
306.55 of the Revised Code, by vote of two-thirds of all members 71865
of the legislative authority. The legislative authority may 71866
certify the resolution to the board of elections as a combined 71867
question. The question appearing on the ballot shall be as 71868

provided in section 5705.252 of the Revised Code. 71869

A levy for the purpose set forth in division (BB) of this 71870
section may be imposed in all or a portion of the territory of a 71871
subdivision. If the 9-1-1 system to be established and operated 71872
with levy funds excludes territory located within the subdivision, 71873
the resolution adopted under this section, or a resolution 71874
proposing to renew such a levy that was imposed in all of the 71875
territory of the subdivision, may describe the area served or to 71876
be served by the system and specify that the proposed tax would be 71877
imposed only in the areas receiving or to receive the service. 71878
Upon passage of such a resolution, the board of elections shall 71879
submit the question of the tax levy only to those electors 71880
residing in the area or areas in which the tax would be imposed. 71881
If the 9-1-1 system would serve the entire subdivision, the 71882
resolution shall not exclude territory from the tax levy. 71883

The resolution shall go into immediate effect upon its 71884
passage, and no publication of the resolution is necessary other 71885
than that provided for in the notice of election. 71886

When the electors of a subdivision or, in the case of a 71887
qualifying library levy for the support of a library association 71888
or private corporation, the electors of the association library 71889
district or, in the case of a 9-1-1 system levy serving only a 71890
portion of the territory of a subdivision, the electors of the 71891
portion of the subdivision in which the levy would be imposed have 71892
approved a tax levy under this section, the taxing authority of 71893
the subdivision may anticipate a fraction of the proceeds of the 71894
levy and issue anticipation notes in accordance with section 71895
5705.191 or 5705.193 of the Revised Code. 71896

Sec. 5709.09. (A) Real property or any estate, interest, or 71897
right therein dedicated in accordance with section 1517.05 of the 71898
Revised Code is exempt from taxation. 71899

(B) Real property is exempt from taxation if the property is owned or held by an organization that is organized for the purpose of natural resources protection, preservation, restoration, or enhancement or water quality improvement and that is described under section 501(c)(3) of the Internal Revenue Code and exempt from taxation under section 501(a) of the Internal Revenue Code and if either of the following apply:

(1) The property is subject to an environmental response project described in division (E)(2) of section 5301.80 of the Revised Code;

(2) The property is subject to a nature water project that receives funding from the H2Ohio fund established in section 126.60 of the Revised Code.

Sec. 5709.121. (A) Real property and tangible personal property belonging to a charitable or educational institution or to the state or a political subdivision, shall be considered as used exclusively for charitable or public purposes by such institution, the state, or political subdivision, if it meets one of the following requirements:

(1) It is used by such institution, the state, or political subdivision, or by one or more other such institutions, the state, or political subdivisions under a lease, sublease, or other contractual arrangement:

(a) As a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein;

(b) As a children's, science, history, or natural history museum that is open to the general public;

(c) For other charitable, educational, or public purposes.

(2) It is made available under the direction or control of

such institution, the state, or political subdivision for use in 71930
furtherance of or incidental to its charitable, educational, or 71931
public purposes and not with the view to profit. 71932

(3) It is used by an organization described in division (D) 71933
of section 5709.12 of the Revised Code. If the organization is a 71934
corporation that receives a grant under the Thomas Alva Edison 71935
grant program authorized by division (C) of section 122.33 of the 71936
Revised Code at any time during the tax year, "used," for the 71937
purposes of this division, includes holding property for lease or 71938
resale to others. 71939

(B)(1) Property described in division (A)(1)(a) or (b) of 71940
this section shall continue to be considered as used exclusively 71941
for charitable or public purposes even if the property is conveyed 71942
through one conveyance or a series of conveyances to an entity 71943
that is not a charitable or educational institution and is not the 71944
state or a political subdivision, provided that all of the 71945
following conditions apply with respect to that property: 71946

(a) The property was listed as exempt on the county auditor's 71947
tax list and duplicate for the county in which it is located for 71948
the tax year immediately preceding the year in which the property 71949
is conveyed through one conveyance or a series of conveyances; 71950

(b) The property is conveyed through one conveyance or a 71951
series of conveyances to an entity that does any of the following: 71952

(i) Leases at least forty-five per cent of the property, 71953
through one lease or a series of leases, to the entity that owned 71954
or occupied the property for the tax year immediately preceding 71955
the year in which the property is conveyed or to an affiliate of 71956
that entity; 71957

(ii) Contracts, directly or indirectly to have renovations 71958
performed as described in division (B)(1)(d) of this section and 71959
is at least partially owned by a nonprofit organization described 71960

in section 501(c)(3) of the Internal Revenue Code that is exempt 71961
from taxation under section 501(a) of that code. 71962

(c) The property includes improvements that are at least 71963
fifty years old; 71964

(d) The property is being renovated in connection with a 71965
claim for historic preservation tax credits available under 71966
federal law; 71967

(e) All or a portion of the property continues to be used for 71968
the purposes described in division (A)(1)(a) or (b) of this 71969
section after its conveyance; and 71970

(f) The property is certified by the United States secretary 71971
of the interior as a "certified historic structure" or certified 71972
as part of a certified historic structure. 71973

(2) Notwithstanding section 5715.27 of the Revised Code, an 71974
application for exemption from taxation of property described in 71975
division (B)(1) of this section may be filed by either the owner 71976
of the property or an occupant. 71977

(C) For purposes of this section, an institution that meets 71978
all of the following requirements is conclusively presumed to be a 71979
charitable institution: 71980

(1) The institution is a nonprofit corporation or 71981
association, no part of the net earnings of which inures to the 71982
benefit of any private shareholder or individual; 71983

(2) The institution is exempt from federal income taxation 71984
under section 501(a) of the Internal Revenue Code; 71985

(3) The majority of the institution's board of directors are 71986
appointed by the mayor or legislative authority of a municipal 71987
corporation or a board of county commissioners, or a combination 71988
thereof; 71989

(4) The primary purpose of the institution is to assist in 71990

the development and revitalization of downtown urban areas. 71991

(D) For purposes of division (A) (1) (b) of this section, the 71992
status of a museum as open to the general public shall be 71993
conclusive if the museum is accredited by the American alliance of 71994
museums or a successor organization. 71995

(E) (1) Qualifying real property owned by an institution that 71996
meets all of the following requirements shall be considered as 71997
used exclusively for charitable purposes, and the institution 71998
shall be considered a charitable institution for purposes of this 71999
section and section 5709.12 of the Revised Code: 72000

(a) The institution is an organization described under 72001
section 501(c) (3) of the Internal Revenue Code and exempt from 72002
federal income taxation under section 501(a) of the Internal 72003
Revenue Code. 72004

(b) The institution's primary purpose is to acquire, develop, 72005
lease, or otherwise provide suitable housing to individuals with 72006
developmental disabilities. 72007

(c) The institution receives at least a portion of its 72008
funding from one or more county boards of developmental 72009
disabilities to assist in the institution's primary purpose 72010
described in division (E) (1) (b) of this section. 72011

(2) As used in division (E) of this section, "qualifying real 72012
property" means real property that is used primarily in one of the 72013
following manners: 72014

(a) The property is used by the institution described in 72015
division (E) (1) of this section for the purpose described in 72016
division (E) (1) (b) of this section. 72017

(b) The property is leased or otherwise provided by the 72018
institution described in division (E) (1) of this section to 72019
individuals with developmental disabilities and used by those 72020

individuals as housing. 72021

(c) The property is leased or otherwise provided by the 72022
institution described in division (E)(1) of this section to 72023
another charitable institution, and that charitable institution 72024
uses the property exclusively for charitable purposes. 72025

(F)(1) Qualifying real property owned by an institution that 72026
meets all of the following requirements shall be considered as 72027
used exclusively for charitable purposes, and the institution 72028
shall be considered a charitable institution for purposes of this 72029
section and section 5709.12 of the Revised Code: 72030

(a) The institution is either (i) an organization described 72031
under section 501(c)(3) of the Internal Revenue Code and exempt 72032
from federal income taxation under section 501(a) of the Internal 72033
Revenue Code that has as a primary purpose to acquire, develop, 72034
lease, or otherwise provide suitable supportive housing to 72035
individuals diagnosed with mental illness or substance use 72036
disorder and to families residing with such individuals or (ii) a 72037
limited liability company or limited partnership whose controlling 72038
or managing member or partner either is an organization described 72039
in division (F)(1)(a)(i) of this section or is wholly owned by one 72040
or more such organizations. 72041

(b) One or more of the tax-exempt organizations identified in 72042
division (F)(1)(a) of this section receives at least a portion of 72043
its funding to assist in the organization's primary purpose 72044
described in division (F)(1)(a)(i) of this section from the 72045
department of mental health and addiction services; one or more 72046
county boards of alcohol, drug addiction, and mental health 72047
services; or a local continuum of care program governed by 42 72048
U.S.C. 11381, et seq. and 24 C.F.R. part 578. 72049

(2) As used in division (F) of this section, "qualifying real 72050
property" means real property that is used primarily in one of the 72051

following manners: 72052

(a) The property is used by the institution described in 72053
division (F) (1) of this section for the purpose described in 72054
division (F) (1) (a) (i) of this section. 72055

(b) The institution (i) leases or otherwise provides the 72056
property to individuals diagnosed with mental illness or substance 72057
use disorder and to the families residing with such individuals 72058
and (ii) makes supportive services available to such individuals 72059
and families. 72060

(c) The property is leased or otherwise provided by that 72061
institution to another charitable institution, and that charitable 72062
institution uses the property exclusively for charitable purposes. 72063

(G) (1) For tax years 2020 to 2024, a qualifying parking 72064
garage shall be considered as used exclusively for charitable 72065
purposes for the purpose of section 5709.12 of the Revised Code if 72066
all taxes, interest, and penalties levied and assessed against any 72067
property owned by the owner and operator of the qualifying parking 72068
garage, as described in division (G) (2) (b) (i) or (ii) of this 72069
section, have been paid in full for all of the tax years preceding 72070
the tax year for which the application for exemption is filed. 72071

(2) As used in division (G) of this section: 72072

(a) "Nonprofit arts institution" means an institution that is 72073
exempt from federal income taxation under section 501(a) of the 72074
Internal Revenue Code and whose primary purpose is to host or 72075
present performances in music, dramatics, the arts, and related 72076
fields in order to foster public interest and education therein. 72077

(b) "Qualifying parking garage" means any real property that 72078
is used primarily for parking motor vehicles within or on a 72079
structure and that is either (i) owned and operated by a nonprofit 72080
arts institution or (ii) owned and operated by a limited liability 72081
company whose sole member is a nonprofit arts institution. 72082

Sec. 5709.17. The following property shall be exempted from 72083
taxation: 72084

(A) Real estate held or occupied by an association or 72085
corporation, organized or incorporated under the laws of this 72086
state relative to soldiers' memorial associations or monumental 72087
building associations and that, in the opinion of the trustees, 72088
directors, or managers thereof, is necessary and proper to carry 72089
out the object intended for such association or corporation; 72090

(B) Real estate and tangible personal property held or 72091
occupied by a qualifying veterans' organization and used primarily 72092
for meetings and administration of the qualifying veterans' 72093
organization or for providing, on a not-for-profit basis, programs 72094
and supportive services to past or present members of the armed 72095
forces of the United States and their families, except real estate 72096
held by such an organization for the production of rental income 72097
in excess of thirty-six thousand dollars in a tax year, before 72098
accounting for any cost or expense incurred in the production of 72099
such income. For the purposes of this division, rental income 72100
includes only income arising directly from renting the real estate 72101
to others for consideration, but does not include income arising 72102
from renting the real estate to a qualifying veterans' 72103
organization. 72104

As used in this division, "qualifying veterans' organization" 72105
means an organization that is incorporated under the laws of this 72106
state or the United States and that meets either of the following 72107
requirements: 72108

(1) The organization qualifies for exemption from taxation 72109
under section 501(c)(19) or 501(c)(23) of the Internal Revenue 72110
Code. 72111

(2) The organization meets the criteria for exemption under 72112
section 501(c)(19) of the Internal Revenue Code and regulations 72113

adopted pursuant thereto, but is exempt from taxation under 72114
section 501(c)(4) of the Internal Revenue Code. 72115

(C) Tangible personal property held by a corporation 72116
chartered under 112 Stat. 1335, 36 U.S.C. 40701, described in 72117
section 501(c)(3) of the Internal Revenue Code, and exempt from 72118
taxation under section 501(a) of the Internal Revenue Code shall 72119
be exempt from taxation if it is property obtained as described in 72120
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 72121

(D) Real estate held or occupied by a fraternal organization 72122
and used primarily for meetings of and the administration of the 72123
fraternal organization or for providing, on a not-for-profit 72124
basis, educational or health services, except real estate held by 72125
such an organization for the production of rental income in excess 72126
of thirty-six thousand dollars in a tax year before accounting for 72127
any cost or expense incurred in the production of such income. For 72128
the purposes of this division, rental income includes only income 72129
arising directly from renting the real estate to others for 72130
consideration, but does not include income arising from renting 72131
the real estate to any fraternal organization for use primarily 72132
for meetings of and the administration of such fraternal 72133
organization or for providing, on a not-for-profit basis, 72134
educational or health services. As used in this division, 72135
"fraternal organization" means a domestic fraternal society, 72136
order, or association operating under the lodge, council, or 72137
grange system that qualifies for exemption from taxation under 72138
section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal 72139
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; 72140
that provides financial support for charitable purposes, as 72141
defined in division (B)(12) of section 5739.02 of the Revised 72142
Code; and that operates under either a state or national governing 72143
body that has been operating in this state for at least 72144
eighty-five years. 72145

Sec. 5709.40. (A) As used in this section:	72146
(1) "Blighted area" and "impacted city" have the same meanings as in section 1728.01 of the Revised Code.	72147 72148
(2) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.	72149 72150 72151
(3) "Housing renovation" means a project carried out for residential purposes.	72152 72153
(4) "Improvement" means the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under this section were it not for the exemption granted by that ordinance.	72154 72155 72156 72157 72158
(5) "Incentive district" means an area not more than three hundred acres in size enclosed by a continuous boundary in which a project is being, or will be, undertaken and having one or more of the following distress characteristics:	72159 72160 72161 72162
(a) At least fifty-one per cent of the residents of the district have incomes of less than eighty per cent of the median income of residents of the political subdivision in which the district is located, as determined in the same manner specified under section 119(b) of the "Housing and Community Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended;	72163 72164 72165 72166 72167 72168
(b) The average rate of unemployment in the district during the most recent twelve-month period for which data are available is equal to at least one hundred fifty per cent of the average rate of unemployment for this state for the same period.	72169 72170 72171 72172
(c) At least twenty per cent of the people residing in the district live at or below the poverty level as defined in the federal Housing and Community Development Act of 1974, 42 U.S.C.	72173 72174 72175

5301, as amended, and regulations adopted pursuant to that act. 72176

(d) The district is a blighted area. 72177

(e) The district is in a situational distress area as 72178
designated by the director of development ~~services~~ under division 72179
(F) of section 122.23 of the Revised Code. 72180

(f) As certified by the engineer for the political 72181
subdivision, the public infrastructure serving the district is 72182
inadequate to meet the development needs of the district as 72183
evidenced by a written economic development plan or urban renewal 72184
plan for the district that has been adopted by the legislative 72185
authority of the subdivision. 72186

(g) The district is comprised entirely of unimproved land 72187
that is located in a distressed area as defined in section 122.23 72188
of the Revised Code. 72189

(6) "Overlay" means an area of not more than three hundred 72190
acres that is a square, or that is a rectangle having two longer 72191
sides that are not more than twice the length of the two shorter 72192
sides, that the legislative authority of a municipal corporation 72193
delineates on a map of a proposed incentive district. 72194

(7) "Project" means development activities undertaken on one 72195
or more parcels, including, but not limited to, construction, 72196
expansion, and alteration of buildings or structures, demolition, 72197
remediation, and site development, and any building or structure 72198
that results from those activities. 72199

(8) "Public infrastructure improvement" includes, but is not 72200
limited to, public roads and highways; water and sewer lines; the 72201
continued maintenance of those public roads and highways and water 72202
and sewer lines; environmental remediation; land acquisition, 72203
including acquisition in aid of industry, commerce, distribution, 72204
or research; demolition, including demolition on private property 72205
when determined to be necessary for economic development purposes; 72206

stormwater and flood remediation projects, including such projects 72207
on private property when determined to be necessary for public 72208
health, safety, and welfare; the provision of gas, electric, and 72209
communications service facilities, including the provision of gas 72210
or electric service facilities owned by nongovernmental entities 72211
when such improvements are determined to be necessary for economic 72212
development purposes; ~~and~~ the enhancement of public waterways 72213
through improvements that allow for greater public access; and 72214
off-street parking facilities, including those in which all or a 72215
portion of the parking spaces are reserved for specific uses when 72216
determined to be necessary for economic development purposes. 72217

(B) The legislative authority of a municipal corporation, by 72218
ordinance, may declare improvements to certain parcels of real 72219
property located in the municipal corporation to be a public 72220
purpose. Improvements with respect to a parcel that is used or to 72221
be used for residential purposes may be declared a public purpose 72222
under this division only if the parcel is located in a blighted 72223
area of an impacted city. For this purpose, "parcel that is used 72224
or to be used for residential purposes" means a parcel that, as 72225
improved, is used or to be used for purposes that would cause the 72226
tax commissioner to classify the parcel as residential property in 72227
accordance with rules adopted by the commissioner under section 72228
5713.041 of the Revised Code. Except as otherwise provided under 72229
division (D) of this section or section 5709.51 of the Revised 72230
Code, not more than seventy-five per cent of an improvement thus 72231
declared to be a public purpose may be exempted from real property 72232
taxation for a period of not more than ten years. The ordinance 72233
shall specify the percentage of the improvement to be exempted 72234
from taxation and the life of the exemption. 72235

An ordinance adopted or amended under this division shall 72236
designate the specific public infrastructure improvements made, to 72237
be made, or in the process of being made by the municipal 72238

corporation that directly benefit, or that once made will directly 72239
benefit, the parcels for which improvements are declared to be a 72240
public purpose. The service payments provided for in section 72241
5709.42 of the Revised Code shall be used to finance the public 72242
infrastructure improvements designated in the ordinance, for the 72243
purpose described in division (D)(1) of this section or as 72244
provided in section 5709.43 of the Revised Code. 72245

(C)(1) The legislative authority of a municipal corporation 72246
may adopt an ordinance creating an incentive district and 72247
declaring improvements to parcels within the district to be a 72248
public purpose and, except as provided in division (C)(2) of this 72249
section, exempt from taxation as provided in this section, but no 72250
legislative authority of a municipal corporation that has a 72251
population that exceeds twenty-five thousand, as shown by the most 72252
recent federal decennial census, shall adopt an ordinance that 72253
creates an incentive district if the sum of the taxable value of 72254
real property in the proposed district for the preceding tax year 72255
and the taxable value of all real property in the municipal 72256
corporation that would have been taxable in the preceding year 72257
were it not for the fact that the property was in an existing 72258
incentive district and therefore exempt from taxation exceeds 72259
twenty-five per cent of the taxable value of real property in the 72260
municipal corporation for the preceding tax year. The ordinance 72261
shall delineate the boundary of the proposed district and 72262
specifically identify each parcel within the district. A proposed 72263
district may not include any parcel that is or has been exempted 72264
from taxation under division (B) of this section or that is or has 72265
been within another district created under this division. An 72266
ordinance may create more than one such district, and more than 72267
one ordinance may be adopted under division (C)(1) of this 72268
section. 72269

(2)(a) Not later than thirty days prior to adopting an 72270

ordinance under division (C) (1) of this section, if the municipal corporation intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the legislative authority of the municipal corporation shall conduct a public hearing on the proposed ordinance. Not later than thirty days prior to the public hearing, the legislative authority shall give notice of the public hearing and the proposed ordinance by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed ordinance. The notice shall include a map of the proposed incentive district on which the legislative authority of the municipal corporation shall have delineated an overlay. The notice shall inform the property owner of the owner's right to exclude the owner's property from the incentive district if the owner's entire parcel of property will not be located within the overlay, by submitting a written response in accordance with division (C) (2) (b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C) (1) of this section whose entire parcel of property is not located within the overlay may exclude the property from the proposed incentive district by submitting a written response to the legislative authority of the municipal corporation not later than forty-five days after the postmark date on the notice required under division (C) (2) (a) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the legislative authority under division (C) (2) (a) of this section. The response shall conform to any content requirements that may be established by the municipal corporation and included in the

notice provided under division (C) (2) (a) of this section. In the 72304
response, property owners may identify a parcel by street address, 72305
by the manner in which it is identified in the ordinance, or by 72306
other means allowing the identity of the parcel to be ascertained. 72307

(c) Before adopting an ordinance under division (C) (1) of 72308
this section, the legislative authority of a municipal corporation 72309
shall amend the ordinance to exclude any parcel located wholly or 72310
partly outside the overlay for which a written response has been 72311
submitted under division (C) (2) (b) of this section. A municipal 72312
corporation shall not apply for exemptions from taxation under 72313
section 5709.911 of the Revised Code for any such parcel, and 72314
service payments may not be required from the owner of the parcel. 72315
Improvements to a parcel excluded from an incentive district under 72316
this division may be exempted from taxation under division (B) of 72317
this section pursuant to an ordinance adopted under that division 72318
or under any other section of the Revised Code under which the 72319
parcel qualifies. 72320

(3) (a) An ordinance adopted under division (C) (1) of this 72321
section shall specify the life of the incentive district and the 72322
percentage of the improvements to be exempted, shall designate the 72323
public infrastructure improvements made, to be made, or in the 72324
process of being made, that benefit or serve, or, once made, will 72325
benefit or serve parcels in the district. The ordinance also shall 72326
identify one or more specific projects being, or to be, undertaken 72327
in the district that place additional demand on the public 72328
infrastructure improvements designated in the ordinance. The 72329
project identified may, but need not be, the project under 72330
division (C) (3) (b) of this section that places real property in 72331
use for commercial or industrial purposes. Except as otherwise 72332
permitted under that division, the service payments provided for 72333
in section 5709.42 of the Revised Code shall be used to finance 72334
the designated public infrastructure improvements, for the purpose 72335

described in division (D)(1), (E), or (F) of this section, or as provided in section 5709.43 of the Revised Code. 72336
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An ordinance adopted under division (C)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and no service payment provided for in section 5709.42 of the Revised Code and received by the municipal corporation under the ordinance shall be used for police or fire equipment. 72338
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(b) An ordinance adopted under division (C)(1) of this section may authorize the use of service payments provided for in section 5709.42 of the Revised Code for the purpose of housing renovations within the incentive district, provided that the ordinance also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The ordinance shall designate the parcels within the district that are eligible for housing renovation. The ordinance shall state separately the amounts or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the general purpose of housing renovations. 72344
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(4) Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the incentive district is or will be located, and subject to division (E) of this section, the life of an incentive district shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With approval of the board of education, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per 72359
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cent. The approval of a board of education shall be obtained in 72368
the manner provided in division (D) of this section. 72369

(D) (1) If the ordinance declaring improvements to a parcel to 72370
be a public purpose or creating an incentive district specifies 72371
that payments in lieu of taxes provided for in section 5709.42 of 72372
the Revised Code shall be paid to the city, local, or exempted 72373
village, and joint vocational school district in which the parcel 72374
or incentive district is located in the amount of the taxes that 72375
would have been payable to the school district if the improvements 72376
had not been exempted from taxation, the percentage of the 72377
improvement that may be exempted from taxation may exceed 72378
seventy-five per cent, and the exemption may be granted for up to 72379
thirty years, without the approval of the board of education as 72380
otherwise required under division (D) (2) of this section. 72381

(2) Improvements with respect to a parcel may be exempted 72382
from taxation under division (B) of this section, and improvements 72383
to parcels within an incentive district may be exempted from 72384
taxation under division (C) of this section, for up to ten years 72385
or, with the approval under this paragraph of the board of 72386
education of the city, local, or exempted village school district 72387
within which the parcel or district is located, for up to thirty 72388
years. The percentage of the improvement exempted from taxation 72389
may, with such approval, exceed seventy-five per cent, but shall 72390
not exceed one hundred per cent. Not later than forty-five 72391
business days prior to adopting an ordinance under this section 72392
declaring improvements to be a public purpose that is subject to 72393
approval by a board of education under this division, the 72394
legislative authority shall deliver to the board of education a 72395
notice stating its intent to adopt an ordinance making that 72396
declaration. The notice regarding improvements with respect to a 72397
parcel under division (B) of this section shall identify the 72398
parcels for which improvements are to be exempted from taxation, 72399

provide an estimate of the true value in money of the 72400
improvements, specify the period for which the improvements would 72401
be exempted from taxation and the percentage of the improvement 72402
that would be exempted, and indicate the date on which the 72403
legislative authority intends to adopt the ordinance. The notice 72404
regarding improvements to parcels within an incentive district 72405
under division (C) of this section shall delineate the boundaries 72406
of the district, specifically identify each parcel within the 72407
district, identify each anticipated improvement in the district, 72408
provide an estimate of the true value in money of each such 72409
improvement, specify the life of the district and the percentage 72410
of improvements that would be exempted, and indicate the date on 72411
which the legislative authority intends to adopt the ordinance. 72412
The board of education, by resolution adopted by a majority of the 72413
board, may approve the exemption for the period or for the 72414
exemption percentage specified in the notice; may disapprove the 72415
exemption for the number of years in excess of ten, may disapprove 72416
the exemption for the percentage of the improvement to be exempted 72417
in excess of seventy-five per cent, or both; or may approve the 72418
exemption on the condition that the legislative authority and the 72419
board negotiate an agreement providing for compensation to the 72420
school district equal in value to a percentage of the amount of 72421
taxes exempted in the eleventh and subsequent years of the 72422
exemption period or, in the case of exemption percentages in 72423
excess of seventy-five per cent, compensation equal in value to a 72424
percentage of the taxes that would be payable on the portion of 72425
the improvement in excess of seventy-five per cent were that 72426
portion to be subject to taxation, or other mutually agreeable 72427
compensation. If an agreement is negotiated between the 72428
legislative authority and the board to compensate the school 72429
district for all or part of the taxes exempted, including 72430
agreements for payments in lieu of taxes under section 5709.42 of 72431
the Revised Code, the legislative authority shall compensate the 72432

joint vocational school district within which the parcel or 72433
district is located at the same rate and under the same terms 72434
received by the city, local, or exempted village school district. 72435

(3) The board of education shall certify its resolution to 72436
the legislative authority not later than fourteen days prior to 72437
the date the legislative authority intends to adopt the ordinance 72438
as indicated in the notice. If the board of education and the 72439
legislative authority negotiate a mutually acceptable compensation 72440
agreement, the ordinance may declare the improvements a public 72441
purpose for the number of years specified in the ordinance or, in 72442
the case of exemption percentages in excess of seventy-five per 72443
cent, for the exemption percentage specified in the ordinance. In 72444
either case, if the board and the legislative authority fail to 72445
negotiate a mutually acceptable compensation agreement, the 72446
ordinance may declare the improvements a public purpose for not 72447
more than ten years, and shall not exempt more than seventy-five 72448
per cent of the improvements from taxation. If the board fails to 72449
certify a resolution to the legislative authority within the time 72450
prescribed by this division, the legislative authority thereupon 72451
may adopt the ordinance and may declare the improvements a public 72452
purpose for up to thirty years, or, in the case of exemption 72453
percentages proposed in excess of seventy-five per cent, for the 72454
exemption percentage specified in the ordinance. The legislative 72455
authority may adopt the ordinance at any time after the board of 72456
education certifies its resolution approving the exemption to the 72457
legislative authority, or, if the board approves the exemption on 72458
the condition that a mutually acceptable compensation agreement be 72459
negotiated, at any time after the compensation agreement is agreed 72460
to by the board and the legislative authority. 72461

(4) If a board of education has adopted a resolution waiving 72462
its right to approve exemptions from taxation under this section 72463
and the resolution remains in effect, approval of exemptions by 72464

the board is not required under division (D) of this section. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under division (D) of this section fewer than forty-five business days prior to the legislative authority's adoption of the ordinance, the legislative authority shall deliver the notice to the board not later than the number of days prior to such adoption as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(5) If the legislative authority is not required by division (D) of this section to notify the board of education of the legislative authority's intent to declare improvements to be a public purpose, the legislative authority shall comply with the notice requirements imposed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

(6) Nothing in division (D) of this section prohibits the legislative authority of a municipal corporation from amending the ordinance or resolution under section 5709.51 of the Revised Code to extend the term of the exemption.

(E) (1) If a proposed ordinance under division (C) (1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the ordinance the legislative authority of the municipal corporation shall deliver to the board of county commissioners of the county within which the incentive district will be located a

notice that states its intent to adopt an ordinance creating an incentive district. The notice shall include a copy of the proposed ordinance, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the improvements would be exempted from taxation, specify the percentage of the improvements that would be exempted from taxation, and indicate the date on which the legislative authority intends to adopt the ordinance.

(2) The board of county commissioners, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both. If the board of county commissioners objects, the board may negotiate a mutually acceptable compensation agreement with the legislative authority. In no case shall the compensation provided to the board exceed the property taxes forgone due to the exemption. If the board of county commissioners objects, and the board and legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance adopted under division (C)(1) of this section shall provide to the board compensation in the eleventh and subsequent years of the exemption period equal in value to not more than fifty per cent of the taxes that would be payable to the county or, if the board's objection includes an objection to an exemption percentage in excess of seventy-five per cent, compensation equal in value to not more than fifty per cent of the taxes that would be payable to the county, on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation. The board of county commissioners shall certify its resolution to the legislative authority not later than thirty days after receipt of the notice.

(3) If the board of county commissioners does not object or 72529
fails to certify its resolution objecting to an exemption within 72530
thirty days after receipt of the notice, the legislative authority 72531
may adopt the ordinance, and no compensation shall be provided to 72532
the board of county commissioners. If the board timely certifies 72533
its resolution objecting to the ordinance, the legislative 72534
authority may adopt the ordinance at any time after a mutually 72535
acceptable compensation agreement is agreed to by the board and 72536
the legislative authority, or, if no compensation agreement is 72537
negotiated, at any time after the legislative authority agrees in 72538
the proposed ordinance to provide compensation to the board of 72539
fifty per cent of the taxes that would be payable to the county in 72540
the eleventh and subsequent years of the exemption period or on 72541
the portion of the improvement in excess of seventy-five per cent, 72542
were that portion to be subject to taxation. 72543

(F) Service payments in lieu of taxes that are attributable 72544
to any amount by which the effective tax rate of either a renewal 72545
levy with an increase or a replacement levy exceeds the effective 72546
tax rate of the levy renewed or replaced, or that are attributable 72547
to an additional levy, for a levy authorized by the voters for any 72548
of the following purposes on or after January 1, 2006, and which 72549
are provided pursuant to an ordinance creating an incentive 72550
district under division (C)(1) of this section that is adopted on 72551
or after January 1, 2006, or a later date as specified in this 72552
division, shall be distributed to the appropriate taxing authority 72553
as required under division (C) of section 5709.42 of the Revised 72554
Code in an amount equal to the amount of taxes from that 72555
additional levy or from the increase in the effective tax rate of 72556
such renewal or replacement levy that would have been payable to 72557
that taxing authority from the following levies were it not for 72558
the exemption authorized under division (C) of this section: 72559

(1) A tax levied under division (L) of section 5705.19 or 72560

section 5705.191 or 5705.222 of the Revised Code for community 72561
developmental disabilities programs and services pursuant to 72562
Chapter 5126. of the Revised Code; 72563

(2) A tax levied under division (Y) of section 5705.19 of the 72564
Revised Code for providing or maintaining senior citizens services 72565
or facilities; 72566

(3) A tax levied under section 5705.22 of the Revised Code 72567
for county hospitals; 72568

(4) A tax levied by a joint-county district or by a county 72569
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 72570
for alcohol, drug addiction, and mental health services or 72571
facilities; 72572

(5) A tax levied under section 5705.23 of the Revised Code 72573
for library purposes; 72574

(6) A tax levied under section 5705.24 of the Revised Code 72575
for the support of children services and the placement and care of 72576
children; 72577

(7) A tax levied under division (Z) of section 5705.19 of the 72578
Revised Code for the provision and maintenance of zoological park 72579
services and facilities under section 307.76 of the Revised Code; 72580

(8) A tax levied under section 511.27 or division (H) of 72581
section 5705.19 of the Revised Code for the support of township 72582
park districts; 72583

(9) A tax levied under division (A), (F), or (H) of section 72584
5705.19 of the Revised Code for parks and recreational purposes of 72585
a joint recreation district organized pursuant to division (B) of 72586
section 755.14 of the Revised Code; 72587

(10) A tax levied under section 1545.20 or 1545.21 of the 72588
Revised Code for park district purposes; 72589

(11) A tax levied under section 5705.191 of the Revised Code 72590

for the purpose of making appropriations for public assistance; 72591
human or social services; public relief; public welfare; public 72592
health and hospitalization; and support of general hospitals; 72593

(12) A tax levied under section 3709.29 of the Revised Code 72594
for a general health district program. 72595

(13) A tax levied by a township under section 505.39, 72596
division (I) of section 5705.19, or division (JJ) of section 72597
5705.19 of the Revised Code to the extent the proceeds are used 72598
for the purposes described in division (I) of that section, for 72599
the purpose of funding fire, emergency medical, and ambulance 72600
services as described in that section and those divisions. 72601
Division (F) (13) of this section applies only if the township 72602
levying the tax provides fire, emergency medical, or ambulance 72603
services in the incentive district, and only to incentive 72604
districts created by an ordinance adopted on or after the 72605
effective date of the amendment of this section by H.B. 69 of the 72606
132nd general assembly, March 23, 2018. The board of township 72607
trustees may, by resolution, waive the application of this 72608
division or negotiate with the municipal corporation that created 72609
the district for a lesser amount of payments in lieu of taxes. 72610

(G) An exemption from taxation granted under this section 72611
commences with the tax year specified in the ordinance so long as 72612
the year specified in the ordinance commences after the effective 72613
date of the ordinance. If the ordinance specifies a year 72614
commencing before the effective date of the resolution or 72615
specifies no year whatsoever, the exemption commences with the tax 72616
year in which an exempted improvement first appears on the tax 72617
list and duplicate of real and public utility property and that 72618
commences after the effective date of the ordinance. In lieu of 72619
stating a specific year, the ordinance may provide that the 72620
exemption commences in the tax year in which the value of an 72621
improvement exceeds a specified amount or in which the 72622

construction of one or more improvements is completed, provided 72623
that such tax year commences after the effective date of the 72624
ordinance. With respect to the exemption of improvements to 72625
parcels under division (B) of this section, the ordinance may 72626
allow for the exemption to commence in different tax years on a 72627
parcel-by-parcel basis, with a separate exemption term specified 72628
for each parcel. 72629

Except as otherwise provided in this division or section 72630
5709.51 of the Revised Code, the exemption ends on the date 72631
specified in the ordinance as the date the improvement ceases to 72632
be a public purpose or the incentive district expires, or ends on 72633
the date on which the public infrastructure improvements and 72634
housing renovations are paid in full from the municipal public 72635
improvement tax increment equivalent fund established under 72636
division (A) of section 5709.43 of the Revised Code, whichever 72637
occurs first. The exemption of an improvement with respect to a 72638
parcel or within an incentive district may end on a later date, as 72639
specified in the ordinance, if the legislative authority and the 72640
board of education of the city, local, or exempted village school 72641
district within which the parcel or district is located have 72642
entered into a compensation agreement under section 5709.82 of the 72643
Revised Code with respect to the improvement, and the board of 72644
education has approved the term of the exemption under division 72645
(D) (2) of this section, but in no case shall the improvement be 72646
exempted from taxation for more than thirty years. Exemptions 72647
shall be claimed and allowed in the same manner as in the case of 72648
other real property exemptions. If an exemption status changes 72649
during a year, the procedure for the apportionment of the taxes 72650
for that year is the same as in the case of other changes in tax 72651
exemption status during the year. 72652

(H) Additional municipal financing of public infrastructure 72653
improvements and housing renovations may be provided by any 72654

methods that the municipal corporation may otherwise use for 72655
financing such improvements or renovations. If the municipal 72656
corporation issues bonds or notes to finance the public 72657
infrastructure improvements and housing renovations and pledges 72658
money from the municipal public improvement tax increment 72659
equivalent fund to pay the interest on and principal of the bonds 72660
or notes, the bonds or notes are not subject to Chapter 133. of 72661
the Revised Code. 72662

(I) The municipal corporation, not later than fifteen days 72663
after the adoption of an ordinance under this section, shall 72664
submit to the director of development ~~services~~ a copy of the 72665
ordinance. On or before the thirty-first day of March of each 72666
year, the municipal corporation shall submit a status report to 72667
the director ~~of development services~~. The report shall indicate, 72668
in the manner prescribed by the director, the progress of the 72669
project during each year that an exemption remains in effect, 72670
including a summary of the receipts from service payments in lieu 72671
of taxes; expenditures of money from the funds created under 72672
section 5709.43 of the Revised Code; a description of the public 72673
infrastructure improvements and housing renovations financed with 72674
such expenditures; and a quantitative summary of changes in 72675
employment and private investment resulting from each project. 72676

(J) Nothing in this section shall be construed to prohibit a 72677
legislative authority from declaring to be a public purpose 72678
improvements with respect to more than one parcel. 72679

(K) If a parcel is located in a new community district in 72680
which the new community authority imposes a community development 72681
charge on the basis of rentals received from leases of real 72682
property as described in division (L)(2) of section 349.01 of the 72683
Revised Code, the parcel may not be exempted from taxation under 72684
this section. 72685

Sec. 5709.41. (A) As used in this section: 72686

(1) "Business day" means a day of the week excluding 72687
Saturday, Sunday, and a legal holiday as defined under section 72688
1.14 of the Revised Code. 72689

(2) "Improvement" means the increase in assessed value of any 72690
parcel of property subsequent to the acquisition of the parcel by 72691
a municipal corporation engaged in urban redevelopment. 72692

(B) The legislative authority of a municipal corporation, by 72693
ordinance, may declare to be a public purpose any improvement to a 72694
parcel of real property if both of the following apply: 72695

(1) The municipal corporation held fee title to the parcel 72696
prior to the adoption of the ordinance; 72697

(2) The parcel is leased, or the fee of the parcel is 72698
conveyed, to any person either before or after adoption of the 72699
ordinance. 72700

Improvements used or to be used for residential purposes may 72701
be declared a public purpose under this section only if the parcel 72702
is located in a blighted area of an impacted city as those terms 72703
are defined in section 1728.01 of the Revised Code. For this 72704
purpose, "parcel that is used or to be used for residential 72705
purposes" means a parcel that, as improved, is used or to be used 72706
for purposes that would cause the tax commissioner to classify the 72707
parcel as residential property in accordance with rules adopted by 72708
the commissioner under section 5713.041 of the Revised Code. 72709

(C) Except as otherwise provided in division (C)(1), (2), or 72710
(3) of this section, not more than seventy-five per cent of an 72711
improvement thus declared to be a public purpose may be exempted 72712
from real property taxation. The ordinance shall specify the 72713
percentage of the improvement to be exempted from taxation. If a 72714
parcel is located in a new community district in which the new 72715

community authority imposes a community development charge on the 72716
basis of rentals received from leases of real property as 72717
described in division (L) (2) of section 349.01 of the Revised 72718
Code, the parcel may not be exempted from taxation under this 72719
section. 72720

(1) If the ordinance declaring improvements to a parcel to be 72721
a public purpose specifies that payments in lieu of taxes provided 72722
for in section 5709.42 of the Revised Code shall be paid to the 72723
city, local, or exempted village school district in which the 72724
parcel is located in the amount of the taxes that would have been 72725
payable to the school district if the improvements had not been 72726
exempted from taxation, the percentage of the improvement that may 72727
be exempted from taxation may exceed seventy-five per cent, and 72728
the exemption may be granted for up to thirty years, without the 72729
approval of the board of education as otherwise required under 72730
division (C) (2) of this section. 72731

(2) Improvements may be exempted from taxation for up to ten 72732
years or, with the approval of the board of education of the city, 72733
local, or exempted village school district within the territory of 72734
which the improvements are or will be located, for up to thirty 72735
years. The percentage of the improvement exempted from taxation 72736
may, with such approval, exceed seventy-five per cent, but shall 72737
not exceed one hundred per cent. Not later than forty-five 72738
business days prior to adopting an ordinance under this section, 72739
the legislative authority shall deliver to the board of education 72740
a notice stating its intent to declare improvements to be a public 72741
purpose under this section. The notice shall describe the parcel 72742
and the improvements, provide an estimate of the true value in 72743
money of the improvements, specify the period for which the 72744
improvements would be exempted from taxation and the percentage of 72745
the improvements that would be exempted, and indicate the date on 72746
which the legislative authority intends to adopt the ordinance. 72747

The board of education, by resolution adopted by a majority of the 72748
board, may approve the exemption for the period or for the 72749
exemption percentage specified in the notice, may disapprove the 72750
exemption for the number of years in excess of ten, may disapprove 72751
the exemption for the percentage of the improvements to be 72752
exempted in excess of seventy-five per cent, or both, or may 72753
approve the exemption on the condition that the legislative 72754
authority and the board negotiate an agreement providing for 72755
compensation to the school district equal in value to a percentage 72756
of the amount of taxes exempted in the eleventh and subsequent 72757
years of the exemption period, or, in the case of exemption 72758
percentages in excess of seventy-five per cent, compensation equal 72759
in value to a percentage of the taxes that would be payable on the 72760
portion of the improvement in excess of seventy-five per cent were 72761
that portion to be subject to taxation. The board of education 72762
shall certify its resolution to the legislative authority not 72763
later than fourteen days prior to the date the legislative 72764
authority intends to adopt the ordinance as indicated in the 72765
notice. If the board of education approves the exemption on the 72766
condition that a compensation agreement be negotiated, the board 72767
in its resolution shall propose a compensation percentage. If the 72768
board of education and the legislative authority negotiate a 72769
mutually acceptable compensation agreement, the ordinance may 72770
declare the improvements a public purpose for the number of years 72771
specified in the ordinance or, in the case of exemption 72772
percentages in excess of seventy-five per cent, for the exemption 72773
percentage specified in the ordinance. In either case, if the 72774
board and the legislative authority fail to negotiate a mutually 72775
acceptable compensation agreement, the ordinance may declare the 72776
improvements a public purpose for not more than ten years, but 72777
shall not exempt more than seventy-five per cent of the 72778
improvements from taxation. If the board fails to certify a 72779
resolution to the legislative authority within the time prescribed 72780

by this division, the legislative authority thereupon may adopt 72781
the ordinance and may declare the improvements a public purpose 72782
for up to thirty years. The legislative authority may adopt the 72783
ordinance at any time after the board of education certifies its 72784
resolution approving the exemption to the legislative authority, 72785
or, if the board approves the exemption on the condition that a 72786
mutually acceptable compensation agreement be negotiated, at any 72787
time after the compensation agreement is agreed to by the board 72788
and the legislative authority. If a mutually acceptable 72789
compensation agreement is negotiated between the legislative 72790
authority and the board, including agreements for payments in lieu 72791
of taxes under section 5709.42 of the Revised Code, the 72792
legislative authority shall compensate the joint vocational school 72793
district within the territory of which the improvements are or 72794
will be located at the same rate and under the same terms received 72795
by the city, local, or exempted village school district. 72796

(3) If a board of education has adopted a resolution waiving 72797
its right to approve exemptions from taxation and the resolution 72798
remains in effect, approval of exemptions by the board is not 72799
required under this division. If a board of education has adopted 72800
a resolution allowing a legislative authority to deliver the 72801
notice required under this division fewer than forty-five business 72802
days prior to the legislative authority's adoption of the 72803
ordinance, the legislative authority shall deliver the notice to 72804
the board not later than the number of days prior to such adoption 72805
as prescribed by the board in its resolution. If a board of 72806
education adopts a resolution waiving its right to approve 72807
exemptions or shortening the notification period, the board shall 72808
certify a copy of the resolution to the legislative authority. If 72809
the board of education rescinds such a resolution, it shall 72810
certify notice of the rescission to the legislative authority. 72811

(4) If the legislative authority is not required by division 72812

(C) (1), (2), or (3) of this section to notify the board of 72813
education of the legislative authority's intent to declare 72814
improvements to be a public purpose, the legislative authority 72815
shall comply with the notice requirements imposed under section 72816
5709.83 of the Revised Code, unless the board has adopted a 72817
resolution under that section waiving its right to receive such a 72818
notice. 72819

(5) Nothing in division (C) of this section prohibits the 72820
legislative authority of a municipal corporation from amending the 72821
ordinance or resolution under section 5709.51 of the Revised Code 72822
to extend the term of the exemption. 72823

(D) The An exemption granted under this section commences on 72824
the effective date of the ordinance and with the tax year 72825
specified in the ordinance so long as the year specified in the 72826
ordinance commences after the effective date of the ordinance. If 72827
the ordinance specifies a year commencing before the effective 72828
date of the ordinance or specifies no year, the exemption 72829
commences with the tax year in which an exempted improvement first 72830
appears on the tax list and that commences after the effective 72831
date of the ordinance. In lieu of stating a specific year, the 72832
ordinance may provide that the exemption commences in the tax year 72833
in which the value of an improvement exceeds a specified amount or 72834
in which the construction of one or more improvements is 72835
completed, provided that such tax year commences after the 72836
effective date of the ordinance. In lieu of stating a specific 72837
year, the ordinance may allow for the exemption to commence in 72838
different tax years on a parcel-by-parcel basis, with a separate 72839
exemption term specified for each parcel. The exemption ends on 72840
the date specified in the ordinance as the date the improvement 72841
ceases to be a public purpose. The exemption shall be claimed and 72842
allowed in the same or a similar manner as in the case of other 72843
real property exemptions. If an exemption status changes during a 72844

tax year, the procedure for the apportionment of the taxes for 72845
that year is the same as in the case of other changes in tax 72846
exemption status during the year. 72847

(E) A municipal corporation, not later than fifteen days 72848
after the adoption of an ordinance granting a tax exemption under 72849
this section, shall submit to the director of development ~~services~~ 72850
a copy of the ordinance. On or before the thirty-first day of 72851
March each year, the municipal corporation shall submit a status 72852
report to the director of development outlining the progress of 72853
the project during each year that the exemption remains in effect. 72854

Sec. 5713.03. The county auditor, from the best sources of 72855
information available, shall determine, as nearly as practicable, 72856
the true value of the fee simple estate, as if unencumbered but, 72857
except as otherwise provided in rules adopted under section 72858
5715.01 of the Revised Code related to the valuation of subsidized 72859
residential rental property, subject to any effects from the 72860
exercise of police powers or from other governmental actions, of 72861
each separate tract, lot, or parcel of real property and of 72862
buildings, structures, and improvements located thereon and the 72863
current agricultural use value of land valued for tax purposes in 72864
accordance with section 5713.31 of the Revised Code, in every 72865
district, according to the rules prescribed by this chapter and 72866
section 5715.01 of the Revised Code, and in accordance with the 72867
uniform rules and methods of valuing and assessing real property 72868
as adopted, prescribed, and promulgated by the tax commissioner. 72869
The auditor shall determine the taxable value of all real property 72870
by reducing its true or current agricultural use value by the 72871
percentage ordered by the commissioner. In determining the true 72872
value of any tract, lot, or parcel of real estate under this 72873
section, if such tract, lot, or parcel has been the subject of an 72874
arm's length sale between a willing seller and a willing buyer 72875
within a reasonable length of time, either before or after the tax 72876

lien date, the auditor may consider the sale price of such tract, 72877
lot, or parcel to be the true value for taxation purposes. 72878
However, the sale price in an arm's length transaction between a 72879
willing seller and a willing buyer shall not be considered the 72880
true value of the property sold if subsequent to the sale: 72881

(A) The tract, lot, or parcel of real estate loses value due 72882
to some casualty; 72883

(B) An improvement is added to the property. 72884

Nothing in this section or section 5713.01 of the Revised 72885
Code and no rule adopted under section 5715.01 of the Revised Code 72886
shall require the county auditor to change the true value in money 72887
of any property in any year except a year in which the tax 72888
commissioner is required to determine under section 5715.24 of the 72889
Revised Code whether the property has been assessed as required by 72890
law. 72891

The county auditor shall adopt and use a real property record 72892
approved by the commissioner for each tract, lot, or parcel of 72893
real property, setting forth the true and taxable value of land 72894
and, in the case of land valued in accordance with section 5713.31 72895
of the Revised Code, its current agricultural use value, the 72896
number of acres of arable land, permanent pasture land, woodland, 72897
and wasteland in each tract, lot, or parcel. The auditor shall 72898
record pertinent information and the true and taxable value of 72899
each building, structure, or improvement to land, which value 72900
shall be included as a separate part of the total value of each 72901
tract, lot, or parcel of real property. 72902

Sec. 5713.083. (A) The owner of property appearing on the 72903
exempt list shall notify the county auditor, on a form prescribed 72904
by the tax commissioner, if the property ceases to qualify for 72905
exemption. The notification shall be filed with the county auditor 72906

on or before the last day of the tax year for which the property 72907
ceases to qualify for exemption. Upon receipt of the notification, 72908
the county auditor shall return the property to the tax list. 72909

(B) If the county auditor discovers that an owner failed to 72910
properly notify the auditor as required under division (A) of this 72911
section, the auditor shall impose a charge against the property 72912
described in that division equal to the total amount by which 72913
taxes were reduced for any of the five preceding tax years that 72914
the auditor ascertains the property was not entitled to the 72915
exemption and was owned by the current owner. The auditor shall 72916
notify the owner, by ordinary mail, of the charge, the owner's 72917
right to appeal the charge, and the manner in which the owner may 72918
appeal the charge. The owner may appeal the imposition of the 72919
charge by filing an appeal with the county board of revision not 72920
later than the last day prescribed for payment of real property 72921
taxes under section 323.12 of the Revised Code following receipt 72922
of the notice and occurring at least ninety days after receipt of 72923
the notice. The appeal shall be treated in the same manner as a 72924
complaint relating to the valuation or assessment of real property 72925
under Chapter 5715. of the Revised Code. The charge shall be 72926
collected in the same manner as other delinquent taxes. 72927

Sec. 5715.01. (A) The tax commissioner shall direct and 72928
supervise the assessment for taxation of all real property. The 72929
commissioner shall adopt, prescribe, and promulgate rules for the 72930
determination of true value and taxable value of real property by 72931
uniform rule for such values and for the determination of the 72932
current agricultural use value of land devoted exclusively to 72933
agricultural use. 72934

(1) The uniform rules shall prescribe methods of determining 72935
the true value and taxable value of real property. The rules shall 72936
provide that in determining the true value of lands or 72937

improvements thereon for tax purposes, all facts and circumstances 72938
relating to the value of the property, its availability for the 72939
purposes for which it is constructed or being used, its obsolete 72940
character, if any, the income capacity of the property, if any, 72941
and any other factor that tends to prove its true value shall be 72942
used. In determining the true value of minerals or rights to 72943
minerals for the purpose of real property taxation, the tax 72944
commissioner shall not include in the value of the minerals or 72945
rights to minerals the value of any tangible personal property 72946
used in the recovery of those minerals. 72947

The rules shall require that subsidized residential rental 72948
property be valued according to its income capacity on the basis 72949
of the property's market rent and expenses and not on the 72950
property's contract rent. The market rent and expenses of 72951
subsidized residential rental property shall be calculated without 72952
considering any effects on the property from the exercise of 72953
police powers or from other governmental actions. As used in 72954
division (A) (1) of this section, "subsidized residential rental 72955
property" means property on which is situated one or more dwelling 72956
units leased or otherwise rented to tenants solely for residential 72957
purposes, excluding a college or university dormitory, to which 72958
any of the following applies: 72959

(a) All or a portion of the units' construction or renovation 72960
costs are paid by financial incentives authorized under federal 72961
law. 72962

(b) All or a portion of the units' rent is subsidized as 72963
authorized under federal law. 72964

(c) The property is a qualified low-income housing project 72965
allocated a tax credit pursuant to section 42 of the Internal 72966
Revenue Code. 72967

(2) The uniform rules shall prescribe the method for 72968

determining the current agricultural use value of land devoted 72969
exclusively to agricultural use, which method shall reflect 72970
standard and modern appraisal techniques that take into 72971
consideration the productivity of the soil under normal management 72972
practices, typical cropping and land use patterns, the average 72973
price patterns of the crops and products produced and the typical 72974
production costs to determine the net income potential to be 72975
capitalized, and other pertinent factors. 72976

In determining the agricultural land capitalization rate to 72977
be applied to the net income potential from agricultural use, the 72978
commissioner shall use standard and modern appraisal techniques. 72979
In calculating the capitalization rate for any year, the 72980
commissioner shall comply with both of the following requirements: 72981

(a) The commissioner shall use an equity yield rate equal to 72982
the greater of (i) the average of the total rates of return on 72983
farm equity for the twenty-five most recent years for which those 72984
rates have been calculated and published by the United States 72985
department of agriculture economic research service or another 72986
published source or (ii) the loan interest rate the commissioner 72987
uses for that year to calculate the capitalization rate; 72988

(b) The commissioner shall assume that the holding period for 72989
agricultural land is twenty-five years for the purpose of 72990
computing buildup of equity or appreciation with respect to that 72991
land. 72992

The commissioner shall add to the overall capitalization rate 72993
a tax additur. The sum of the overall capitalization rate and the 72994
tax additur shall represent as nearly as possible the rate of 72995
return a prudent investor would expect from an average or typical 72996
farm in this state considering only agricultural factors. 72997

The commissioner shall annually determine and announce the 72998
overall capitalization rate, tax additur, agricultural land 72999

capitalization rate, and the individual components used in 73000
computing such amounts in a determination, finding, computation, 73001
or order of the commissioner published simultaneously with the 73002
commissioner's annual publication of the per-acre agricultural use 73003
values for each soil type. 73004

(3) Notwithstanding any other provision of this chapter and 73005
Chapter 5713. of the Revised Code, the current agricultural use 73006
value of land devoted exclusively to agricultural use shall equal 73007
the following amounts for the years specified: 73008

(a) In counties that undergo a reappraisal or triennial 73009
update in 2017, the current agricultural use value of the land for 73010
each of the 2017, 2018, and 2019 tax years shall equal the sum of 73011
the following amounts: 73012

(i) The current agricultural use value of the land for that 73013
tax year, as determined under this section and section 5713.31 of 73014
the Revised Code, and rules adopted pursuant those sections, 73015
without regard to the adjustment under division (A)(3)(a)(ii) of 73016
this section; 73017

(ii) One-half of the amount, if any, by which the value of 73018
the land for the 2016 tax year, as determined under this section, 73019
section 5713.31 of the Revised Code, and the rules adopted 73020
pursuant those sections and issued by the tax commissioner for 73021
counties undergoing a reappraisal or triennial update in the 2016 73022
tax year, exceeds the value determined under division (A)(3)(a)(i) 73023
of this section. 73024

(b) In counties that undergo a reappraisal or triennial 73025
update in 2018, the current agricultural use value of the land for 73026
each of the 2018, 2019, and 2020 tax years shall equal the sum of 73027
the following amounts: 73028

(i) The current agricultural use value of the land for that 73029
tax year, as determined under this section and section 5713.31 of 73030

the Revised Code, and rules adopted pursuant those sections, 73031
without regard to the adjustment under division (A) (3) (b) (ii) of 73032
this section; 73033

(ii) One-half of the amount, if any, by which the value of 73034
the land for the 2017 tax year, as determined under this section, 73035
section 5713.31 of the Revised Code, and the rules adopted 73036
pursuant those sections and issued by the tax commissioner for 73037
counties undergoing a reappraisal or triennial update in the 2017 73038
tax year, exceeds the value determined under division (A) (3) (b) (i) 73039
of this section. 73040

(c) In counties that undergo a reappraisal or triennial 73041
update in 2019, the current agricultural use value of the land for 73042
each of the 2019, 2020, and 2021 tax years shall equal the sum of 73043
the following amounts: 73044

(i) The current agricultural use value of the land for that 73045
tax year, as determined under this section and section 5713.31 of 73046
the Revised Code, and rules adopted pursuant those sections, 73047
without regard to the adjustment under division (A) (3) (c) (ii) of 73048
this section; 73049

(ii) One-half of the amount, if any, by which the value of 73050
the land for the 2018 tax year, as determined under this section, 73051
section 5713.31 of the Revised Code, and the rules adopted 73052
pursuant those sections and issued by the tax commissioner for 73053
counties undergoing a reappraisal or triennial update in the 2018 73054
tax year, exceeds the value determined under division (A) (3) (c) (i) 73055
of this section. 73056

(B) The taxable value shall be that per cent of true value in 73057
money, or current agricultural use value in the case of land 73058
valued in accordance with section 5713.31 of the Revised Code, the 73059
commissioner by rule establishes, but it shall not exceed 73060
thirty-five per cent. The uniform rules shall also prescribe 73061

methods of making the appraisals set forth in section 5713.03 of 73062
the Revised Code. The taxable value of each tract, lot, or parcel 73063
of real property and improvements thereon, determined in 73064
accordance with the uniform rules and methods prescribed thereby, 73065
shall be the taxable value of the tract, lot, or parcel for all 73066
purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 73067
5717.01 to 5717.06 of the Revised Code. County auditors shall, 73068
under the direction and supervision of the commissioner, be the 73069
chief assessing officers of their respective counties, and shall 73070
list and value the real property within their respective counties 73071
for taxation in accordance with this section and sections 5713.03 73072
and 5713.31 of the Revised Code and with such rules of the 73073
commissioner. There shall also be a board in each county, known as 73074
the county board of revision, which shall hear complaints and 73075
revise assessments of real property for taxation. 73076

(C) The commissioner shall neither adopt nor enforce any rule 73077
that requires true value for any tax year to be any value other 73078
than the true value in money on the tax lien date of such tax year 73079
or that requires taxable value to be obtained in any way other 73080
than by reducing the true value, or in the case of land valued in 73081
accordance with section 5713.31 of the Revised Code, its current 73082
agricultural use value, by a specified, uniform percentage. 73083

Sec. 5726.20. (A) The tax commissioner may make an 73084
assessment, based on any information in the commissioner's 73085
possession, against any person that fails to file a return or 73086
report or pay any tax as required by this chapter. The reporting 73087
person for a taxpayer shall file the annual report required under 73088
section ~~5726.02~~ 5726.03 of the Revised Code and remit the tax 73089
imposed by this chapter. Each person included in the annual report 73090
of the taxpayer is jointly and severally liable for the tax 73091
imposed by this chapter and any penalties and interest thereon. If 73092
the reporting person fails, for any reason, to file and remit any 73093

tax, the amount due may be collected by assessment against the 73094
reporting person and against any or all other persons required to 73095
be included in the annual report of the taxpayer as provided in 73096
section 5703.90 of the Revised Code. The commissioner shall make 73097
the assessment in the manner provided in this section. The 73098
commissioner shall give the person assessed written notice of the 73099
assessment as provided in section 5703.37 of the Revised Code. 73100
With the notice, the commissioner shall provide instructions on 73101
the manner in which to petition for reassessment and request a 73102
hearing with respect to the petition. 73103

(B) No assessment shall be made or issued against a person 73104
under this section more than four years after the later of the 73105
final date the report subject to assessment was required to be 73106
filed or the date such report was filed. Such time limit may be 73107
extended if both the person and the commissioner consent in 73108
writing to the extension or if an agreement waiving or extending 73109
the time limit has been entered into pursuant to section 122.171 73110
of the Revised Code. Any such extension shall extend the four-year 73111
time limit prescribed in division (A) of section 5726.30 of the 73112
Revised Code for the same period of time. There shall be no bar or 73113
limit to an assessment against a person that fails to file a 73114
report subject to assessment as required by this chapter, or that 73115
files a fraudulent report. 73116

(C) Unless the person assessed, within sixty days after 73117
service of the notice of assessment, files with the tax 73118
commissioner, either in person or by certified mail, a written 73119
petition for reassessment signed by the person or the person's 73120
authorized agent having knowledge of the facts, the assessment 73121
shall become final, and the amount of the assessment is due and 73122
payable from the person assessed to the treasurer of state. A 73123
petition shall indicate the objections of the person assessed, but 73124
additional objections may be raised in writing if received by the 73125

commissioner prior to the date shown on the final determination. 73126
If a petition for reassessment has been properly filed, the 73127
commissioner shall proceed under section 5703.60 of the Revised 73128
Code. 73129

(D) (1) After an assessment becomes final, if any portion of 73130
the assessment, including any accrued interest, remains unpaid, a 73131
certified copy of the tax commissioner's entry making the 73132
assessment final may be filed in the office of the clerk of the 73133
court of common pleas in the county in which the person resides or 73134
has its principal place of business in this state, or in the 73135
office of the clerk of court of common pleas of Franklin county. 73136

(2) Immediately upon the filing of the entry, the clerk shall 73137
enter judgment for the state against the person assessed in the 73138
amount shown on the entry. The judgment may be filed by the clerk 73139
in a loose-leaf book entitled, "special judgments for the 73140
financial institution tax" and shall have the same effect as other 73141
judgments. Execution shall issue upon the judgment at the request 73142
of the tax commissioner, and all laws applicable to sales on 73143
execution shall apply to sales made under the judgment. 73144

(3) If the assessment is not paid in its entirety within 73145
sixty days after the day the assessment was issued, the portion of 73146
the assessment consisting of tax due shall bear interest at the 73147
rate per annum prescribed by section 5703.47 of the Revised Code 73148
from the date the tax commissioner issues the assessment until the 73149
date the assessment is paid or until it is certified to the 73150
attorney general for collection under section 131.02 of the 73151
Revised Code, whichever comes first. If the unpaid portion of the 73152
assessment is certified to the attorney general for collection, 73153
the entire unpaid portion of the assessment shall bear interest at 73154
the rate per annum prescribed by section 5703.47 of the Revised 73155
Code from the date of certification until the date it is paid in 73156
its entirety. Interest shall be paid in the same manner as the tax 73157

and may be collected by the issuance of an assessment under this section. 73158
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(E) If the tax commissioner believes that collection of the tax imposed by this chapter will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (D) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed shall be immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (C) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment shall not prejudice the commissioner's consideration of the petition for reassessment. 73160
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(F) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives under this section. Such amounts shall be considered as revenue arising from the tax imposed by this chapter. 73178
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(G) If the tax commissioner possesses information indicating that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the reporting person for the taxpayer paid, the tax commissioner may audit a sample of the taxpayer's gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative 73182
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sample. The tax commissioner may apply a sampling method only if 73190
the commissioner has prescribed the method by rule. 73191

(H) If the whereabouts of a person subject to this chapter is 73192
not known to the tax commissioner, the secretary of state is 73193
hereby deemed to be that person's agent for purposes of service of 73194
process or notice of any assessment, action, or proceedings 73195
instituted in this state against the person under this chapter. 73196
Such process or notice shall be served on such person by the 73197
commissioner or by an agent of the commissioner by leaving a true 73198
and attested copy of the process or notice at the office of the 73199
secretary of state at least fifteen days before the return day of 73200
such process or notice, and by sending a copy of the process or 73201
notice to such person by ordinary mail, with an endorsement 73202
thereon of the service upon the secretary of state, addressed to 73203
such person at the person's last known address. 73204

Sec. 5727.75. (A) For purposes of this section: 73205

(1) "Qualified energy project" means an energy project 73206
certified by the director of development ~~services~~ pursuant to this 73207
section. 73208

(2) "Energy project" means a project to provide electric 73209
power through the construction, installation, and use of an energy 73210
facility. 73211

(3) "Alternative energy zone" means a county declared as such 73212
by the board of county commissioners under division (E) (1) (b) or 73213
(c) of this section. 73214

(4) "Full-time equivalent employee" means the total number of 73215
employee-hours for which compensation was paid to individuals 73216
employed at a qualified energy project for services performed at 73217
the project during the calendar year divided by two thousand 73218
eighty hours. 73219

(5) "Solar energy project" means an energy project composed of an energy facility using solar panels to generate electricity.

(6) "Internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.

(B) (1) Tangible personal property of a qualified energy project using renewable energy resources is exempt from taxation for tax years 2011 through ~~2023~~2025 if all of the following conditions are satisfied:

(a) On or before December 31, ~~2022~~2024, the owner or a lessee pursuant to a sale and leaseback transaction of the project submits an application to the power siting board for a certificate under section 4906.20 of the Revised Code, or if that section does not apply, submits an application for any approval, consent, permit, or certificate or satisfies any condition required by a public agency or political subdivision of this state for the construction or initial operation of an energy project.

(b) Construction or installation of the energy facility begins on or after January 1, 2009, and before January 1, ~~2023~~2025. For the purposes of this division, construction begins on the earlier of the date of application for a certificate or other approval or permit described in division (B) (1) (a) of this section, or the date the contract for the construction or installation of the energy facility is entered into.

(c) For a qualified energy project with a nameplate capacity of twenty megawatts or greater, a board of county commissioners of a county in which property of the project is located has adopted a resolution under division (E) (1) (b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting an application or its failure to adopt a resolution approving the

application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(2) If tangible personal property of a qualified energy project using renewable energy resources was exempt from taxation under this section beginning in any of tax years 2011 through ~~2023~~2025, and the certification under division (E)(2) of this section has not been revoked, the tangible personal property of the qualified energy project is exempt from taxation for tax year ~~2024~~2026 and all ensuing tax years if the property was placed into service before January 1, ~~2024~~2026, as certified in the construction progress report required under division (F)(2) of this section. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation. An energy project for which certification has been revoked is ineligible for further exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(C) Tangible personal property of a qualified energy project using clean coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met:

(1) The property was placed into service before January 1, 2021. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation.

(2) For such a qualified energy project with a nameplate capacity of twenty megawatts or greater, a board of county commissioners of a county in which property of the qualified energy project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the

property located in that county from taxation. A board's adoption 73283
of a resolution rejecting the application or its failure to adopt 73284
a resolution approving the application does not affect the 73285
tax-exempt status of the qualified energy project's property that 73286
is located in another county. 73287

(3) The certification for the qualified energy project issued 73288
under division (E) (2) of this section has not been revoked. An 73289
energy project for which certification has been revoked is 73290
ineligible for exemption under this section. Revocation does not 73291
affect the tax-exempt status of the project's tangible personal 73292
property for the tax year in which revocation occurs or any prior 73293
tax year. 73294

(D) Except as otherwise provided in this section, real 73295
property of a qualified energy project is exempt from taxation for 73296
any tax year for which the tangible personal property of the 73297
qualified energy project is exempted under this section. 73298

(E) (1) (a) A person may apply to the director of development 73299
~~services~~ for certification of an energy project as a qualified 73300
energy project on or before the following dates: 73301

(i) December 31, ~~2022~~2024, for an energy project using 73302
renewable energy resources; 73303

(ii) December 31, 2017, for an energy project using clean 73304
coal technology, advanced nuclear technology, or cogeneration 73305
technology. 73306

(b) The director shall forward a copy of each application for 73307
certification of an energy project with a nameplate capacity of 73308
twenty megawatts or greater to the board of county commissioners 73309
of each county in which the project is located and to each taxing 73310
unit with territory located in each of the affected counties. Any 73311
board that receives from the director a copy of an application 73312
submitted under this division shall adopt a resolution approving 73313

or rejecting the application unless it has adopted a resolution 73314
under division (E) (1) (c) of this section. A resolution adopted 73315
under division (E) (1) (b) or (c) of this section may require an 73316
annual service payment to be made in addition to the service 73317
payment required under division (G) of this section. The sum of 73318
the service payment required in the resolution and the service 73319
payment required under division (G) of this section shall not 73320
exceed nine thousand dollars per megawatt of nameplate capacity 73321
located in the county. The resolution shall specify the time and 73322
manner in which the payments required by the resolution shall be 73323
paid to the county treasurer. The county treasurer shall deposit 73324
the payment to the credit of the county's general fund to be used 73325
for any purpose for which money credited to that fund may be used. 73326

The board shall send copies of the resolution to the owner of 73327
the facility and the director by certified mail or, if the board 73328
has record of an internet identifier of record associated with the 73329
owner or director, by ordinary mail and by that internet 73330
identifier of record. The board shall send such notice within 73331
thirty days after receipt of the application, or a longer period 73332
of time if authorized by the director. 73333

(c) A board of county commissioners may adopt a resolution 73334
declaring the county to be an alternative energy zone and 73335
declaring all applications submitted to the director of 73336
development ~~services~~ under this division after the adoption of the 73337
resolution, and prior to its repeal, to be approved by the board. 73338

All tangible personal property and real property of an energy 73339
project with a nameplate capacity of twenty megawatts or greater 73340
is taxable if it is located in a county in which the board of 73341
county commissioners adopted a resolution rejecting the 73342
application submitted under this division or failed to adopt a 73343
resolution approving the application under division (E) (1) (b) or 73344
(c) of this section. 73345

(2) The director shall certify an energy project if all of the following circumstances exist:

(a) The application was timely submitted.

(b) For an energy project with a nameplate capacity of twenty megawatts or greater, a board of county commissioners of at least one county in which the project is located has adopted a resolution approving the application under division (E) (1) (b) or (c) of this section.

(c) No portion of the project's facility was used to supply electricity before December 31, 2009.

(3) The director shall deny a certification application if the director determines the person has failed to comply with any requirement under this section. The director may revoke a certification if the director determines the person, or subsequent owner or lessee pursuant to a sale and leaseback transaction of the qualified energy project, has failed to comply with any requirement under this section. Upon certification or revocation, the director shall notify the person, owner, or lessee, the tax commissioner, and the county auditor of a county in which the project is located of the certification or revocation. Notice shall be provided in a manner convenient to the director.

(F) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall do each of the following:

(1) Comply with all applicable regulations;

(2) File with the director of development ~~services~~ a certified construction progress report before the first day of March of each year during the energy facility's construction or installation indicating the percentage of the project completed, and the project's nameplate capacity, as of the preceding thirty-first day of December. Unless otherwise instructed by the

director of development ~~services~~, the owner or lessee of an energy 73377
project shall file a report with the director on or before the 73378
first day of March each year after completion of the energy 73379
facility's construction or installation indicating the project's 73380
nameplate capacity as of the preceding thirty-first day of 73381
December. Not later than sixty days after June 17, 2010, the owner 73382
or lessee of an energy project, the construction of which was 73383
completed before June 17, 2010, shall file a certificate 73384
indicating the project's nameplate capacity. 73385

(3) File with the director of development ~~services~~, in a 73386
manner prescribed by the director, a report of the total number of 73387
full-time equivalent employees, and the total number of full-time 73388
equivalent employees domiciled in Ohio, who are employed in the 73389
construction or installation of the energy facility; 73390

(4) For energy projects with a nameplate capacity of twenty 73391
megawatts or greater, repair all roads, bridges, and culverts 73392
affected by construction as reasonably required to restore them to 73393
their preconstruction condition, as determined by the county 73394
engineer in consultation with the local jurisdiction responsible 73395
for the roads, bridges, and culverts. In the event that the county 73396
engineer deems any road, bridge, or culvert to be inadequate to 73397
support the construction or decommissioning of the energy 73398
facility, the road, bridge, or culvert shall be rebuilt or 73399
reinforced to the specifications established by the county 73400
engineer prior to the construction or decommissioning of the 73401
facility. The owner or lessee of the facility shall post a bond in 73402
an amount established by the county engineer and to be held by the 73403
board of county commissioners to ensure funding for repairs of 73404
roads, bridges, and culverts affected during the construction. The 73405
bond shall be released by the board not later than one year after 73406
the date the repairs are completed. The energy facility owner or 73407
lessee pursuant to a sale and leaseback transaction shall post a 73408

bond, as may be required by the Ohio power siting board in the 73409
certificate authorizing commencement of construction issued 73410
pursuant to section 4906.10 of the Revised Code, to ensure funding 73411
for repairs to roads, bridges, and culverts resulting from 73412
decommissioning of the facility. The energy facility owner or 73413
lessee and the county engineer may enter into an agreement 73414
regarding specific transportation plans, reinforcements, 73415
modifications, use and repair of roads, financial security to be 73416
provided, and any other relevant issue. 73417

(5) Provide or facilitate training for fire and emergency 73418
responders for response to emergency situations related to the 73419
energy project and, for energy projects with a nameplate capacity 73420
of twenty megawatts or greater, at the person's expense, equip the 73421
fire and emergency responders with proper equipment as reasonably 73422
required to enable them to respond to such emergency situations; 73423

(6) Maintain a ratio of Ohio-domiciled full-time equivalent 73424
employees employed in the construction or installation of the 73425
energy project to total full-time equivalent employees employed in 73426
the construction or installation of the energy project of not less 73427
than eighty per cent in the case of a solar energy project, and 73428
not less than fifty per cent in the case of any other energy 73429
project. In the case of an energy project for which certification 73430
from the power siting board is required under section 4906.20 of 73431
the Revised Code, the number of full-time equivalent employees 73432
employed in the construction or installation of the energy project 73433
equals the number actually employed or the number projected to be 73434
employed in the certificate application, if such projection is 73435
required under regulations adopted pursuant to section 4906.03 of 73436
the Revised Code, whichever is greater. For all other energy 73437
projects, the number of full-time equivalent employees employed in 73438
the construction or installation of the energy project equals the 73439
number actually employed or the number projected to be employed by 73440

the director of development ~~services~~, whichever is greater. To 73441
estimate the number of employees to be employed in the 73442
construction or installation of an energy project, the director 73443
shall use a generally accepted job-estimating model in use for 73444
renewable energy projects, including but not limited to the job 73445
and economic development impact model. The director may adjust an 73446
estimate produced by a model to account for variables not 73447
accounted for by the model. 73448

(7) For energy projects with a nameplate capacity in excess 73449
of twenty megawatts, establish a relationship with a member of the 73450
university system of Ohio as defined in section 3345.011 of the 73451
Revised Code or with a person offering an apprenticeship program 73452
registered with the employment and training administration within 73453
the United States department of labor or with the apprenticeship 73454
council created by section 4139.02 of the Revised Code, to educate 73455
and train individuals for careers in the wind or solar energy 73456
industry. The relationship may include endowments, cooperative 73457
programs, internships, apprenticeships, research and development 73458
projects, and curriculum development. 73459

(8) Offer to sell power or renewable energy credits from the 73460
energy project to electric distribution utilities or electric 73461
service companies subject to renewable energy resource 73462
requirements under section 4928.64 of the Revised Code that have 73463
issued requests for proposal for such power or renewable energy 73464
credits. If no electric distribution utility or electric service 73465
company issues a request for proposal on or before December 31,
2010, or accepts an offer for power or renewable energy credits 73466
within forty-five days after the offer is submitted, power or 73467
renewable energy credits from the energy project may be sold to 73468
other persons. Division (F)(8) of this section does not apply if: 73469
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(a) The owner or lessee is a rural electric company or a 73471
municipal power agency as defined in section 3734.058 of the 73472

Revised Code. 73473

(b) The owner or lessee is a person that, before completion 73474
of the energy project, contracted for the sale of power or 73475
renewable energy credits with a rural electric company or a 73476
municipal power agency. 73477

(c) The owner or lessee contracts for the sale of power or 73478
renewable energy credits from the energy project before June 17, 73479
2010. 73480

(9) Make annual service payments as required by division (G) 73481
of this section and as may be required in a resolution adopted by 73482
a board of county commissioners under division (E) of this 73483
section. 73484

(G) The owner or a lessee pursuant to a sale and leaseback 73485
transaction of a qualified energy project shall make annual 73486
service payments in lieu of taxes to the county treasurer on or 73487
before the final dates for payments of taxes on public utility 73488
personal property on the real and public utility personal property 73489
tax list for each tax year for which property of the energy 73490
project is exempt from taxation under this section. The county 73491
treasurer shall allocate the payment on the basis of the project's 73492
physical location. Upon receipt of a payment, or if timely payment 73493
has not been received, the county treasurer shall certify such 73494
receipt or non-receipt to the director of development ~~services~~ and 73495
tax commissioner in a form determined by the director and 73496
commissioner, respectively. Each payment shall be in the following 73497
amount: 73498

(1) In the case of a solar energy project, seven thousand 73499
dollars per megawatt of nameplate capacity located in the county 73500
as of the thirty-first-day of December of the preceding tax year; 73501

(2) In the case of any other energy project using renewable 73502
energy resources, the following: 73503

(a) If the project maintains during the construction or 73504
installation of the energy facility a ratio of Ohio-domiciled 73505
full-time equivalent employees to total full-time equivalent 73506
employees of not less than seventy-five per cent, six thousand 73507
dollars per megawatt of nameplate capacity located in the county 73508
as of the thirty-first day of December of the preceding tax year; 73509

(b) If the project maintains during the construction or 73510
installation of the energy facility a ratio of Ohio-domiciled 73511
full-time equivalent employees to total full-time equivalent 73512
employees of less than seventy-five per cent but not less than 73513
sixty per cent, seven thousand dollars per megawatt of nameplate 73514
capacity located in the county as of the thirty-first day of 73515
December of the preceding tax year; 73516

(c) If the project maintains during the construction or 73517
installation of the energy facility a ratio of Ohio-domiciled 73518
full-time equivalent employees to total full-time equivalent 73519
employees of less than sixty per cent but not less than fifty per 73520
cent, eight thousand dollars per megawatt of nameplate capacity 73521
located in the county as of the thirty-first day of December of 73522
the preceding tax year. 73523

(3) In the case of an energy project using clean coal 73524
technology, advanced nuclear technology, or cogeneration 73525
technology, the following: 73526

(a) If the project maintains during the construction or 73527
installation of the energy facility a ratio of Ohio-domiciled 73528
full-time equivalent employees to total full-time equivalent 73529
employees of not less than seventy-five per cent, six thousand 73530
dollars per megawatt of nameplate capacity located in the county 73531
as of the thirty-first day of December of the preceding tax year; 73532

(b) If the project maintains during the construction or 73533
installation of the energy facility a ratio of Ohio-domiciled 73534

full-time equivalent employees to total full-time equivalent 73535
employees of less than seventy-five per cent but not less than 73536
sixty per cent, seven thousand dollars per megawatt of nameplate 73537
capacity located in the county as of the thirty-first day of 73538
December of the preceding tax year; 73539

(c) If the project maintains during the construction or 73540
installation of the energy facility a ratio of Ohio-domiciled 73541
full-time equivalent employees to total full-time equivalent 73542
employees of less than sixty per cent but not less than fifty per 73543
cent, eight thousand dollars per megawatt of nameplate capacity 73544
located in the county as of the thirty-first day of December of 73545
the preceding tax year. 73546

(H) The director of development ~~services~~ in consultation with 73547
the tax commissioner shall adopt rules pursuant to Chapter 119. of 73548
the Revised Code to implement and enforce this section. 73549

Sec. 5727.80. As used in sections 5727.80 to 5727.95 of the 73550
Revised Code: 73551

(A) "Electric distribution company" means either of the 73552
following: 73553

(1) A person who distributes electricity through a meter of 73554
an end user in this state or to an unmetered location in this 73555
state; 73556

(2) The end user of electricity in this state, if the end 73557
user obtains electricity that is not distributed or transmitted to 73558
the end user by an electric distribution company that is required 73559
to remit the tax imposed by section 5727.81 of the Revised Code. 73560

"Electric distribution company" does not include ~~an end user~~ 73561
~~of electricity in this state who self-generates electricity that~~ 73562
~~is used directly by that end user on the same site that the~~ 73563
~~electricity is generated or~~ a person that donates all of the 73564

electricity the person generates to a political subdivision of the state. Division (A) (2) of this section shall not apply to a political subdivision in this state that is the end user of electricity that is donated to the political subdivision.

(B) "Kilowatt hour" means one thousand watt hours of electricity.

(C) For an electric distribution company, "meter of an end user in this state" means the last meter used to measure the kilowatt hours distributed by an electric distribution company to a location in this state, or the last meter located outside of this state that is used to measure the kilowatt hours consumed at a location in this state.

(D) "Person" has the same meaning as in section 5701.01 of the Revised Code, but also includes a political subdivision of the state.

(E) "Municipal electric utility" means a municipal corporation that owns or operates a system for the distribution of electricity.

(F) "Qualified end user" means an end user of electricity that satisfies either of the following criteria:

(1) The end user uses more than three million kilowatt hours of electricity at one manufacturing location in this state for a calendar day for use in a qualifying manufacturing process.

(2) The end user uses electricity at a manufacturing location in this state for use in a chlor-alkali manufacturing process but, if the end user uses electricity distributed by a municipal electric utility, the end user can only be a "qualified end user" upon obtaining the consent of the legislative authority of the municipal corporation that owns or operates the utility.

(G) "Qualified regeneration" means a process to convert

electricity to a form of stored energy by means such as using 73595
electricity to compress air for storage or to pump water to an 73596
elevated storage reservoir, if such stored energy is subsequently 73597
used to generate electricity for sale to others primarily during 73598
periods when there is peak demand for electricity. 73599

(H) "Qualified regeneration meter" means the last meter used 73600
to measure electricity used in a qualified regeneration process. 73601

(I) "Qualifying manufacturing process" means an 73602
electrochemical manufacturing process or a chlor-alkali 73603
manufacturing process. 73604

(J) "Self-assessing purchaser" means a purchaser that meets 73605
all the requirements of, and pays the excise tax in accordance 73606
with, division (C) of section 5727.81 of the Revised Code. 73607

(K) "Natural gas distribution company" means a natural gas 73608
company or a combined company that is subject to the excise tax 73609
imposed by section 5727.24 of the Revised Code and that 73610
distributes natural gas through a meter of an end user in this 73611
state or to an unmetered location in this state. 73612

(L) "MCF" means one thousand cubic feet. 73613

(M) For a natural gas distribution company, "meter of an end 73614
user in this state" means the last meter used to measure the MCF 73615
of natural gas distributed by a natural gas distribution company 73616
to a location in this state, or the last meter located outside of 73617
this state that is used to measure the natural gas consumed at a 73618
location in this state. 73619

(N) "Flex customer" means an industrial or a commercial 73620
facility that has consumed more than one billion cubic feet of 73621
natural gas a year at a single location during any of the previous 73622
five years, or an industrial or a commercial end user of natural 73623
gas that purchases natural gas distribution services from a 73624
natural gas distribution company at discounted rates or charges 73625

established in any of the following: 73626

(1) A special arrangement subject to review and regulation by 73627
the public utilities commission under section 4905.31 of the 73628
Revised Code; 73629

(2) A special arrangement with a natural gas distribution 73630
company pursuant to a municipal ordinance; 73631

(3) A variable rate schedule that permits rates to vary 73632
between defined amounts, provided that the schedule is on file 73633
with the public utilities commission. 73634

An end user that meets this definition on January 1, 2000, or 73635
thereafter is a "flex customer" for purposes of determining the 73636
rate of taxation under division (D) of section 5727.811 of the 73637
Revised Code. 73638

(O) "Electrochemical manufacturing process" means the 73639
performance of an electrochemical reaction in which electrons from 73640
direct current electricity remain a part of the product being 73641
manufactured. "Electrochemical manufacturing process" does not 73642
include a chlor-alkali manufacturing process. 73643

(P) "Chlor-alkali manufacturing process" means a process that 73644
uses electricity to produce chlorine and other chemicals through 73645
the electrolysis of a salt solution. 73646

Sec. 5727.81. (A) For the purpose of raising revenue to fund 73647
the needs of this state and its local governments, an excise tax 73648
is hereby levied and imposed on an electric distribution company 73649
for all electricity distributed by such company at the following 73650
rates per kilowatt hour of electricity distributed in a thirty-day 73651
period by the company through a meter of an end user in this 73652
state: 73653

KILOWATT HOURS DISTRIBUTED	RATE PER	73654
TO AN END USER	KILOWATT HOUR	73655

For the first 2,000	\$.00465	73656
For the next 2,001 to 15,000	\$.00419	73657
For 15,001 and above	\$.00363	73658

If no meter is used to measure the kilowatt hours of electricity distributed by the company, the rates shall apply to the estimated kilowatt hours of electricity distributed to an unmetered location in this state.

The electric distribution company shall base the monthly tax on the kilowatt hours of electricity distributed to an end user through the meter of the end user that is not measured for a thirty-day period by dividing the days in the measurement period into the total kilowatt hours measured during the measurement period to obtain a daily average usage. The tax shall be determined by obtaining the sum of divisions (A) (1), (2), and (3) of this section and multiplying that amount by the number of days in the measurement period:

(1) Multiplying \$0.00465 per kilowatt hour for the first sixty-seven kilowatt hours distributed using a daily average;

(2) Multiplying \$0.00419 for the next sixty-eight to five hundred kilowatt hours distributed using a daily average;

(3) Multiplying \$0.00363 for the remaining kilowatt hours distributed using a daily average.

Except as provided in division (C) of this section, the electric distribution company shall pay the tax to the tax commissioner in accordance with section 5727.82 of the Revised Code, unless required to remit each tax payment by electronic funds transfer to the treasurer of state in accordance with section 5727.83 of the Revised Code.

Only the distribution of electricity through a meter of an end user in this state shall be used by the electric distribution company to compute the amount or estimated amount of tax due. In

the event a meter is not actually read for a measurement period, 73687
the estimated kilowatt hours distributed by an electric 73688
distribution company to bill for its distribution charges shall be 73689
used. 73690

(B) Except as provided in division (C) of this section, each 73691
electric distribution company shall pay the tax imposed by this 73692
section in all of the following circumstances: 73693

(1) The electricity is distributed by the company through a 73694
meter of an end user in this state; 73695

(2) The company is distributing electricity through a meter 73696
located in another state, but the electricity is consumed in this 73697
state in the manner prescribed by the tax commissioner; 73698

(3) The company is distributing electricity in this state 73699
without the use of a meter, but the electricity is consumed in 73700
this state as estimated and in the manner prescribed by the tax 73701
commissioner. 73702

(C) (1) As used in division (C) of this section: 73703

(a) "Total price of electricity" means the aggregate value in 73704
money of anything paid or transferred, or promised to be paid or 73705
transferred, to obtain electricity or electric service, including 73706
but not limited to the value paid or promised to be paid for the 73707
transmission or distribution of electricity and for transition 73708
costs as described in Chapter 4928. of the Revised Code. 73709

(b) "Package" means the provision or the acquisition, at a 73710
combined price, of electricity with other services or products, or 73711
any combination thereof, such as natural gas or other fuels; 73712
energy management products, software, and services; machinery and 73713
equipment acquisition; and financing agreements. 73714

(c) "Single location" means a facility located on contiguous 73715
property separated only by a roadway, railway, or waterway. 73716

(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve months as estimated by the tax commissioner. The tax commissioner shall make such an estimate upon the written request by an applicant for registration as a self-assessing purchaser under this division. For the meter reading period including July 1, 2008, through the meter reading period including December 31, 2010, such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00075 per kilowatt hour on the first five hundred four million kilowatt hours distributed to that meter or location during the registration year, and a percentage of the total price of all electricity distributed to that meter or location equal to three and one-half per cent. For the meter reading period including January 1, 2011, and thereafter, such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00257 per kilowatt hour for the first five hundred million kilowatt hours, and \$.001832 per kilowatt hour for each kilowatt hour in excess of five hundred million kilowatt hours, distributed to that meter or location during the registration year.

A qualified end user that receives electricity through a meter of an end user in this state or through more than one meter at a single location in this state and that consumes, over the course of the previous calendar year, more than forty-five million kilowatt hours in other than its qualifying manufacturing process, may elect to self-assess the tax as allowed by this division with respect to the electricity used in other than its qualifying

manufacturing process. 73750

Payment of the tax shall be made directly to the tax 73751
commissioner in accordance with divisions (A) (4) and (5) of 73752
section 5727.82 of the Revised Code, or the treasurer of state in 73753
accordance with section 5727.83 of the Revised Code. If the 73754
electric distribution company serving the self-assessing purchaser 73755
is a municipal electric utility and the purchaser is within the 73756
municipal corporation's corporate limits, payment shall be made to 73757
such municipal corporation's general fund and reports shall be 73758
filed in accordance with divisions (A) (4) and (5) of section 73759
5727.82 of the Revised Code, except that "municipal corporation" 73760
shall be substituted for "treasurer of state" and "tax 73761
commissioner." A self-assessing purchaser that pays the excise tax 73762
as provided in this division shall not be required to pay the tax 73763
to the electric distribution company from which its electricity is 73764
distributed. If a self-assessing purchaser's receipt of 73765
electricity is not subject to the tax as measured under this 73766
division, the tax on the receipt of such electricity shall be 73767
measured and paid as provided in division (A) of this section. 73768

(3) In the case of the acquisition of a package, unless the 73769
elements of the package are separately stated isolating the total 73770
price of electricity from the price of the remaining elements of 73771
the package, the tax imposed under this section applies to the 73772
entire price of the package. If the elements of the package are 73773
separately stated, the tax imposed under this section applies to 73774
the total price of the electricity. 73775

(4) Any electric supplier that sells electricity as part of a 73776
package shall separately state to the purchaser the total price of 73777
the electricity and, upon request by the tax commissioner, the 73778
total price of each of the other elements of the package. 73779

(5) The tax commissioner may adopt rules relating to the 73780
computation of the total price of electricity with respect to 73781

self-assessing purchasers, which may include rules to establish 73782
the total price of electricity purchased as part of a package. 73783

(6) An annual application for registration as a 73784
self-assessing purchaser shall be made for each qualifying meter 73785
or location on a form prescribed by the tax commissioner. The 73786
registration year begins on the first day of May and ends on the 73787
following thirtieth day of April. Persons may apply after the 73788
first day of May for the remainder of the registration year. In 73789
the case of an applicant applying on the basis of an estimated 73790
consumption of forty-five million kilowatt hours over the course 73791
of the succeeding twelve months, the applicant shall provide such 73792
information as the tax commissioner considers to be necessary to 73793
estimate such consumption. At the time of making the application 73794
and by the first day of May of each year, a self-assessing 73795
purchaser shall pay a fee of five hundred dollars to the tax 73796
commissioner, or to the treasurer of state as provided in section 73797
5727.83 of the Revised Code, for each qualifying meter or 73798
location. The tax commissioner shall immediately pay to the 73799
treasurer of state all amounts that the tax commissioner receives 73800
under this section. The treasurer of state shall deposit such 73801
amounts into the kilowatt hour excise tax administration fund, 73802
which is hereby created in the state treasury. Money in the fund 73803
shall be used to defray the tax commissioner's cost in 73804
administering the tax owed under section 5727.81 of the Revised 73805
Code by self-assessing purchasers. After the application is 73806
approved by the tax commissioner, the registration shall remain in 73807
effect for the current registration year, or until canceled by the 73808
registrant upon written notification to the commissioner of the 73809
election to pay the tax in accordance with division (A) of this 73810
section, or until canceled by the tax commissioner for not paying 73811
the tax or fee under division (C) of this section or for not 73812
meeting the qualifications in division (C)(2) of this section. The 73813
tax commissioner shall give written notice to the electric 73814

distribution company from which electricity is delivered to a 73815
self-assessing purchaser of the purchaser's self-assessing status, 73816
and the electric distribution company is relieved of the 73817
obligation to pay the tax imposed by division (A) of this section 73818
for electricity distributed to that self-assessing purchaser until 73819
it is notified by the tax commissioner that the self-assessing 73820
purchaser's registration is canceled. Within fifteen days of 73821
notification of the canceled registration, the electric 73822
distribution company shall be responsible for payment of the tax 73823
imposed by division (A) of this section on electricity distributed 73824
to a purchaser that is no longer registered as a self-assessing 73825
purchaser. A self-assessing purchaser with a canceled registration 73826
must file a report and remit the tax imposed by division (A) of 73827
this section on all electricity it receives for any measurement 73828
period prior to the tax being reported and paid by the electric 73829
distribution company. A self-assessing purchaser whose 73830
registration is canceled by the tax commissioner is not eligible 73831
to register as a self-assessing purchaser for two years after the 73832
registration is canceled. 73833

(7) If the tax commissioner cancels the self-assessing 73834
registration of a purchaser registered on the basis of its 73835
estimated consumption because the purchaser does not consume at 73836
least forty-five million kilowatt hours of electricity over the 73837
course of the twelve-month period for which the estimate was made, 73838
the tax commissioner shall assess and collect from the purchaser 73839
the difference between (a) the amount of tax that would have been 73840
payable under division (A) of this section on the electricity 73841
distributed to the purchaser during that period and (b) the amount 73842
of tax paid by the purchaser on such electricity pursuant to 73843
division (C) (2) of this section. The assessment shall be paid 73844
within sixty days after the tax commissioner issues it, regardless 73845
of whether the purchaser files a petition for reassessment under 73846
section 5727.89 of the Revised Code covering that period. If the 73847

purchaser does not pay the assessment within the time prescribed, 73848
the amount assessed is subject to the additional charge and the 73849
interest prescribed by divisions (B) and (C) of section 5727.82 of 73850
the Revised Code, and is subject to assessment under section 73851
5727.89 of the Revised Code. If the purchaser is a qualified end 73852
user, division (C) (7) of this section applies only to electricity 73853
it consumes in other than its qualifying manufacturing process. 73854

(D) The tax imposed by this section does not apply to ~~the~~; 73855

(1) The distribution or obtaining of any kilowatt hours of 73856
electricity to ~~the~~ or by any of the following: 73857

(a) The federal government, ~~to an~~; 73858

(b) An end user located at a federal facility that uses 73859
electricity for the enrichment of uranium, ~~to a~~; 73860

(c) A qualified regeneration meter, ~~or to an~~; 73861

(d) An end user for any day the end user is a qualified end 73862
user; 73863

(e) An end user if the electricity is generated by an 73864
electric generation facility that is primarily dedicated to 73865
providing electricity to the electric-consuming facilities of the 73866
end user, that is sized so as to not exceed one hundred per cent 73867
of the customer-generator's annual requirements for electric 73868
energy at the time of interconnection, that is physically 73869
interconnected and integrated with the electric-consuming 73870
facilities of the end user, and that is located on the same 73871
property on which the end user's electric-consuming facilities are 73872
situated or on property that is contiguous to the property on 73873
which the end user's electric-consuming facilities are situated. 73874

(2) Kilowatt hours of electricity generated by a 73875
self-generator if the electric generating facility is sized so as 73876
not to exceed one hundred per cent of the customer-generator's 73877

annual requirements for electric energy at the time of 73878
interconnection. The 73879

The exemption under ~~this~~ division (D) (1) (d) of this section 73880
for a qualified end user only applies to the manufacturing 73881
location where the qualified end user uses electricity in a 73882
chlor-alkali manufacturing process or where the qualified end user 73883
uses more than three million kilowatt hours per day in an 73884
electrochemical manufacturing process. As used in division (D) of 73885
this section, "customer-generator" and "self-generator" have the 73886
same meanings as in section 4928.01 of the Revised Code. 73887

(E) All revenue arising from the tax imposed by this section 73888
shall be credited to the general revenue fund except as provided 73889
by division (C) of this section and section 5727.82 of the Revised 73890
Code. 73891

Sec. 5731.21. (A) (1) (a) Except as provided under division 73892
(A) (3) of this section, the executor or administrator, or, if no 73893
executor or administrator has been appointed, another person in 73894
possession of property the transfer of which is subject to estate 73895
taxes under section 5731.02 or division (A) of section 5731.19 of 73896
the Revised Code, shall file an estate tax return, within nine 73897
months of the date of the decedent's death, in the form prescribed 73898
by the tax commissioner, in duplicate, with the probate court of 73899
the county. The return shall include all property the transfer of 73900
which is subject to estate taxes, whether that property is 73901
transferred under the last will and testament of the decedent or 73902
otherwise. The time for filing the return may be extended by the 73903
tax commissioner. 73904

(b) The estate tax return described in division (A) (1) (a) of 73905
this section shall be accompanied by a certificate, in the form 73906
prescribed by the tax commissioner, that is signed by the 73907
executor, administrator, or other person required to file the 73908

return, and that states all of the following: 73909

(i) The fact that the return was filed; 73910

(ii) The date of the filing of the return; 73911

(iii) The fact that the estate taxes under section 5731.02 or 73912
division (A) of section 5731.19 of the Revised Code, that are 73913
shown to be due in the return, have been paid in full; 73914

(iv) If applicable, the fact that real property listed in the 73915
inventory for the decedent's estate is included in the return; 73916

(v) If applicable, the fact that real property not listed in 73917
the inventory for the decedent's estate, including, but not 73918
limited to, survivorship tenancy property as described in section 73919
5302.17 of the Revised Code or transfer on death property as 73920
described in sections 5302.22 and 5302.23 of the Revised Code, 73921
also is included in the return. In this regard, the certificate 73922
additionally shall describe that real property by the same 73923
description used in the return. 73924

(2) The probate court shall forward one copy of the estate 73925
tax return described in division (A)(1)(a) of this section to the 73926
tax commissioner. 73927

(3) A person shall not be required to file a return under 73928
division (A) of this section if the decedent was a resident of 73929
this state and the value of the decedent's gross estate is 73930
twenty-five thousand dollars or less in the case of a decedent 73931
dying on or after July 1, 1968, but before January 1, 2001; two 73932
hundred thousand dollars or less in the case of a decedent dying 73933
on or after January 1, 2001, but before January 1, 2002; or three 73934
hundred thirty-eight thousand three hundred thirty-three dollars 73935
or less in the case of a decedent dying on or after January 1, 73936
2002. No return shall be filed for estates of decedents dying on 73937
or after January 1, 2013. 73938

(4) (a) Upon receipt of the estate tax return described in 73939
division (A) (1) (a) of this section and the accompanying 73940
certificate described in division (A) (1) (b) of this section, the 73941
probate court promptly shall give notice of the return, by a form 73942
prescribed by the tax commissioner, to the county auditor. The 73943
auditor then shall make a charge based upon the notice and shall 73944
certify a duplicate of the charge to the county treasurer. The 73945
treasurer then shall collect, subject to division (A) of section 73946
5731.25 of the Revised Code or any other statute extending the 73947
time for payment of an estate tax, the tax so charged. 73948

(b) Upon receipt of the return and the accompanying 73949
certificate, the probate court also shall forward the certificate 73950
to the auditor. When satisfied that the estate taxes under section 73951
5731.02 or division (A) of section 5731.19 of the Revised Code, 73952
that are shown to be due in the return, have been paid in full, 73953
the auditor shall stamp the certificate so forwarded to verify 73954
that payment. The auditor then shall return the stamped 73955
certificate to the probate court. 73956

(5) (a) The certificate described in division (A) (1) (b) of 73957
this section is a public record subject to inspection and copying 73958
in accordance with section 149.43 of the Revised Code. It shall be 73959
kept in the records of the probate court pertaining to the 73960
decedent's estate and is not subject to the confidentiality 73961
provisions of section 5731.90 of the Revised Code. 73962

(b) All persons are entitled to rely on the statements 73963
contained in a certificate as described in division (A) (1) (b) of 73964
this section if it has been filed in accordance with that 73965
division, forwarded to a county auditor and stamped in accordance 73966
with division (A) (4) of this section, and placed in the records of 73967
the probate court pertaining to the decedent's estate in 73968
accordance with division (A) (5) (a) of this section. The real 73969
property referred to in the certificate shall be free of, and may 73970

be regarded by all persons as being free of, any lien for estate 73971
taxes under section 5731.02 and division (A) of section 5731.19 of 73972
the Revised Code. 73973

(B) An estate tax return filed under this section, in the 73974
form prescribed by the tax commissioner, and showing that no 73975
estate tax is due shall result in a determination that no estate 73976
tax is due, if the tax commissioner within three months after the 73977
receipt of the return by the department of taxation, fails to file 73978
exceptions to the return in the probate court of the county in 73979
which the return was filed. A copy of exceptions to a return of 73980
that nature, when the tax commissioner files them within that 73981
period, shall be sent by ordinary mail to the person who filed the 73982
return. The tax commissioner is not bound under this division by a 73983
determination that no estate tax is due, with respect to property 73984
not disclosed in the return. 73985

(C) If the executor, administrator, or other person required 73986
to file an estate tax return fails to file it within nine months 73987
of the date of the decedent's death, the tax commissioner may 73988
determine the estate tax in that estate and issue a certificate of 73989
determination in the same manner as is provided in division (B) of 73990
section 5731.27 of the Revised Code. A certificate of 73991
determination of that nature has the same force and effect as 73992
though a return had been filed and a certificate of determination 73993
issued with respect to the return. 73994

(D) No return shall be filed under this section or section 73995
5731.24 of the Revised Code, and no tax shall be due under this 73996
chapter, with respect to either of the following: 73997

(1) Property first discovered after December 31, 2021, that 73998
would otherwise be subject to the tax imposed by this chapter; 73999

(2) Property first discovered on or before December 31, 2021, 74000
but not disclosed on a return or included in a certificate of 74001

determination issued by the tax commissioner on or before December 31, 2021. 74002
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Nothing in this division shall be construed to affect any estate tax liability determined by the tax commissioner for returns filed on or before December 31, 2021, or any tax liability determined under an agreement entered into under division (C) of section 5731.26 of the Revised Code. The estate shall pay any such liability. 74004
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Sec. 5731.24. ~~If~~ Except as provided in division (D) of section 5731.21 of the Revised Code, if an additional tax prescribed by section 5731.18 of the Revised Code is due, the executor, administrator, or other person required to file the estate tax return, within sixty days after the date of the final determination of the federal estate tax liability, shall file an additional tax return, in the form prescribed by the tax commissioner, in the same manner as is prescribed for the filing of the estate tax return. Subject to division (A) of section 5731.25 of the Revised Code or any other ~~state~~ statute extending the time for payment of an estate tax, the additional tax shall be paid, without notice or demand by the tax commissioner, with the return, and shall be charged and collected in the same manner as the estate tax, except that no interest shall accrue until sixty days after the date of the final determination of the federal estate tax liability. 74010
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Sec. 5731.28. If any debts deductible under section 5731.16 of the Revised Code are proved against the gross estate after the tax levied by section 5731.02 or division (A) of section 5731.19 of the Revised Code has been determined, or if the determination of taxes so made is erroneous due to a mistake of fact or law, a claim for refund of tax may be filed by an executor, administrator, trustee, person in possession of property subject 74026
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to tax, or any transferee thereof, within three years from the 74033
time the return was required to be filed (determined without 74034
regard to any extension of time for filing) or before January 1, 74035
2022, whichever is earlier, in the form prescribed by the tax 74036
commissioner. The claim for refund shall be filed in the same 74037
manner as is prescribed for the filing of a return in section 74038
5731.21 of the Revised Code and the determination of its 74039
correctness shall be made in the same manner as is provided for in 74040
the case of the return itself. 74041

Sec. 5731.41. To enforce section 5731.39 of the Revised Code, 74042
and to administer Chapters 5713. and 4503. of the Revised Code the 74043
tax commissioner may appoint agents in the unclassified civil 74044
service who shall perform such duties as are prescribed by the 74045
commissioner. Such agents shall, as compensation, receive annually 74046
eight cents per capita for each full one thousand of the first 74047
twenty thousand of the population of the county and two cents per 74048
capita for each full one thousand over twenty thousand of the 74049
population of the county, as shown by the ~~last~~ 2010 federal 74050
census, which shall be paid in equal monthly installments from the 74051
undivided inheritance or estate tax fund in the county treasury on 74052
the warrant of the county auditor or, if the balance of that fund 74053
is not sufficient to make such payments, from the county real 74054
estate assessment fund pursuant to division (B)(6) of section 74055
325.31 of the Revised Code, any other provision of law to the 74056
contrary notwithstanding. The amount paid to any agent in the 74057
unclassified service for all of the duties performed under this 74058
section, as directed by the commissioner, shall not exceed three 74059
thousand nor be less than twelve hundred dollars in any calendar 74060
year. 74061

Sec. 5739.01. As used in this chapter: 74062

(A) "Person" includes individuals, receivers, assignees, 74063

trustees in bankruptcy, estates, firms, partnerships, 74064
associations, joint-stock companies, joint ventures, clubs, 74065
societies, corporations, the state and its political subdivisions, 74066
and combinations of individuals of any form. 74067

(B) "Sale" and "selling" include all of the following 74068
transactions for a consideration in any manner, whether absolutely 74069
or conditionally, whether for a price or rental, in money or by 74070
exchange, and by any means whatsoever: 74071

(1) All transactions by which title or possession, or both, 74072
of tangible personal property, is or is to be transferred, or a 74073
license to use or consume tangible personal property is or is to 74074
be granted; 74075

(2) All transactions by which lodging by a hotel is or is to 74076
be furnished to transient guests; 74077

(3) All transactions by which: 74078

(a) An item of tangible personal property is or is to be 74079
repaired, except property, the purchase of which would not be 74080
subject to the tax imposed by section 5739.02 of the Revised Code; 74081

(b) An item of tangible personal property is or is to be 74082
installed, except property, the purchase of which would not be 74083
subject to the tax imposed by section 5739.02 of the Revised Code 74084
or property that is or is to be incorporated into and will become 74085
a part of a production, transmission, transportation, or 74086
distribution system for the delivery of a public utility service; 74087

(c) The service of washing, cleaning, waxing, polishing, or 74088
painting a motor vehicle is or is to be furnished; 74089

(d) Laundry and dry cleaning services are or are to be 74090
provided; 74091

(e) Automatic data processing, computer services, or 74092
electronic information services are or are to be provided for use 74093

in business when the true object of the transaction is the receipt 74094
by the consumer of automatic data processing, computer services, 74095
or electronic information services rather than the receipt of 74096
personal or professional services to which automatic data 74097
processing, computer services, or electronic information services 74098
are incidental or supplemental. Notwithstanding any other 74099
provision of this chapter, such transactions that occur between 74100
members of an affiliated group are not sales. An "affiliated 74101
group" means two or more persons related in such a way that one 74102
person owns or controls the business operation of another member 74103
of the group. In the case of corporations with stock, one 74104
corporation owns or controls another if it owns more than fifty 74105
per cent of the other corporation's common stock with voting 74106
rights. 74107

(f) Telecommunications service, including prepaid calling 74108
service, prepaid wireless calling service, or ancillary service, 74109
is or is to be provided, but not including coin-operated telephone 74110
service; 74111

(g) Landscaping and lawn care service is or is to be 74112
provided; 74113

(h) Private investigation and security service is or is to be 74114
provided; 74115

(i) Information services or tangible personal property is 74116
provided or ordered by means of a nine hundred telephone call; 74117

(j) Building maintenance and janitorial service is or is to 74118
be provided; 74119

(k) ~~Employment service is or is to be provided;~~ 74120

~~(l) Employment placement service is or is to be provided;~~ 74121

~~(m) Exterminating service is or is to be provided;~~ 74122

~~(n)~~ (l) Physical fitness facility service is or is to be 74123

provided, unless such service is or is to be provided by an 74124
organization described under section 501(c)(3) of the Internal 74125
Revenue Code and exempt from federal income taxation under section 74126
501(a) of the Internal Revenue Code; 74127

~~(e)~~(m) Recreation and sports club service is or is to be 74128
provided, unless such service is or is to be provided by an 74129
organization described under section 501(c)(3) of the Internal 74130
Revenue Code and exempt from federal income taxation under section 74131
501(a) of the Internal Revenue Code; 74132

~~(p)~~(n) Satellite broadcasting service is or is to be 74133
provided; 74134

~~(q)~~(o) Personal care service is or is to be provided to an 74135
individual. As used in this division, "personal care service" 74136
includes skin care, the application of cosmetics, manicuring, 74137
pedicuring, hair removal, tattooing, body piercing, tanning, 74138
massage, and other similar services. "Personal care service" does 74139
not include a service provided by or on the order of a licensed 74140
physician or licensed chiropractor, or the cutting, coloring, or 74141
styling of an individual's hair. 74142

~~(r)~~(p) The transportation of persons by motor vehicle or 74143
aircraft is or is to be provided, when the transportation is 74144
entirely within this state, except for transportation provided by 74145
an ambulance service, by a transit bus, as defined in section 74146
5735.01 of the Revised Code, and transportation provided by a 74147
citizen of the United States holding a certificate of public 74148
convenience and necessity issued under 49 U.S.C. 41102; 74149

~~(s)~~(q) Motor vehicle towing service is or is to be provided. 74150
As used in this division, "motor vehicle towing service" means the 74151
towing or conveyance of a wrecked, disabled, or illegally parked 74152
motor vehicle. 74153

~~(t)~~(r) Snow removal service is or is to be provided. As used 74154

in this division, "snow removal service" means the removal of snow 74155
by any mechanized means, but does not include the providing of 74156
such service by a person that has less than five thousand dollars 74157
in sales of such service during the calendar year. 74158

~~(u)~~(s) Electronic publishing service is or is to be provided 74159
to a consumer for use in business, except that such transactions 74160
occurring between members of an affiliated group, as defined in 74161
division (B) (3) (e) of this section, are not sales. 74162

(4) All transactions by which printed, imprinted, 74163
overprinted, lithographic, multilithic, blueprinted, photostatic, 74164
or other productions or reproductions of written or graphic matter 74165
are or are to be furnished or transferred; 74166

(5) The production or fabrication of tangible personal 74167
property for a consideration for consumers who furnish either 74168
directly or indirectly the materials used in the production of 74169
fabrication work; and include the furnishing, preparing, or 74170
serving for a consideration of any tangible personal property 74171
consumed on the premises of the person furnishing, preparing, or 74172
serving such tangible personal property. Except as provided in 74173
section 5739.03 of the Revised Code, a construction contract 74174
pursuant to which tangible personal property is or is to be 74175
incorporated into a structure or improvement on and becoming a 74176
part of real property is not a sale of such tangible personal 74177
property. The construction contractor is the consumer of such 74178
tangible personal property, provided that the sale and 74179
installation of carpeting, the sale and installation of 74180
agricultural land tile, the sale and erection or installation of 74181
portable grain bins, or the provision of landscaping and lawn care 74182
service and the transfer of property as part of such service is 74183
never a construction contract. 74184

As used in division (B) (5) of this section: 74185

(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used primarily in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, or an ownership interest in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale;

(9) All transactions by which tangible personal property is or is to be stored, except such property that the consumer of the

storage holds for sale in the regular course of business; 74217

(10) All transactions in which "guaranteed auto protection" 74218
is provided whereby a person promises to pay to the consumer the 74219
difference between the amount the consumer receives from motor 74220
vehicle insurance and the amount the consumer owes to a person 74221
holding title to or a lien on the consumer's motor vehicle in the 74222
event the consumer's motor vehicle suffers a total loss under the 74223
terms of the motor vehicle insurance policy or is stolen and not 74224
recovered, if the protection and its price are included in the 74225
purchase or lease agreement; 74226

(11) (a) Except as provided in division (B) (11) (b) of this 74227
section, all transactions by which health care services are paid 74228
for, reimbursed, provided, delivered, arranged for, or otherwise 74229
made available by a medicaid health insuring corporation pursuant 74230
to the corporation's contract with the state. 74231

(b) If the centers for medicare and medicaid services of the 74232
United States department of health and human services determines 74233
that the taxation of transactions described in division (B) (11) (a) 74234
of this section constitutes an impermissible health care-related 74235
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 74236
1396b(w), and regulations adopted thereunder, the medicaid 74237
director shall notify the tax commissioner of that determination. 74238
Beginning with the first day of the month following that 74239
notification, the transactions described in division (B) (11) (a) of 74240
this section are not sales for the purposes of this chapter or 74241
Chapter 5741. of the Revised Code. The tax commissioner shall 74242
order that the collection of taxes under sections 5739.02, 74243
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 74244
5741.023 of the Revised Code shall cease for transactions 74245
occurring on or after that date. 74246

(12) All transactions by which a specified digital product is 74247
provided for permanent use or less than permanent use, regardless 74248

of whether continued payment is required. 74249

Except as provided in this section, "sale" and "selling" do 74250
not include transfers of interest in leased property where the 74251
original lessee and the terms of the original lease agreement 74252
remain unchanged, or professional, insurance, or personal service 74253
transactions that involve the transfer of tangible personal 74254
property as an inconsequential element, for which no separate 74255
charges are made. 74256

(C) "Vendor" means the person providing the service or by 74257
whom the transfer effected or license given by a sale is or is to 74258
be made or given and, for sales described in division (B)(3)(i) of 74259
this section, the telecommunications service vendor that provides 74260
the nine hundred telephone service; if two or more persons are 74261
engaged in business at the same place of business under a single 74262
trade name in which all collections on account of sales by each 74263
are made, such persons shall constitute a single vendor. 74264

Physicians, dentists, hospitals, and veterinarians who are 74265
engaged in selling tangible personal property as received from 74266
others, such as eyeglasses, mouthwashes, dentifrices, or similar 74267
articles, are vendors. Veterinarians who are engaged in 74268
transferring to others for a consideration drugs, the dispensing 74269
of which does not require an order of a licensed veterinarian or 74270
physician under federal law, are vendors. 74271

The operator of any peer-to-peer car sharing program shall be 74272
considered to be the vendor. 74273

(D)(1) "Consumer" means the person for whom the service is 74274
provided, to whom the transfer effected or license given by a sale 74275
is or is to be made or given, to whom the service described in 74276
division (B)(3)(f) or (i) of this section is charged, or to whom 74277
the admission is granted. 74278

(2) Physicians, dentists, hospitals, and blood banks operated 74279

by nonprofit institutions and persons licensed to practice 74280
veterinary medicine, surgery, and dentistry are consumers of all 74281
tangible personal property and services purchased by them in 74282
connection with the practice of medicine, dentistry, the rendition 74283
of hospital or blood bank service, or the practice of veterinary 74284
medicine, surgery, and dentistry. In addition to being consumers 74285
of drugs administered by them or by their assistants according to 74286
their direction, veterinarians also are consumers of drugs that 74287
under federal law may be dispensed only by or upon the order of a 74288
licensed veterinarian or physician, when transferred by them to 74289
others for a consideration to provide treatment to animals as 74290
directed by the veterinarian. 74291

(3) A person who performs a facility management, or similar 74292
service contract for a contractee is a consumer of all tangible 74293
personal property and services purchased for use in connection 74294
with the performance of such contract, regardless of whether title 74295
to any such property vests in the contractee. The purchase of such 74296
property and services is not subject to the exception for resale 74297
under division (E) of this section. 74298

(4) (a) In the case of a person who purchases printed matter 74299
for the purpose of distributing it or having it distributed to the 74300
public or to a designated segment of the public, free of charge, 74301
that person is the consumer of that printed matter, and the 74302
purchase of that printed matter for that purpose is a sale. 74303

(b) In the case of a person who produces, rather than 74304
purchases, printed matter for the purpose of distributing it or 74305
having it distributed to the public or to a designated segment of 74306
the public, free of charge, that person is the consumer of all 74307
tangible personal property and services purchased for use or 74308
consumption in the production of that printed matter. That person 74309
is not entitled to claim exemption under division (B) (42) (f) of 74310
section 5739.02 of the Revised Code for any material incorporated 74311

into the printed matter or any equipment, supplies, or services 74312
primarily used to produce the printed matter. 74313

(c) The distribution of printed matter to the public or to a 74314
designated segment of the public, free of charge, is not a sale to 74315
the members of the public to whom the printed matter is 74316
distributed or to any persons who purchase space in the printed 74317
matter for advertising or other purposes. 74318

(5) A person who makes sales of any of the services listed in 74319
division (B)(3) of this section is the consumer of any tangible 74320
personal property used in performing the service. The purchase of 74321
that property is not subject to the resale exception under 74322
division (E) of this section. 74323

(6) A person who engages in highway transportation for hire 74324
is the consumer of all packaging materials purchased by that 74325
person and used in performing the service, except for packaging 74326
materials sold by such person in a transaction separate from the 74327
service. 74328

(7) In the case of a transaction for health care services 74329
under division (B)(11) of this section, a medicaid health insuring 74330
corporation is the consumer of such services. The purchase of such 74331
services by a medicaid health insuring corporation is not subject 74332
to the exception for resale under division (E) of this section or 74333
to the exemptions provided under divisions (B)(12), (18), (19), 74334
and (22) of section 5739.02 of the Revised Code. 74335

(E) "Retail sale" and "sales at retail" include all sales, 74336
except those in which the purpose of the consumer is to resell the 74337
thing transferred or benefit of the service provided, by a person 74338
engaging in business, in the form in which the same is, or is to 74339
be, received by the person. 74340

(F) "Business" includes any activity engaged in by any person 74341
with the object of gain, benefit, or advantage, either direct or 74342

indirect. "Business" does not include the activity of a person in managing and investing the person's own funds. 74343
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(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds itself out to the public as conducting such business. Making a casual sale is not engaging in business. 74345
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(H) (1) (a) "Price," except as provided in divisions (H) (2), (3), and (4) of this section, means the total amount of consideration, including cash, credit, property, and services, for which tangible personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for any of the following: 74349
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(i) The vendor's cost of the property sold; 74355

(ii) The cost of materials used, labor or service costs, interest, losses, all costs of transportation to the vendor, all taxes imposed on the vendor, including the tax imposed under Chapter 5751. of the Revised Code, and any other expense of the vendor; 74356
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(iii) Charges by the vendor for any services necessary to complete the sale; 74361
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(iv) Delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing. 74363
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(v) Installation charges; 74368

(vi) Credit for any trade-in. 74369

(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the 74370
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consideration is directly related to a price reduction or discount 74373
on the sale; the vendor has an obligation to pass the price 74374
reduction or discount through to the consumer; the amount of the 74375
consideration attributable to the sale is fixed and determinable 74376
by the vendor at the time of the sale of the item to the consumer; 74377
and one of the following criteria is met: 74378

(i) The consumer presents a coupon, certificate, or other 74379
document to the vendor to claim a price reduction or discount 74380
where the coupon, certificate, or document is authorized, 74381
distributed, or granted by a third party with the understanding 74382
that the third party will reimburse any vendor to whom the coupon, 74383
certificate, or document is presented; 74384

(ii) The consumer identifies the consumer's self to the 74385
seller as a member of a group or organization entitled to a price 74386
reduction or discount. A preferred customer card that is available 74387
to any patron does not constitute membership in such a group or 74388
organization. 74389

(iii) The price reduction or discount is identified as a 74390
third party price reduction or discount on the invoice received by 74391
the consumer, or on a coupon, certificate, or other document 74392
presented by the consumer. 74393

(c) "Price" does not include any of the following: 74394

(i) Discounts, including cash, term, or coupons that are not 74395
reimbursed by a third party that are allowed by a vendor and taken 74396
by a consumer on a sale; 74397

(ii) Interest, financing, and carrying charges from credit 74398
extended on the sale of tangible personal property or services, if 74399
the amount is separately stated on the invoice, bill of sale, or 74400
similar document given to the purchaser; 74401

(iii) Any taxes legally imposed directly on the consumer that 74402
are separately stated on the invoice, bill of sale, or similar 74403

document given to the consumer. For the purpose of this division, 74404
the tax imposed under Chapter 5751. of the Revised Code is not a 74405
tax directly on the consumer, even if the tax or a portion thereof 74406
is separately stated. 74407

(iv) Notwithstanding divisions (H) (1) (b) (i) to (iii) of this 74408
section, any discount allowed by an automobile manufacturer to its 74409
employee, or to the employee of a supplier, on the purchase of a 74410
new motor vehicle from a new motor vehicle dealer in this state. 74411

(v) The dollar value of a gift card that is not sold by a 74412
vendor or purchased by a consumer and that is redeemed by the 74413
consumer in purchasing tangible personal property or services if 74414
the vendor is not reimbursed and does not receive compensation 74415
from a third party to cover all or part of the gift card value. 74416
For the purposes of this division, a gift card is not sold by a 74417
vendor or purchased by a consumer if it is distributed pursuant to 74418
an awards, loyalty, or promotional program. Past and present 74419
purchases of tangible personal property or services by the 74420
consumer shall not be treated as consideration exchanged for a 74421
gift card. 74422

(2) In the case of a sale of any new motor vehicle by a new 74423
motor vehicle dealer, as defined in section 4517.01 of the Revised 74424
Code, in which another motor vehicle is accepted by the dealer as 74425
part of the consideration received, "price" has the same meaning 74426
as in division (H) (1) of this section, reduced by the credit 74427
afforded the consumer by the dealer for the motor vehicle received 74428
in trade. 74429

(3) In the case of a sale of any watercraft or outboard motor 74430
by a watercraft dealer licensed in accordance with section 74431
1547.543 of the Revised Code, in which another watercraft, 74432
watercraft and trailer, or outboard motor is accepted by the 74433
dealer as part of the consideration received, "price" has the same 74434
meaning as in division (H) (1) of this section, reduced by the 74435

credit afforded the consumer by the dealer for the watercraft, 74436
watercraft and trailer, or outboard motor received in trade. As 74437
used in this division, "watercraft" includes an outdrive unit 74438
attached to the watercraft. 74439

(4) In the case of transactions for health care services 74440
under division (B) (11) of this section, "price" means the amount 74441
of managed care premiums received each month by a medicaid health 74442
insuring corporation. 74443

(I) "Receipts" means the total amount of the prices of the 74444
sales of vendors, provided that the dollar value of gift cards 74445
distributed pursuant to an awards, loyalty, or promotional 74446
program, and cash discounts allowed and taken on sales at the time 74447
they are consummated are not included, minus any amount deducted 74448
as a bad debt pursuant to section 5739.121 of the Revised Code. 74449
"Receipts" does not include the sale price of property returned or 74450
services rejected by consumers when the full sale price and tax 74451
are refunded either in cash or by credit. 74452

(J) "Place of business" means any location at which a person 74453
engages in business. 74454

(K) "Premises" includes any real property or portion thereof 74455
upon which any person engages in selling tangible personal 74456
property at retail or making retail sales and also includes any 74457
real property or portion thereof designated for, or devoted to, 74458
use in conjunction with the business engaged in by such person. 74459

(L) "Casual sale" means a sale of an item of tangible 74460
personal property that was obtained by the person making the sale, 74461
through purchase or otherwise, for the person's own use and was 74462
previously subject to any state's taxing jurisdiction on its sale 74463
or use, and includes such items acquired for the seller's use that 74464
are sold by an auctioneer employed directly by the person for such 74465
purpose, provided the location of such sales is not the 74466

auctioneer's permanent place of business. As used in this 74467
division, "permanent place of business" includes any location 74468
where such auctioneer has conducted more than two auctions during 74469
the year. 74470

(M) "Hotel" means every establishment kept, used, maintained, 74471
advertised, or held out to the public to be a place where sleeping 74472
accommodations are offered to guests, in which five or more rooms 74473
are used for the accommodation of such guests, whether the rooms 74474
are in one or several structures, except as otherwise provided in 74475
section 5739.091 of the Revised Code. 74476

(N) "Transient guests" means persons occupying a room or 74477
rooms for sleeping accommodations for less than thirty consecutive 74478
days. 74479

(O) "Making retail sales" means the effecting of transactions 74480
wherein one party is obligated to pay the price and the other 74481
party is obligated to provide a service or to transfer title to or 74482
possession of the item sold. "Making retail sales" does not 74483
include the preliminary acts of promoting or soliciting the retail 74484
sales, other than the distribution of printed matter which 74485
displays or describes and prices the item offered for sale, nor 74486
does it include delivery of a predetermined quantity of tangible 74487
personal property or transportation of property or personnel to or 74488
from a place where a service is performed. 74489

(P) "Used directly in the rendition of a public utility 74490
service" means that property that is to be incorporated into and 74491
will become a part of the consumer's production, transmission, 74492
transportation, or distribution system and that retains its 74493
classification as tangible personal property after such 74494
incorporation; fuel or power used in the production, transmission, 74495
transportation, or distribution system; and tangible personal 74496
property used in the repair and maintenance of the production, 74497
transmission, transportation, or distribution system, including 74498

only such motor vehicles as are specially designed and equipped 74499
for such use. Tangible personal property and services used 74500
primarily in providing highway transportation for hire are not 74501
used directly in the rendition of a public utility service. In 74502
this definition, "public utility" includes a citizen of the United 74503
States holding, and required to hold, a certificate of public 74504
convenience and necessity issued under 49 U.S.C. 41102. 74505

(Q) "Refining" means removing or separating a desirable 74506
product from raw or contaminated materials by distillation or 74507
physical, mechanical, or chemical processes. 74508

(R) "Assembly" and "assembling" mean attaching or fitting 74509
together parts to form a product, but do not include packaging a 74510
product. 74511

(S) "Manufacturing operation" means a process in which 74512
materials are changed, converted, or transformed into a different 74513
state or form from which they previously existed and includes 74514
refining materials, assembling parts, and preparing raw materials 74515
and parts by mixing, measuring, blending, or otherwise committing 74516
such materials or parts to the manufacturing process. 74517
"Manufacturing operation" does not include packaging. 74518

(T) "Fiscal officer" means, with respect to a regional 74519
transit authority, the secretary-treasurer thereof, and with 74520
respect to a county that is a transit authority, the fiscal 74521
officer of the county transit board if one is appointed pursuant 74522
to section 306.03 of the Revised Code or the county auditor if the 74523
board of county commissioners operates the county transit system. 74524

(U) "Transit authority" means a regional transit authority 74525
created pursuant to section 306.31 of the Revised Code or a county 74526
in which a county transit system is created pursuant to section 74527
306.01 of the Revised Code. For the purposes of this chapter, a 74528
transit authority must extend to at least the entire area of a 74529

single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y) (1) (a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for

the purpose of either of the following: 74561

(i) Examining or acquiring data stored in or accessible to 74562
the computer equipment; 74563

(ii) Placing data into the computer equipment to be retrieved 74564
by designated recipients with access to the computer equipment. 74565

"Electronic information services" does not include electronic 74566
publishing. 74567

(d) "Automatic data processing, computer services, or 74568
electronic information services" shall not include personal or 74569
professional services. 74570

(2) As used in divisions (B) (3) (e) and (Y) (1) of this 74571
section, "personal and professional services" means all services 74572
other than automatic data processing, computer services, or 74573
electronic information services, including but not limited to: 74574

(a) Accounting and legal services such as advice on tax 74575
matters, asset management, budgetary matters, quality control, 74576
information security, and auditing and any other situation where 74577
the service provider receives data or information and studies, 74578
alters, analyzes, interprets, or adjusts such material; 74579

(b) Analyzing business policies and procedures; 74580

(c) Identifying management information needs; 74581

(d) Feasibility studies, including economic and technical 74582
analysis of existing or potential computer hardware or software 74583
needs and alternatives; 74584

(e) Designing policies, procedures, and custom software for 74585
collecting business information, and determining how data should 74586
be summarized, sequenced, formatted, processed, controlled, and 74587
reported so that it will be meaningful to management; 74588

(f) Developing policies and procedures that document how 74589
business events and transactions are to be authorized, executed, 74590

and controlled;	74591
(g) Testing of business procedures;	74592
(h) Training personnel in business procedure applications;	74593
(i) Providing credit information to users of such information	74594
by a consumer reporting agency, as defined in the "Fair Credit	74595
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	74596
as hereafter amended, including but not limited to gathering,	74597
organizing, analyzing, recording, and furnishing such information	74598
by any oral, written, graphic, or electronic medium;	74599
(j) Providing debt collection services by any oral, written,	74600
graphic, or electronic means;	74601
(k) Providing digital advertising services.	74602
The services listed in divisions (Y) (2) (a) to (k) of this	74603
section are not automatic data processing or computer services.	74604
(Z) "Highway transportation for hire" means the	74605
transportation of personal property belonging to others for	74606
consideration by any of the following:	74607
(1) The holder of a permit or certificate issued by this	74608
state or the United States authorizing the holder to engage in	74609
transportation of personal property belonging to others for	74610
consideration over or on highways, roadways, streets, or any	74611
similar public thoroughfare;	74612
(2) A person who engages in the transportation of personal	74613
property belonging to others for consideration over or on	74614
highways, roadways, streets, or any similar public thoroughfare	74615
but who could not have engaged in such transportation on December	74616
11, 1985, unless the person was the holder of a permit or	74617
certificate of the types described in division (Z) (1) of this	74618
section;	74619
(3) A person who leases a motor vehicle to and operates it	74620

for a person described by division (Z)(1) or (2) of this section. 74621

(AA)(1) "Telecommunications service" means the electronic 74622
transmission, conveyance, or routing of voice, data, audio, video, 74623
or any other information or signals to a point, or between or 74624
among points. "Telecommunications service" includes such 74625
transmission, conveyance, or routing in which computer processing 74626
applications are used to act on the form, code, or protocol of the 74627
content for purposes of transmission, conveyance, or routing 74628
without regard to whether the service is referred to as voice-over 74629
internet protocol service or is classified by the federal 74630
communications commission as enhanced or value-added. 74631
"Telecommunications service" does not include any of the 74632
following: 74633

(a) Data processing and information services that allow data 74634
to be generated, acquired, stored, processed, or retrieved and 74635
delivered by an electronic transmission to a consumer where the 74636
consumer's primary purpose for the underlying transaction is the 74637
processed data or information; 74638

(b) Installation or maintenance of wiring or equipment on a 74639
customer's premises; 74640

(c) Tangible personal property; 74641

(d) Advertising, including directory advertising; 74642

(e) Billing and collection services provided to third 74643
parties; 74644

(f) Internet access service; 74645

(g) Radio and television audio and video programming 74646
services, regardless of the medium, including the furnishing of 74647
transmission, conveyance, and routing of such services by the 74648
programming service provider. Radio and television audio and video 74649
programming services include, but are not limited to, cable 74650

service, as defined in 47 U.S.C. 522(6), and audio and video 74651
programming services delivered by commercial mobile radio service 74652
providers, as defined in 47 C.F.R. 20.3; 74653

(h) Ancillary service; 74654

(i) Digital products delivered electronically, including 74655
software, music, video, reading materials, or ring tones. 74656

(2) "Ancillary service" means a service that is associated 74657
with or incidental to the provision of telecommunications service, 74658
including conference bridging service, detailed telecommunications 74659
billing service, directory assistance, vertical service, and voice 74660
mail service. As used in this division: 74661

(a) "Conference bridging service" means an ancillary service 74662
that links two or more participants of an audio or video 74663
conference call, including providing a telephone number. 74664
"Conference bridging service" does not include telecommunications 74665
services used to reach the conference bridge. 74666

(b) "Detailed telecommunications billing service" means an 74667
ancillary service of separately stating information pertaining to 74668
individual calls on a customer's billing statement. 74669

(c) "Directory assistance" means an ancillary service of 74670
providing telephone number or address information. 74671

(d) "Vertical service" means an ancillary service that is 74672
offered in connection with one or more telecommunications 74673
services, which offers advanced calling features that allow 74674
customers to identify callers and manage multiple calls and call 74675
connections, including conference bridging service. 74676

(e) "Voice mail service" means an ancillary service that 74677
enables the customer to store, send, or receive recorded messages. 74678
"Voice mail service" does not include any vertical services that 74679
the customer may be required to have in order to utilize the voice 74680

mail service. 74681

(3) "900 service" means an inbound toll telecommunications 74682
service purchased by a subscriber that allows the subscriber's 74683
customers to call in to the subscriber's prerecorded announcement 74684
or live service, and which is typically marketed under the name 74685
"900 service" and any subsequent numbers designated by the federal 74686
communications commission. "900 service" does not include the 74687
charge for collection services provided by the seller of the 74688
telecommunications service to the subscriber, or services or 74689
products sold by the subscriber to the subscriber's customer. 74690

(4) "Prepaid calling service" means the right to access 74691
exclusively telecommunications services, which must be paid for in 74692
advance and which enables the origination of calls using an access 74693
number or authorization code, whether manually or electronically 74694
dialed, and that is sold in predetermined units or dollars of 74695
which the number declines with use in a known amount. 74696

(5) "Prepaid wireless calling service" means a 74697
telecommunications service that provides the right to utilize 74698
mobile telecommunications service as well as other 74699
non-telecommunications services, including the download of digital 74700
products delivered electronically, and content and ancillary 74701
services, that must be paid for in advance and that is sold in 74702
predetermined units or dollars of which the number declines with 74703
use in a known amount. 74704

(6) "Value-added non-voice data service" means a 74705
telecommunications service in which computer processing 74706
applications are used to act on the form, content, code, or 74707
protocol of the information or data primarily for a purpose other 74708
than transmission, conveyance, or routing. 74709

(7) "Coin-operated telephone service" means a 74710
telecommunications service paid for by inserting money into a 74711

telephone accepting direct deposits of money to operate. 74712

(8) "Customer" has the same meaning as in section 5739.034 of 74713
the Revised Code. 74714

(BB) "Laundry and dry cleaning services" means removing soil 74715
or dirt from towels, linens, articles of clothing, or other fabric 74716
items that belong to others and supplying towels, linens, articles 74717
of clothing, or other fabric items. "Laundry and dry cleaning 74718
services" does not include the provision of self-service 74719
facilities for use by consumers to remove soil or dirt from 74720
towels, linens, articles of clothing, or other fabric items. 74721

(CC) "Magazines distributed as controlled circulation 74722
publications" means magazines containing at least twenty-four 74723
pages, at least twenty-five per cent editorial content, issued at 74724
regular intervals four or more times a year, and circulated 74725
without charge to the recipient, provided that such magazines are 74726
not owned or controlled by individuals or business concerns which 74727
conduct such publications as an auxiliary to, and essentially for 74728
the advancement of the main business or calling of, those who own 74729
or control them. 74730

(DD) "Landscaping and lawn care service" means the services 74731
of planting, seeding, sodding, removing, cutting, trimming, 74732
pruning, mulching, aerating, applying chemicals, watering, 74733
fertilizing, and providing similar services to establish, promote, 74734
or control the growth of trees, shrubs, flowers, grass, ground 74735
cover, and other flora, or otherwise maintaining a lawn or 74736
landscape grown or maintained by the owner for ornamentation or 74737
other nonagricultural purpose. However, "landscaping and lawn care 74738
service" does not include the providing of such services by a 74739
person who has less than five thousand dollars in sales of such 74740
services during the calendar year. 74741

(EE) "Private investigation and security service" means the 74742

performance of any activity for which the provider of such service 74743
is required to be licensed pursuant to Chapter 4749. of the 74744
Revised Code, or would be required to be so licensed in performing 74745
such services in this state, and also includes the services of 74746
conducting polygraph examinations and of monitoring or overseeing 74747
the activities on or in, or the condition of, the consumer's home, 74748
business, or other facility by means of electronic or similar 74749
monitoring devices. "Private investigation and security service" 74750
does not include special duty services provided by off-duty police 74751
officers, deputy sheriffs, and other peace officers regularly 74752
employed by the state or a political subdivision. 74753

(FF) "Information services" means providing conversation, 74754
giving consultation or advice, playing or making a voice or other 74755
recording, making or keeping a record of the number of callers, 74756
and any other service provided to a consumer by means of a nine 74757
hundred telephone call, except when the nine hundred telephone 74758
call is the means by which the consumer makes a contribution to a 74759
recognized charity. 74760

(GG) "Research and development" means designing, creating, or 74761
formulating new or enhanced products, equipment, or manufacturing 74762
processes, and also means conducting scientific or technological 74763
inquiry and experimentation in the physical sciences with the goal 74764
of increasing scientific knowledge which may reveal the bases for 74765
new or enhanced products, equipment, or manufacturing processes. 74766

(HH) "Qualified research and development equipment" means 74767
capitalized tangible personal property, and leased personal 74768
property that would be capitalized if purchased, used by a person 74769
primarily to perform research and development. Tangible personal 74770
property primarily used in testing, as defined in division (A) (4) 74771
of section 5739.011 of the Revised Code, or used for recording or 74772
storing test results, is not qualified research and development 74773
equipment unless such property is primarily used by the consumer 74774

in testing the product, equipment, or manufacturing process being 74775
created, designed, or formulated by the consumer in the research 74776
and development activity or in recording or storing such test 74777
results. 74778

(II) "Building maintenance and janitorial service" means 74779
cleaning the interior or exterior of a building and any tangible 74780
personal property located therein or thereon, including any 74781
services incidental to such cleaning for which no separate charge 74782
is made. However, "building maintenance and janitorial service" 74783
does not include the providing of such service by a person who has 74784
less than five thousand dollars in sales of such service during 74785
the calendar year. As used in this division, "cleaning" does not 74786
include sanitation services necessary for an establishment 74787
described in 21 U.S.C. 608 to comply with rules and regulations 74788
adopted pursuant to that section. 74789

~~(JJ) "Employment service" means providing or supplying 74790
personnel, on a temporary or long term basis, to perform work or 74791
labor under the supervision or control of another, when the 74792
personnel so provided or supplied receive their wages, salary, or 74793
other compensation from the provider or supplier of the employment 74794
service or from a third party that provided or supplied the 74795
personnel to the provider or supplier. "Employment service" does 74796
not include:~~ 74797

~~(1) Acting as a contractor or subcontractor, where the 74798
personnel performing the work are not under the direct control of 74799
the purchaser. 74800~~

~~(2) Medical and health care services. 74801~~

~~(3) Supplying personnel to a purchaser pursuant to a contract 74802
of at least one year between the service provider and the 74803
purchaser that specifies that each employee covered under the 74804
contract is assigned to the purchaser on a permanent basis. 74805~~

~~(4) Transactions between members of an affiliated group, as defined in division (B)(3)(c) of this section.~~ 74806
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~~(5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party.~~ 74808
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~~(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.~~ 74813
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~~(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.~~ 74816
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~~(MM)(KK)~~ "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise. 74821
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~~(NN)(LL)~~ "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, 74828
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card club, swimming club, tennis club, golf club, country club, 74837
riding club, amateur sports club, or similar organization. 74838

~~(OO)~~ (MM) "Livestock" means farm animals commonly raised for 74839
food, food production, or other agricultural purposes, including, 74840
but not limited to, cattle, sheep, goats, swine, poultry, and 74841
captive deer. "Livestock" does not include invertebrates, 74842
amphibians, reptiles, domestic pets, animals for use in 74843
laboratories or for exhibition, or other animals not commonly 74844
raised for food or food production. 74845

~~(PP)~~ (NN) "Livestock structure" means a building or structure 74846
used exclusively for the housing, raising, feeding, or sheltering 74847
of livestock, and includes feed storage or handling structures and 74848
structures for livestock waste handling. 74849

~~(QQ)~~ (OO) "Horticulture" means the growing, cultivation, and 74850
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 74851
and nursery stock. As used in this division, "nursery stock" has 74852
the same meaning as in section 927.51 of the Revised Code. 74853

~~(RR)~~ (PP) "Horticulture structure" means a building or 74854
structure used exclusively for the commercial growing, raising, or 74855
overwintering of horticultural products, and includes the area 74856
used for stocking, storing, and packing horticultural products 74857
when done in conjunction with the production of those products. 74858

~~(SS)~~ (OO) "Newspaper" means an unbound publication bearing a 74859
title or name that is regularly published, at least as frequently 74860
as biweekly, and distributed from a fixed place of business to the 74861
public in a specific geographic area, and that contains a 74862
substantial amount of news matter of international, national, or 74863
local events of interest to the general public. 74864

~~(TT)~~ (1) (RR) (1) "Feminine hygiene products" means tampons, 74865
panty liners, menstrual cups, sanitary napkins, and other similar 74866
tangible personal property designed for feminine hygiene in 74867

connection with the human menstrual cycle, but does not include 74868
grooming and hygiene products. 74869

(2) "Grooming and hygiene products" means soaps and cleaning 74870
solutions, shampoo, toothpaste, mouthwash, antiperspirants, and 74871
sun tan lotions and screens, regardless of whether any of these 74872
products are over-the-counter drugs. 74873

(3) "Over-the-counter drugs" means a drug that contains a 74874
label that identifies the product as a drug as required by 21 74875
C.F.R. 201.66, which label includes a drug facts panel or a 74876
statement of the active ingredients with a list of those 74877
ingredients contained in the compound, substance, or preparation. 74878

~~(UU) (1)~~ (SS) (1) "Lease" or "rental" means any transfer of the 74879
possession or control of tangible personal property for a fixed or 74880
indefinite term, for consideration. "Lease" or "rental" includes 74881
future options to purchase or extend, and agreements described in 74882
26 U.S.C. 7701(h) (1) covering motor vehicles and trailers where 74883
the amount of consideration may be increased or decreased by 74884
reference to the amount realized upon the sale or disposition of 74885
the property. "Lease" or "rental" does not include: 74886

(a) A transfer of possession or control of tangible personal 74887
property under a security agreement or a deferred payment plan 74888
that requires the transfer of title upon completion of the 74889
required payments; 74890

(b) A transfer of possession or control of tangible personal 74891
property under an agreement that requires the transfer of title 74892
upon completion of required payments and payment of an option 74893
price that does not exceed the greater of one hundred dollars or 74894
one per cent of the total required payments; 74895

(c) Providing tangible personal property along with an 74896
operator for a fixed or indefinite period of time, if the operator 74897
is necessary for the property to perform as designed. For purposes 74898

of this division, the operator must do more than maintain, 74899
inspect, or set up the tangible personal property. 74900

(2) "Lease" and "rental," as defined in division ~~(UU)~~ (SS) of 74901
this section, shall not apply to leases or rentals that exist 74902
before June 26, 2003. 74903

(3) "Lease" and "rental" have the same meaning as in division 74904
~~(UU)~~ (1) ~~(SS)~~ (1) of this section regardless of whether a transaction 74905
is characterized as a lease or rental under generally accepted 74906
accounting principles, the Internal Revenue Code, Title XIII of 74907
the Revised Code, or other federal, state, or local laws. 74908

~~(VV)~~ (TT) "Mobile telecommunications service" has the same 74909
meaning as in the "Mobile Telecommunications Sourcing Act," Pub. 74910
L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as 74911
amended, and, on and after August 1, 2003, includes related fees 74912
and ancillary services, including universal service fees, detailed 74913
billing service, directory assistance, service initiation, voice 74914
mail service, and vertical services, such as caller ID and 74915
three-way calling. 74916

~~(WW)~~ (UU) "Certified service provider" has the same meaning as 74917
in section 5740.01 of the Revised Code. 74918

~~(XX)~~ (VV) "Satellite broadcasting service" means the 74919
distribution or broadcasting of programming or services by 74920
satellite directly to the subscriber's receiving equipment without 74921
the use of ground receiving or distribution equipment, except the 74922
subscriber's receiving equipment or equipment used in the uplink 74923
process to the satellite, and includes all service and rental 74924
charges, premium channels or other special services, installation 74925
and repair service charges, and any other charges having any 74926
connection with the provision of the satellite broadcasting 74927
service. 74928

~~(YY)~~ (WW) "Tangible personal property" means personal property 74929

that can be seen, weighed, measured, felt, or touched, or that is 74930
in any other manner perceptible to the senses. For purposes of 74931
this chapter and Chapter 5741. of the Revised Code, "tangible 74932
personal property" includes motor vehicles, electricity, water, 74933
gas, steam, and prewritten computer software. 74934

~~(ZZ)~~ (XX) "Municipal gas utility" means a municipal 74935
corporation that owns or operates a system for the distribution of 74936
natural gas. 74937

~~(AAA)~~ (YY) "Computer" means an electronic device that accepts 74938
information in digital or similar form and manipulates it for a 74939
result based on a sequence of instructions. 74940

~~(BBB)~~ (ZZ) "Computer software" means a set of coded 74941
instructions designed to cause a computer or automatic data 74942
processing equipment to perform a task. 74943

~~(CCC)~~ (AAA) "Delivered electronically" means delivery of 74944
computer software from the seller to the purchaser by means other 74945
than tangible storage media. 74946

~~(DDD)~~ (BBB) "Prewritten computer software" means computer 74947
software, including prewritten upgrades, that is not designed and 74948
developed by the author or other creator to the specifications of 74949
a specific purchaser. The combining of two or more prewritten 74950
computer software programs or prewritten portions thereof does not 74951
cause the combination to be other than prewritten computer 74952
software. "Prewritten computer software" includes software 74953
designed and developed by the author or other creator to the 74954
specifications of a specific purchaser when it is sold to a person 74955
other than the purchaser. If a person modifies or enhances 74956
computer software of which the person is not the author or 74957
creator, the person shall be deemed to be the author or creator 74958
only of such person's modifications or enhancements. Prewritten 74959
computer software or a prewritten portion thereof that is modified 74960

or enhanced to any degree, where such modification or enhancement 74961
is designed and developed to the specifications of a specific 74962
purchaser, remains prewritten computer software; provided, 74963
however, that where there is a reasonable, separately stated 74964
charge or an invoice or other statement of the price given to the 74965
purchaser for the modification or enhancement, the modification or 74966
enhancement shall not constitute prewritten computer software. 74967

~~(EEE)~~(1)(CCC) (1) "Food" means substances, whether in liquid, 74968
concentrated, solid, frozen, dried, or dehydrated form, that are 74969
sold for ingestion or chewing by humans and are consumed for their 74970
taste or nutritional value. "Food" does not include alcoholic 74971
beverages, dietary supplements, soft drinks, or tobacco. 74972

(2) As used in division ~~(EEE)~~(1)(CCC) (1) of this section: 74973

(a) "Alcoholic beverages" means beverages that are suitable 74974
for human consumption and contain one-half of one per cent or more 74975
of alcohol by volume. 74976

(b) "Dietary supplements" means any product, other than 74977
tobacco, that is intended to supplement the diet and that is 74978
intended for ingestion in tablet, capsule, powder, softgel, 74979
gelcap, or liquid form, or, if not intended for ingestion in such 74980
a form, is not represented as conventional food for use as a sole 74981
item of a meal or of the diet; that is required to be labeled as a 74982
dietary supplement, identifiable by the "supplement facts" box 74983
found on the label, as required by 21 C.F.R. 101.36; and that 74984
contains one or more of the following dietary ingredients: 74985

(i) A vitamin; 74986

(ii) A mineral; 74987

(iii) An herb or other botanical; 74988

(iv) An amino acid; 74989

(v) A dietary substance for use by humans to supplement the 74990

diet by increasing the total dietary intake; 74991

(vi) A concentrate, metabolite, constituent, extract, or 74992
combination of any ingredient described in divisions 74993
~~(EEE) (2) (b) (i)~~ (CCC) (2) (b) (i) to (v) of this section. 74994

(c) "Soft drinks" means nonalcoholic beverages that contain 74995
natural or artificial sweeteners. "Soft drinks" does not include 74996
beverages that contain milk or milk products, soy, rice, or 74997
similar milk substitutes, or that contains greater than fifty per 74998
cent vegetable or fruit juice by volume. 74999

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 75000
tobacco, or any other item that contains tobacco. 75001

~~(FFF) (DDD)~~ "Drug" means a compound, substance, or 75002
preparation, and any component of a compound, substance, or 75003
preparation, other than food, dietary supplements, or alcoholic 75004
beverages that is recognized in the official United States 75005
pharmacopoeia, official homeopathic pharmacopoeia of the United 75006
States, or official national formulary, and supplements to them; 75007
is intended for use in the diagnosis, cure, mitigation, treatment, 75008
or prevention of disease; or is intended to affect the structure 75009
or any function of the body. 75010

~~(GGG) (EEE)~~ "Prescription" means an order, formula, or recipe 75011
issued in any form of oral, written, electronic, or other means of 75012
transmission by a duly licensed practitioner authorized by the 75013
laws of this state to issue a prescription. 75014

~~(HHH) (FFF)~~ "Durable medical equipment" means equipment, 75015
including repair and replacement parts for such equipment, that 75016
can withstand repeated use, is primarily and customarily used to 75017
serve a medical purpose, generally is not useful to a person in 75018
the absence of illness or injury, and is not worn in or on the 75019
body. "Durable medical equipment" does not include mobility 75020
enhancing equipment. 75021

~~(III)~~ (GGG) "Mobility enhancing equipment" means equipment, 75022
including repair and replacement parts for such equipment, that is 75023
primarily and customarily used to provide or increase the ability 75024
to move from one place to another and is appropriate for use 75025
either in a home or a motor vehicle, that is not generally used by 75026
persons with normal mobility, and that does not include any motor 75027
vehicle or equipment on a motor vehicle normally provided by a 75028
motor vehicle manufacturer. "Mobility enhancing equipment" does 75029
not include durable medical equipment. 75030

~~(JJJ)~~ (HHH) "Prosthetic device" means a replacement, 75031
corrective, or supportive device, including repair and replacement 75032
parts for the device, worn on or in the human body to artificially 75033
replace a missing portion of the body, prevent or correct physical 75034
deformity or malfunction, or support a weak or deformed portion of 75035
the body. As used in this division, before July 1, 2019, 75036
"prosthetic device" does not include corrective eyeglasses, 75037
contact lenses, or dental prosthesis. On or after July 1, 2019, 75038
"prosthetic device" does not include dental prosthesis but does 75039
include corrective eyeglasses or contact lenses. 75040

~~(KKK)~~ ~~(1)~~ (III) (1) "Fractional aircraft ownership program" 75041
means a program in which persons within an affiliated group sell 75042
and manage fractional ownership program aircraft, provided that at 75043
least one hundred airworthy aircraft are operated in the program 75044
and the program meets all of the following criteria: 75045

(a) Management services are provided by at least one program 75046
manager within an affiliated group on behalf of the fractional 75047
owners. 75048

(b) Each program aircraft is owned or possessed by at least 75049
one fractional owner. 75050

(c) Each fractional owner owns or possesses at least a 75051
one-sixteenth interest in at least one fixed-wing program 75052

aircraft. 75053

(d) A dry-lease aircraft interchange arrangement is in effect 75054
among all of the fractional owners. 75055

(e) Multi-year program agreements are in effect regarding the 75056
fractional ownership, management services, and dry-lease aircraft 75057
interchange arrangement aspects of the program. 75058

(2) As used in division ~~(KKK)(1)~~ (III)(1) of this section: 75059

(a) "Affiliated group" has the same meaning as in division 75060
(B)(3)(e) of this section. 75061

(b) "Fractional owner" means a person that owns or possesses 75062
at least a one-sixteenth interest in a program aircraft and has 75063
entered into the agreements described in division 75064
~~(KKK)(1)(e)~~ (III)(1)(e) of this section. 75065

(c) "Fractional ownership program aircraft" or "program 75066
aircraft" means a turbojet aircraft that is owned or possessed by 75067
a fractional owner and that has been included in a dry-lease 75068
aircraft interchange arrangement and agreement under divisions 75069
~~(KKK)(1)(d)~~ (III)(1)(d) and (e) of this section, or an aircraft a 75070
program manager owns or possesses primarily for use in a 75071
fractional aircraft ownership program. 75072

(d) "Management services" means administrative and aviation 75073
support services furnished under a fractional aircraft ownership 75074
program in accordance with a management services agreement under 75075
division ~~(KKK)(1)(e)~~ (III)(1)(e) of this section, and offered by 75076
the program manager to the fractional owners, including, at a 75077
minimum, the establishment and implementation of safety 75078
guidelines; the coordination of the scheduling of the program 75079
aircraft and crews; program aircraft maintenance; program aircraft 75080
insurance; crew training for crews employed, furnished, or 75081
contracted by the program manager or the fractional owner; the 75082
satisfaction of record-keeping requirements; and the development 75083

and use of an operations manual and a maintenance manual for the 75084
fractional aircraft ownership program. 75085

(e) "Program manager" means the person that offers management 75086
services to fractional owners pursuant to a management services 75087
agreement under division ~~(KKK) (1) (e)~~ (III) (1) (e) of this section. 75088

~~(LLL)~~ (JJJ) "Electronic publishing" means providing access to 75089
one or more of the following primarily for business customers, 75090
including the federal government or a state government or a 75091
political subdivision thereof, to conduct research: news; 75092
business, financial, legal, consumer, or credit materials; 75093
editorials, columns, reader commentary, or features; photos or 75094
images; archival or research material; legal notices, identity 75095
verification, or public records; scientific, educational, 75096
instructional, technical, professional, trade, or other literary 75097
materials; or other similar information which has been gathered 75098
and made available by the provider to the consumer in an 75099
electronic format. Providing electronic publishing includes the 75100
functions necessary for the acquisition, formatting, editing, 75101
storage, and dissemination of data or information that is the 75102
subject of a sale. 75103

~~(MMM)~~ (KKK) "Medicaid health insuring corporation" means a 75104
health insuring corporation that holds a certificate of authority 75105
under Chapter 1751. of the Revised Code and is under contract with 75106
the department of medicaid pursuant to section 5167.10 of the 75107
Revised Code. 75108

~~(NNN)~~ (LLL) "Managed care premium" means any premium, 75109
capitation, or other payment a medicaid health insuring 75110
corporation receives for providing or arranging for the provision 75111
of health care services to its members or enrollees residing in 75112
this state. 75113

~~(OOO)~~ (MMM) "Captive deer" means deer and other cervidae that 75114

have been legally acquired, or their offspring, that are privately owned for agricultural or farming purposes. 75115
75116

~~(PPP)~~(NNN) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services. 75117
75118
75119
75120

~~(OOO)~~(OOO) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book. 75121
75122
75123

As used in division ~~(OOO)~~(OOO) of this section: 75124

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any. 75125
75126
75127

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication. 75128
75129
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(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book. 75133
75134

(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media. 75135
75136

~~(RRR)~~(PPP) "Digital advertising services" means providing access, by means of telecommunications equipment, to computer equipment that is used to enter, upload, download, review, manipulate, store, add, or delete data for the purpose of electronically displaying, delivering, placing, or transferring promotional advertisements to potential customers about products or services or about industry or business brands. 75137
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~~(SSS)~~(OOO) "Peer-to-peer car sharing program" has the same 75144

meaning as in section 4516.01 of the Revised Code. 75145

Sec. 5739.02. For the purpose of providing revenue with which 75146
to meet the needs of the state, for the use of the general revenue 75147
fund of the state, for the purpose of securing a thorough and 75148
efficient system of common schools throughout the state, for the 75149
purpose of affording revenues, in addition to those from general 75150
property taxes, permitted under constitutional limitations, and 75151
from other sources, for the support of local governmental 75152
functions, and for the purpose of reimbursing the state for the 75153
expense of administering this chapter, an excise tax is hereby 75154
levied on each retail sale made in this state. 75155

(A) (1) The tax shall be collected as provided in section 75156
5739.025 of the Revised Code. The rate of the tax shall be five 75157
and three-fourths per cent. The tax applies and is collectible 75158
when the sale is made, regardless of the time when the price is 75159
paid or delivered. 75160

(2) In the case of the lease or rental, with a fixed term of 75161
more than thirty days or an indefinite term with a minimum period 75162
of more than thirty days, of any motor vehicles designed by the 75163
manufacturer to carry a load of not more than one ton, watercraft, 75164
outboard motor, or aircraft, or of any tangible personal property, 75165
other than motor vehicles designed by the manufacturer to carry a 75166
load of more than one ton, to be used by the lessee or renter 75167
primarily for business purposes, the tax shall be collected by the 75168
vendor at the time the lease or rental is consummated and shall be 75169
calculated by the vendor on the basis of the total amount to be 75170
paid by the lessee or renter under the lease agreement. If the 75171
total amount of the consideration for the lease or rental includes 75172
amounts that are not calculated at the time the lease or rental is 75173
executed, the tax shall be calculated and collected by the vendor 75174
at the time such amounts are billed to the lessee or renter. In 75175

the case of an open-end lease or rental, the tax shall be 75176
calculated by the vendor on the basis of the total amount to be 75177
paid during the initial fixed term of the lease or rental, and for 75178
each subsequent renewal period as it comes due. As used in this 75179
division, "motor vehicle" has the same meaning as in section 75180
4501.01 of the Revised Code, and "watercraft" includes an outdrive 75181
unit attached to the watercraft. 75182

A lease with a renewal clause and a termination penalty or 75183
similar provision that applies if the renewal clause is not 75184
exercised is presumed to be a sham transaction. In such a case, 75185
the tax shall be calculated and paid on the basis of the entire 75186
length of the lease period, including any renewal periods, until 75187
the termination penalty or similar provision no longer applies. 75188
The taxpayer shall bear the burden, by a preponderance of the 75189
evidence, that the transaction or series of transactions is not a 75190
sham transaction. 75191

(3) Except as provided in division (A)(2) of this section, in 75192
the case of a sale, the price of which consists in whole or in 75193
part of the lease or rental of tangible personal property, the tax 75194
shall be measured by the installments of that lease or rental. 75195

(4) In the case of a sale of a physical fitness facility 75196
service or recreation and sports club service, the price of which 75197
consists in whole or in part of a membership for the receipt of 75198
the benefit of the service, the tax applicable to the sale shall 75199
be measured by the installments thereof. 75200

(B) The tax does not apply to the following: 75201

(1) Sales to the state or any of its political subdivisions, 75202
or to any other state or its political subdivisions if the laws of 75203
that state exempt from taxation sales made to this state and its 75204
political subdivisions; 75205

(2) Sales of food for human consumption off the premises 75206

where sold;	75207
(3) Sales of food sold to students only in a cafeteria,	75208
dormitory, fraternity, or sorority maintained in a private,	75209
public, or parochial school, college, or university;	75210
(4) Sales of newspapers and sales or transfers of magazines	75211
distributed as controlled circulation publications;	75212
(5) The furnishing, preparing, or serving of meals without	75213
charge by an employer to an employee provided the employer records	75214
the meals as part compensation for services performed or work	75215
done;	75216
(6) (a) Sales of motor fuel upon receipt, use, distribution,	75217
or sale of which in this state a tax is imposed by the law of this	75218
state, but this exemption shall not apply to the sale of motor	75219
fuel on which a refund of the tax is allowable under division (A)	75220
of section 5735.14 of the Revised Code; and the tax commissioner	75221
may deduct the amount of tax levied by this section applicable to	75222
the price of motor fuel when granting a refund of motor fuel tax	75223
pursuant to division (A) of section 5735.14 of the Revised Code	75224
and shall cause the amount deducted to be paid into the general	75225
revenue fund of this state;	75226
(b) Sales of motor fuel other than that described in division	75227
(B) (6) (a) of this section and used for powering a refrigeration	75228
unit on a vehicle other than one used primarily to provide comfort	75229
to the operator or occupants of the vehicle.	75230
(7) Sales of natural gas by a natural gas company or	75231
municipal gas utility, of water by a water-works company, or of	75232
steam by a heating company, if in each case the thing sold is	75233
delivered to consumers through pipes or conduits, and all sales of	75234
communications services by a telegraph company, all terms as	75235
defined in section 5727.01 of the Revised Code, and sales of	75236
electricity delivered through wires;	75237

(8) Casual sales by a person, or auctioneer employed directly 75238
by the person to conduct such sales, except as to such sales of 75239
motor vehicles, watercraft or outboard motors required to be 75240
titled under section 1548.06 of the Revised Code, watercraft 75241
documented with the United States coast guard, snowmobiles, and 75242
all-purpose vehicles as defined in section 4519.01 of the Revised 75243
Code; 75244

(9) (a) Sales of services or tangible personal property, other 75245
than motor vehicles, mobile homes, and manufactured homes, by 75246
churches, organizations exempt from taxation under section 75247
501(c) (3) of the Internal Revenue Code of 1986, or nonprofit 75248
organizations operated exclusively for charitable purposes as 75249
defined in division (B) (12) of this section, provided that the 75250
number of days on which such tangible personal property or 75251
services, other than items never subject to the tax, are sold does 75252
not exceed six in any calendar year, except as otherwise provided 75253
in division (B) (9) (b) of this section. If the number of days on 75254
which such sales are made exceeds six in any calendar year, the 75255
church or organization shall be considered to be engaged in 75256
business and all subsequent sales by it shall be subject to the 75257
tax. In counting the number of days, all sales by groups within a 75258
church or within an organization shall be considered to be sales 75259
of that church or organization. 75260

(b) The limitation on the number of days on which tax-exempt 75261
sales may be made by a church or organization under division 75262
(B) (9) (a) of this section does not apply to sales made by student 75263
clubs and other groups of students of a primary or secondary 75264
school, or a parent-teacher association, booster group, or similar 75265
organization that raises money to support or fund curricular or 75266
extracurricular activities of a primary or secondary school. 75267

(c) Divisions (B) (9) (a) and (b) of this section do not apply 75268
to sales by a noncommercial educational radio or television 75269

broadcasting station. 75270

(10) Sales not within the taxing power of this state under 75271
the Constitution or laws of the United States or the Constitution 75272
of this state; 75273

(11) Except for transactions that are sales under division 75274
~~(B)(3)(r)~~ (B)(3)(p) of section 5739.01 of the Revised Code, the 75275
transportation of persons or property, unless the transportation 75276
is by a private investigation and security service; 75277

(12) Sales of tangible personal property or services to 75278
churches, to organizations exempt from taxation under section 75279
501(c)(3) of the Internal Revenue Code of 1986, and to any other 75280
nonprofit organizations operated exclusively for charitable 75281
purposes in this state, no part of the net income of which inures 75282
to the benefit of any private shareholder or individual, and no 75283
substantial part of the activities of which consists of carrying 75284
on propaganda or otherwise attempting to influence legislation; 75285
sales to offices administering one or more homes for the aged or 75286
one or more hospital facilities exempt under section 140.08 of the 75287
Revised Code; and sales to organizations described in division (D) 75288
of section 5709.12 of the Revised Code. 75289

"Charitable purposes" means the relief of poverty; the 75290
improvement of health through the alleviation of illness, disease, 75291
or injury; the operation of an organization exclusively for the 75292
provision of professional, laundry, printing, and purchasing 75293
services to hospitals or charitable institutions; the operation of 75294
a home for the aged, as defined in section 5701.13 of the Revised 75295
Code; the operation of a radio or television broadcasting station 75296
that is licensed by the federal communications commission as a 75297
noncommercial educational radio or television station; the 75298
operation of a nonprofit animal adoption service or a county 75299
humane society; the promotion of education by an institution of 75300
learning that maintains a faculty of qualified instructors, 75301

teaches regular continuous courses of study, and confers a 75302
recognized diploma upon completion of a specific curriculum; the 75303
operation of a parent-teacher association, booster group, or 75304
similar organization primarily engaged in the promotion and 75305
support of the curricular or extracurricular activities of a 75306
primary or secondary school; the operation of a community or area 75307
center in which presentations in music, dramatics, the arts, and 75308
related fields are made in order to foster public interest and 75309
education therein; the production of performances in music, 75310
dramatics, and the arts; or the promotion of education by an 75311
organization engaged in carrying on research in, or the 75312
dissemination of, scientific and technological knowledge and 75313
information primarily for the public. 75314

Nothing in this division shall be deemed to exempt sales to 75315
any organization for use in the operation or carrying on of a 75316
trade or business, or sales to a home for the aged for use in the 75317
operation of independent living facilities as defined in division 75318
(A) of section 5709.12 of the Revised Code. 75319

(13) Building and construction materials and services sold to 75320
construction contractors for incorporation into a structure or 75321
improvement to real property under a construction contract with 75322
this state or a political subdivision of this state, or with the 75323
United States government or any of its agencies; building and 75324
construction materials and services sold to construction 75325
contractors for incorporation into a structure or improvement to 75326
real property that are accepted for ownership by this state or any 75327
of its political subdivisions, or by the United States government 75328
or any of its agencies at the time of completion of the structures 75329
or improvements; building and construction materials sold to 75330
construction contractors for incorporation into a horticulture 75331
structure or livestock structure for a person engaged in the 75332
business of horticulture or producing livestock; building 75333

materials and services sold to a construction contractor for 75334
incorporation into a house of public worship or religious 75335
education, or a building used exclusively for charitable purposes 75336
under a construction contract with an organization whose purpose 75337
is as described in division (B) (12) of this section; building 75338
materials and services sold to a construction contractor for 75339
incorporation into a building under a construction contract with 75340
an organization exempt from taxation under section 501(c) (3) of 75341
the Internal Revenue Code of 1986 when the building is to be used 75342
exclusively for the organization's exempt purposes; building and 75343
construction materials sold for incorporation into the original 75344
construction of a sports facility under section 307.696 of the 75345
Revised Code; building and construction materials and services 75346
sold to a construction contractor for incorporation into real 75347
property outside this state if such materials and services, when 75348
sold to a construction contractor in the state in which the real 75349
property is located for incorporation into real property in that 75350
state, would be exempt from a tax on sales levied by that state; 75351
building and construction materials for incorporation into a 75352
transportation facility pursuant to a public-private agreement 75353
entered into under sections 5501.70 to 5501.83 of the Revised 75354
Code; and, until one calendar year after the construction of a 75355
convention center that qualifies for property tax exemption under 75356
section 5709.084 of the Revised Code is completed, building and 75357
construction materials and services sold to a construction 75358
contractor for incorporation into the real property comprising 75359
that convention center; 75360

(14) Sales of ships or vessels or rail rolling stock used or 75361
to be used principally in interstate or foreign commerce, and 75362
repairs, alterations, fuel, and lubricants for such ships or 75363
vessels or rail rolling stock; 75364

(15) Sales to persons primarily engaged in any of the 75365

activities mentioned in division (B) (42) (a), (g), or (h) of this 75366
section, to persons engaged in making retail sales, or to persons 75367
who purchase for sale from a manufacturer tangible personal 75368
property that was produced by the manufacturer in accordance with 75369
specific designs provided by the purchaser, of packages, including 75370
material, labels, and parts for packages, and of machinery, 75371
equipment, and material for use primarily in packaging tangible 75372
personal property produced for sale, including any machinery, 75373
equipment, and supplies used to make labels or packages, to 75374
prepare packages or products for labeling, or to label packages or 75375
products, by or on the order of the person doing the packaging, or 75376
sold at retail. "Packages" includes bags, baskets, cartons, 75377
crates, boxes, cans, bottles, bindings, wrappings, and other 75378
similar devices and containers, but does not include motor 75379
vehicles or bulk tanks, trailers, or similar devices attached to 75380
motor vehicles. "Packaging" means placing in a package. Division 75381
(B) (15) of this section does not apply to persons engaged in 75382
highway transportation for hire. 75383

(16) Sales of food to persons using supplemental nutrition 75384
assistance program benefits to purchase the food. As used in this 75385
division, "food" has the same meaning as in 7 U.S.C. 2012 and 75386
federal regulations adopted pursuant to the Food and Nutrition Act 75387
of 2008. 75388

(17) Sales to persons engaged in farming, agriculture, 75389
horticulture, or floriculture, of tangible personal property for 75390
use or consumption primarily in the production by farming, 75391
agriculture, horticulture, or floriculture of other tangible 75392
personal property for use or consumption primarily in the 75393
production of tangible personal property for sale by farming, 75394
agriculture, horticulture, or floriculture; or material and parts 75395
for incorporation into any such tangible personal property for use 75396
or consumption in production; and of tangible personal property 75397

for such use or consumption in the conditioning or holding of 75398
products produced by and for such use, consumption, or sale by 75399
persons engaged in farming, agriculture, horticulture, or 75400
floriculture, except where such property is incorporated into real 75401
property; 75402

(18) Sales of drugs for a human being that may be dispensed 75403
only pursuant to a prescription; insulin as recognized in the 75404
official United States pharmacopoeia; urine and blood testing 75405
materials when used by diabetics or persons with hypoglycemia to 75406
test for glucose or acetone; hypodermic syringes and needles when 75407
used by diabetics for insulin injections; epoetin alfa when 75408
purchased for use in the treatment of persons with medical 75409
disease; hospital beds when purchased by hospitals, nursing homes, 75410
or other medical facilities; and medical oxygen and medical 75411
oxygen-dispensing equipment when purchased by hospitals, nursing 75412
homes, or other medical facilities; 75413

(19) Sales of prosthetic devices, durable medical equipment 75414
for home use, or mobility enhancing equipment, when made pursuant 75415
to a prescription and when such devices or equipment are for use 75416
by a human being. 75417

(20) Sales of emergency and fire protection vehicles and 75418
equipment to nonprofit organizations for use solely in providing 75419
fire protection and emergency services, including trauma care and 75420
emergency medical services, for political subdivisions of the 75421
state; 75422

(21) Sales of tangible personal property manufactured in this 75423
state, if sold by the manufacturer in this state to a retailer for 75424
use in the retail business of the retailer outside of this state 75425
and if possession is taken from the manufacturer by the purchaser 75426
within this state for the sole purpose of immediately removing the 75427
same from this state in a vehicle owned by the purchaser; 75428

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state under the circumstances described in division (B) of section 5739.029 of the Revised Code;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.

(25) (a) Sales of water to a consumer for residential use;

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;

(27) Sales to persons licensed to conduct a food service

operation pursuant to section 3717.43 of the Revised Code, of 75460
tangible personal property primarily used directly for the 75461
following: 75462

(a) To prepare food for human consumption for sale; 75463

(b) To preserve food that has been or will be prepared for 75464
human consumption for sale by the food service operator, not 75465
including tangible personal property used to display food for 75466
selection by the consumer; 75467

(c) To clean tangible personal property used to prepare or 75468
serve food for human consumption for sale. 75469

(28) Sales of animals by nonprofit animal adoption services 75470
or county humane societies; 75471

(29) Sales of services to a corporation described in division 75472
(A) of section 5709.72 of the Revised Code, and sales of tangible 75473
personal property that qualifies for exemption from taxation under 75474
section 5709.72 of the Revised Code; 75475

(30) Sales and installation of agricultural land tile, as 75476
defined in division (B) (5) (a) of section 5739.01 of the Revised 75477
Code; 75478

(31) Sales and erection or installation of portable grain 75479
bins, as defined in division (B) (5) (b) of section 5739.01 of the 75480
Revised Code; 75481

(32) The sale, lease, repair, and maintenance of, parts for, 75482
or items attached to or incorporated in, motor vehicles that are 75483
primarily used for transporting tangible personal property 75484
belonging to others by a person engaged in highway transportation 75485
for hire, except for packages and packaging used for the 75486
transportation of tangible personal property; 75487

(33) Sales to the state headquarters of any veterans' 75488
organization in this state that is either incorporated and issued 75489

a charter by the congress of the United States or is recognized by 75490
the United States veterans administration, for use by the 75491
headquarters; 75492

(34) Sales to a telecommunications service vendor, mobile 75493
telecommunications service vendor, or satellite broadcasting 75494
service vendor of tangible personal property and services used 75495
directly and primarily in transmitting, receiving, switching, or 75496
recording any interactive, one- or two-way electromagnetic 75497
communications, including voice, image, data, and information, 75498
through the use of any medium, including, but not limited to, 75499
poles, wires, cables, switching equipment, computers, and record 75500
storage devices and media, and component parts for the tangible 75501
personal property. The exemption provided in this division shall 75502
be in lieu of all other exemptions under division (B) (42) (a) or 75503
(n) of this section to which the vendor may otherwise be entitled, 75504
based upon the use of the thing purchased in providing the 75505
telecommunications, mobile telecommunications, or satellite 75506
broadcasting service. 75507

(35) (a) Sales where the purpose of the consumer is to use or 75508
consume the things transferred in making retail sales and 75509
consisting of newspaper inserts, catalogues, coupons, flyers, gift 75510
certificates, or other advertising material that prices and 75511
describes tangible personal property offered for retail sale. 75512

(b) Sales to direct marketing vendors of preliminary 75513
materials such as photographs, artwork, and typesetting that will 75514
be used in printing advertising material; and of printed matter 75515
that offers free merchandise or chances to win sweepstake prizes 75516
and that is mailed to potential customers with advertising 75517
material described in division (B) (35) (a) of this section; 75518

(c) Sales of equipment such as telephones, computers, 75519
facsimile machines, and similar tangible personal property 75520
primarily used to accept orders for direct marketing retail sales. 75521

(d) Sales of automatic food vending machines that preserve 75522
food with a shelf life of forty-five days or less by refrigeration 75523
and dispense it to the consumer. 75524

For purposes of division (B)(35) of this section, "direct 75525
marketing" means the method of selling where consumers order 75526
tangible personal property by United States mail, delivery 75527
service, or telecommunication and the vendor delivers or ships the 75528
tangible personal property sold to the consumer from a warehouse, 75529
catalogue distribution center, or similar fulfillment facility by 75530
means of the United States mail, delivery service, or common 75531
carrier. 75532

(36) Sales to a person engaged in the business of 75533
horticulture or producing livestock of materials to be 75534
incorporated into a horticulture structure or livestock structure; 75535

(37) Sales of personal computers, computer monitors, computer 75536
keyboards, modems, and other peripheral computer equipment to an 75537
individual who is licensed or certified to teach in an elementary 75538
or a secondary school in this state for use by that individual in 75539
preparation for teaching elementary or secondary school students; 75540

(38) Sales of tangible personal property that is not required 75541
to be registered or licensed under the laws of this state to a 75542
citizen of a foreign nation that is not a citizen of the United 75543
States, provided the property is delivered to a person in this 75544
state that is not a related member of the purchaser, is physically 75545
present in this state for the sole purpose of temporary storage 75546
and package consolidation, and is subsequently delivered to the 75547
purchaser at a delivery address in a foreign nation. As used in 75548
division (B)(38) of this section, "related member" has the same 75549
meaning as in section 5733.042 of the Revised Code, and "temporary 75550
storage" means the storage of tangible personal property for a 75551
period of not more than sixty days. 75552

(39) Sales of used manufactured homes and used mobile homes, 75553
as defined in section 5739.0210 of the Revised Code, made on or 75554
after January 1, 2000; 75555

(40) Sales of tangible personal property and services to a 75556
provider of electricity used or consumed directly and primarily in 75557
generating, transmitting, or distributing electricity for use by 75558
others, including property that is or is to be incorporated into 75559
and will become a part of the consumer's production, transmission, 75560
or distribution system and that retains its classification as 75561
tangible personal property after incorporation; fuel or power used 75562
in the production, transmission, or distribution of electricity; 75563
energy conversion equipment as defined in section 5727.01 of the 75564
Revised Code; and tangible personal property and services used in 75565
the repair and maintenance of the production, transmission, or 75566
distribution system, including only those motor vehicles as are 75567
specially designed and equipped for such use. The exemption 75568
provided in this division shall be in lieu of all other exemptions 75569
in division (B) (42) (a) or (n) of this section to which a provider 75570
of electricity may otherwise be entitled based on the use of the 75571
tangible personal property or service purchased in generating, 75572
transmitting, or distributing electricity. 75573

(41) Sales to a person providing services under division 75574
~~(B) (3) (r)~~ (B) (3) (p) of section 5739.01 of the Revised Code of 75575
tangible personal property and services used directly and 75576
primarily in providing taxable services under that section. 75577

(42) Sales where the purpose of the purchaser is to do any of 75578
the following: 75579

(a) To incorporate the thing transferred as a material or a 75580
part into tangible personal property to be produced for sale by 75581
manufacturing, assembling, processing, or refining; or to use or 75582
consume the thing transferred directly in producing tangible 75583
personal property for sale by mining, including, without 75584

limitation, the extraction from the earth of all substances that 75585
are classed geologically as minerals, or directly in the rendition 75586
of a public utility service, except that the sales tax levied by 75587
this section shall be collected upon all meals, drinks, and food 75588
for human consumption sold when transporting persons. This 75589
paragraph does not exempt from "retail sale" or "sales at retail" 75590
the sale of tangible personal property that is to be incorporated 75591
into a structure or improvement to real property. 75592

(b) To hold the thing transferred as security for the 75593
performance of an obligation of the vendor; 75594

(c) To resell, hold, use, or consume the thing transferred as 75595
evidence of a contract of insurance; 75596

(d) To use or consume the thing directly in commercial 75597
fishing; 75598

(e) To incorporate the thing transferred as a material or a 75599
part into, or to use or consume the thing transferred directly in 75600
the production of, magazines distributed as controlled circulation 75601
publications; 75602

(f) To use or consume the thing transferred in the production 75603
and preparation in suitable condition for market and sale of 75604
printed, imprinted, overprinted, lithographic, multilithic, 75605
blueprinted, photostatic, or other productions or reproductions of 75606
written or graphic matter; 75607

(g) To use the thing transferred, as described in section 75608
5739.011 of the Revised Code, primarily in a manufacturing 75609
operation to produce tangible personal property for sale; 75610

(h) To use the benefit of a warranty, maintenance or service 75611
contract, or similar agreement, as described in division (B)(7) of 75612
section 5739.01 of the Revised Code, to repair or maintain 75613
tangible personal property, if all of the property that is the 75614
subject of the warranty, contract, or agreement would not be 75615

subject to the tax imposed by this section; 75616

(i) To use the thing transferred as qualified research and 75617
development equipment; 75618

(j) To use or consume the thing transferred primarily in 75619
storing, transporting, mailing, or otherwise handling purchased 75620
sales inventory in a warehouse, distribution center, or similar 75621
facility when the inventory is primarily distributed outside this 75622
state to retail stores of the person who owns or controls the 75623
warehouse, distribution center, or similar facility, to retail 75624
stores of an affiliated group of which that person is a member, or 75625
by means of direct marketing. This division does not apply to 75626
motor vehicles registered for operation on the public highways. As 75627
used in this division, "affiliated group" has the same meaning as 75628
in division (B) (3) (e) of section 5739.01 of the Revised Code and 75629
"direct marketing" has the same meaning as in division (B) (35) of 75630
this section. 75631

(k) To use or consume the thing transferred to fulfill a 75632
contractual obligation incurred by a warrantor pursuant to a 75633
warranty provided as a part of the price of the tangible personal 75634
property sold or by a vendor of a warranty, maintenance or service 75635
contract, or similar agreement the provision of which is defined 75636
as a sale under division (B) (7) of section 5739.01 of the Revised 75637
Code; 75638

(l) To use or consume the thing transferred in the production 75639
of a newspaper for distribution to the public; 75640

(m) To use tangible personal property to perform a service 75641
listed in division (B) (3) of section 5739.01 of the Revised Code, 75642
if the property is or is to be permanently transferred to the 75643
consumer of the service as an integral part of the performance of 75644
the service; 75645

(n) To use or consume the thing transferred primarily in 75646

producing tangible personal property for sale by farming, 75647
agriculture, horticulture, or floriculture. Persons engaged in 75648
rendering farming, agriculture, horticulture, or floriculture 75649
services for others are deemed engaged primarily in farming, 75650
agriculture, horticulture, or floriculture. This paragraph does 75651
not exempt from "retail sale" or "sales at retail" the sale of 75652
tangible personal property that is to be incorporated into a 75653
structure or improvement to real property. 75654

(o) To use or consume the thing transferred in acquiring, 75655
formatting, editing, storing, and disseminating data or 75656
information by electronic publishing; 75657

(p) To provide the thing transferred to the owner or lessee 75658
of a motor vehicle that is being repaired or serviced, if the 75659
thing transferred is a rented motor vehicle and the purchaser is 75660
reimbursed for the cost of the rented motor vehicle by a 75661
manufacturer, warrantor, or provider of a maintenance, service, or 75662
other similar contract or agreement, with respect to the motor 75663
vehicle that is being repaired or serviced; 75664

(q) To use or consume the thing transferred directly in 75665
production of crude oil and natural gas for sale. Persons engaged 75666
in rendering production services for others are deemed engaged in 75667
production. 75668

As used in division (B) (42) (q) of this section, "production" 75669
means operations and tangible personal property directly used to 75670
expose and evaluate an underground reservoir that may contain 75671
hydrocarbon resources, prepare the wellbore for production, and 75672
lift and control all substances yielded by the reservoir to the 75673
surface of the earth. 75674

(i) For the purposes of division (B) (42) (q) of this section, 75675
the "thing transferred" includes, but is not limited to, any of 75676
the following: 75677

(I) Services provided in the construction of permanent access roads, services provided in the construction of the well site, and services provided in the construction of temporary impoundments;	75678 75679 75680
(II) Equipment and rigging used for the specific purpose of creating with integrity a wellbore pathway to underground reservoirs;	75681 75682 75683
(III) Drilling and workover services used to work within a subsurface wellbore, and tangible personal property directly used in providing such services;	75684 75685 75686
(IV) Casing, tubulars, and float and centralizing equipment;	75687
(V) Trailers to which production equipment is attached;	75688
(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;	75689 75690 75691
(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	75692 75693 75694
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	75695 75696 75697 75698
(IX) Pressure pumping equipment;	75699
(X) Artificial lift systems equipment;	75700
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;	75701 75702 75703
(XII) Tangible personal property directly used to control production equipment.	75704 75705
(ii) For the purposes of division (B) (42) (q) of this section,	75706

the "thing transferred" does not include any of the following:	75707
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	75708 75709 75710
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	75711 75712 75713
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	75714 75715 75716
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	75717 75718 75719 75720
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	75721 75722 75723 75724
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	75725 75726
(VII) Well site fencing, lighting, or security systems;	75727
(VIII) Communication devices or services;	75728
(IX) Office supplies;	75729
(X) Trailers used as offices or lodging;	75730
(XI) Motor vehicles of any kind;	75731
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	75732 75733
(XIII) Tangible personal property used primarily as a safety device;	75734 75735

(XIV) Data collection or monitoring devices; 75736

(XV) Access ladders, stairs, or platforms attached to storage tanks. 75737
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The enumeration of tangible personal property in division (B) (42) (q) (ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B) (42) (q) of this section. 75739
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The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the commissioner deems necessary to administer division (B) (42) (q) of this section. 75744
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As used in division (B) (42) of this section, "thing" includes all transactions included in divisions (B) (3) (a), (b), and (e) of section 5739.01 of the Revised Code. 75748
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(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction. 75751
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(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft used primarily in a fractional aircraft ownership program, and sales of services for the repair, modification, and maintenance of such aircraft, and machinery, equipment, and supplies primarily used to provide those services. 75758
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(45) Sales of telecommunications service that is used directly and primarily to perform the functions of a call center. As used in this division, "call center" means any physical 75764
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location where telephone calls are placed or received in high 75767
volume for the purpose of making sales, marketing, customer 75768
service, technical support, or other specialized business 75769
activity, and that employs at least fifty individuals that engage 75770
in call center activities on a full-time basis, or sufficient 75771
individuals to fill fifty full-time equivalent positions. 75772

(46) Sales by a telecommunications service vendor of 900 75773
service to a subscriber. This division does not apply to 75774
information services. 75775

(47) Sales of value-added non-voice data service. This 75776
division does not apply to any similar service that is not 75777
otherwise a telecommunications service. 75778

(48) Sales of feminine hygiene products. 75779

(49) Sales of materials, parts, equipment, or engines used in 75780
the repair or maintenance of aircraft or avionics systems of such 75781
aircraft, and sales of repair, remodeling, replacement, or 75782
maintenance services in this state performed on aircraft or on an 75783
aircraft's avionics, engine, or component materials or parts. As 75784
used in division (B) (49) of this section, "aircraft" means 75785
aircraft of more than six thousand pounds maximum certified 75786
takeoff weight or used exclusively in general aviation. 75787

(50) Sales of full flight simulators that are used for pilot 75788
or flight-crew training, sales of repair or replacement parts or 75789
components, and sales of repair or maintenance services for such 75790
full flight simulators. "Full flight simulator" means a replica of 75791
a specific type, or make, model, and series of aircraft cockpit. 75792
It includes the assemblage of equipment and computer programs 75793
necessary to represent aircraft operations in ground and flight 75794
conditions, a visual system providing an out-of-the-cockpit view, 75795
and a system that provides cues at least equivalent to those of a 75796
three-degree-of-freedom motion system, and has the full range of 75797

capabilities of the systems installed in the device as described 75798
in appendices A and B of part 60 of chapter 1 of title 14 of the 75799
Code of Federal Regulations. 75800

(51) Any transfer or lease of tangible personal property 75801
between the state and JobsOhio in accordance with section 4313.02 75802
of the Revised Code. 75803

(52) (a) Sales to a qualifying corporation. 75804

(b) As used in division (B) (52) of this section: 75805

(i) "Qualifying corporation" means a nonprofit corporation 75806
organized in this state that leases from an eligible county land, 75807
buildings, structures, fixtures, and improvements to the land that 75808
are part of or used in a public recreational facility used by a 75809
major league professional athletic team or a class A to class AAA 75810
minor league affiliate of a major league professional athletic 75811
team for a significant portion of the team's home schedule, 75812
provided the following apply: 75813

(I) The facility is leased from the eligible county pursuant 75814
to a lease that requires substantially all of the revenue from the 75815
operation of the business or activity conducted by the nonprofit 75816
corporation at the facility in excess of operating costs, capital 75817
expenditures, and reserves to be paid to the eligible county at 75818
least once per calendar year. 75819

(II) Upon dissolution and liquidation of the nonprofit 75820
corporation, all of its net assets are distributable to the board 75821
of commissioners of the eligible county from which the corporation 75822
leases the facility. 75823

(ii) "Eligible county" has the same meaning as in section 75824
307.695 of the Revised Code. 75825

(53) Sales to or by a cable service provider, video service 75826
provider, or radio or television broadcast station regulated by 75827

the federal government of cable service or programming, video 75828
service or programming, audio service or programming, or 75829
electronically transferred digital audiovisual or audio work. As 75830
used in division (B) (53) of this section, "cable service" and 75831
"cable service provider" have the same meanings as in section 75832
1332.01 of the Revised Code, and "video service," "video service 75833
provider," and "video programming" have the same meanings as in 75834
section 1332.21 of the Revised Code. 75835

(54) Sales of a digital audio work electronically transferred 75836
for delivery through use of a machine, such as a juke box, that 75837
does all of the following: 75838

(a) Accepts direct payments to operate; 75839

(b) Automatically plays a selected digital audio work for a 75840
single play upon receipt of a payment described in division 75841
(B) (54) (a) of this section; 75842

(c) Operates exclusively for the purpose of playing digital 75843
audio works in a commercial establishment. 75844

(55) (a) Sales of the following occurring on the first Friday 75845
of August and the following Saturday and Sunday of each year, 75846
beginning in 2018: 75847

(i) An item of clothing, the price of which is seventy-five 75848
dollars or less; 75849

(ii) An item of school supplies, the price of which is twenty 75850
dollars or less; 75851

(iii) An item of school instructional material, the price of 75852
which is twenty dollars or less. 75853

(b) As used in division (B) (55) of this section: 75854

(i) "Clothing" means all human wearing apparel suitable for 75855
general use. "Clothing" includes, but is not limited to, aprons, 75856
household and shop; athletic supporters; baby receiving blankets; 75857

bathing suits and caps; beach capes and coats; belts and 75858
suspenders; boots; coats and jackets; costumes; diapers, children 75859
and adult, including disposable diapers; earmuffs; footlets; 75860
formal wear; garters and garter belts; girdles; gloves and mittens 75861
for general use; hats and caps; hosiery; insoles for shoes; lab 75862
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 75863
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 75864
and stockings; steel-toed shoes; underwear; uniforms, athletic and 75865
nonathletic; and wedding apparel. "Clothing" does not include 75866
items purchased for use in a trade or business; clothing 75867
accessories or equipment; protective equipment; sports or 75868
recreational equipment; belt buckles sold separately; costume 75869
masks sold separately; patches and emblems sold separately; sewing 75870
equipment and supplies including, but not limited to, knitting 75871
needles, patterns, pins, scissors, sewing machines, sewing 75872
needles, tape measures, and thimbles; and sewing materials that 75873
become part of "clothing" including, but not limited to, buttons, 75874
fabric, lace, thread, yarn, and zippers. 75875

(ii) "School supplies" means items commonly used by a student 75876
in a course of study. "School supplies" includes only the 75877
following items: binders; book bags; calculators; cellophane tape; 75878
blackboard chalk; compasses; composition books; crayons; erasers; 75879
folders, expandable, pocket, plastic, and manila; glue, paste, and 75880
paste sticks; highlighters; index cards; index card boxes; legal 75881
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 75882
notebook paper, copy paper, graph paper, tracing paper, manila 75883
paper, colored paper, poster board, and construction paper; pencil 75884
boxes and other school supply boxes; pencil sharpeners; pencils; 75885
pens; protractors; rulers; scissors; and writing tablets. "School 75886
supplies" does not include any item purchased for use in a trade 75887
or business. 75888

(iii) "School instructional material" means written material 75889

commonly used by a student in a course of study as a reference and 75890
to learn the subject being taught. "School instructional material" 75891
includes only the following items: reference books, reference maps 75892
and globes, textbooks, and workbooks. "School instructional 75893
material" does not include any material purchased for use in a 75894
trade or business. 75895

(56) (a) Sales of diapers or incontinence underpads sold 75896
pursuant to a prescription, for the benefit of a medicaid 75897
recipient with a diagnosis of incontinence, and by a medicaid 75898
provider that maintains a valid provider agreement under section 75899
5164.30 of the Revised Code with the department of medicaid, 75900
provided that the medicaid program covers diapers or incontinence 75901
underpads as an incontinence garment. 75902

(b) As used in division (B) (56) (a) of this section: 75903

(i) "Diaper" means an absorbent garment worn by humans who 75904
are incapable of, or have difficulty, controlling their bladder or 75905
bowel movements. 75906

(ii) "Incontinence underpad" means an absorbent product, not 75907
worn on the body, designed to protect furniture or other tangible 75908
personal property from soiling or damage due to human 75909
incontinence. 75910

(57) Sales of investment metal bullion and investment coins. 75911
"Investment metal bullion" means any bullion described in section 75912
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 75913
that bullion is in the physical possession of a trustee. 75914
"Investment coin" means any coin composed primarily of gold, 75915
silver, platinum, or palladium. 75916

(C) For the purpose of the proper administration of this 75917
chapter, and to prevent the evasion of the tax, it is presumed 75918
that all sales made in this state are subject to the tax until the 75919
contrary is established. 75920

(D) The tax collected by the vendor from the consumer under 75921
this chapter is not part of the price, but is a tax collection for 75922
the benefit of the state, and of counties levying an additional 75923
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 75924
Code and of transit authorities levying an additional sales tax 75925
pursuant to section 5739.023 of the Revised Code. Except for the 75926
discount authorized under section 5739.12 of the Revised Code and 75927
the effects of any rounding pursuant to section 5703.055 of the 75928
Revised Code, no person other than the state or such a county or 75929
transit authority shall derive any benefit from the collection or 75930
payment of the tax levied by this section or section 5739.021, 75931
5739.023, or 5739.026 of the Revised Code. 75932

Sec. 5739.021. (A) For the purpose of providing additional 75933
general revenues for the county, supporting criminal and 75934
administrative justice services in the county, funding a regional 75935
transportation improvement project under section 5595.06 of the 75936
Revised Code, or any combination of the foregoing, and to pay the 75937
expenses of administering such levy, any county may levy a tax at 75938
the rate of not more than one per cent upon every retail sale made 75939
in the county, except sales of watercraft and outboard motors 75940
required to be titled pursuant to Chapter 1548. of the Revised 75941
Code and sales of motor vehicles, and may increase the rate of an 75942
existing tax to not more than one per cent. The rate of any tax 75943
levied pursuant to this section shall be a multiple of 75944
one-twentieth of one per cent. The rate levied under this section 75945
in any county other than a county that adopted a charter under 75946
Article X, Section 3, Ohio Constitution, may exceed one per cent, 75947
but may not exceed one and one-half per cent minus the amount by 75948
which the rate levied under section 5739.023 of the Revised Code 75949
by the county transit authority exceeds one per cent. 75950

The tax shall be levied and the rate increased pursuant to a 75951
resolution of the board of county commissioners. The resolution 75952

shall state the purpose for which the tax is to be levied and the 75953
number of years for which the tax is to be levied, or that it is 75954
for a continuing period of time. If the tax is to be levied for 75955
the purpose of providing additional general revenues and for the 75956
purpose of supporting criminal and administrative justice 75957
services, the resolution shall state the rate or amount of the tax 75958
to be apportioned to each such purpose. The rate or amount may be 75959
different for each year the tax is to be levied, but the rates or 75960
amounts actually apportioned each year shall not be different from 75961
that stated in the resolution for that year. Any amount by which 75962
the rate of the tax exceeds one per cent shall be apportioned 75963
exclusively for the construction, operation, acquisition, 75964
equipping, or repair of a detention facility in the county. 75965

If the resolution is adopted as an emergency measure 75966
necessary for the immediate preservation of the public peace, 75967
health, or safety, it must receive an affirmative vote of all of 75968
the members of the board of county commissioners and shall state 75969
the reasons for such necessity. The board shall deliver a 75970
certified copy of the resolution to the tax commissioner, not 75971
later than the sixty-fifth day prior to the date on which the tax 75972
is to become effective, which shall be the first day of the 75973
calendar quarter. A resolution proposing to levy a tax at a rate 75974
that would cause the rate levied under this section to exceed one 75975
per cent may not be adopted as an emergency measure. 75976

Prior to the adoption of any resolution under this section, 75977
the board of county commissioners shall conduct two public 75978
hearings on the resolution, the second hearing to be not less than 75979
three nor more than ten days after the first. Notice of the date, 75980
time, and place of the hearings shall be given by publication in a 75981
newspaper of general circulation in the county, or as provided in 75982
section 7.16 of the Revised Code, once a week on the same day of 75983
the week for two consecutive weeks, the second publication being 75984

not less than ten nor more than thirty days prior to the first 75985
hearing. 75986

Except as provided in division (B)(1) or (3) of this section, 75987
the resolution shall be subject to a referendum as provided in 75988
sections 305.31 to 305.41 of the Revised Code. 75989

If a petition for a referendum is filed, the county auditor 75990
with whom the petition was filed shall, within five days, notify 75991
the board of county commissioners and the tax commissioner of the 75992
filing of the petition by certified mail. If the board of 75993
elections with which the petition was filed declares the petition 75994
invalid, the board of elections, within five days, shall notify 75995
the board of county commissioners and the tax commissioner of that 75996
declaration by certified mail. If the petition is declared to be 75997
invalid, the effective date of the tax or increased rate of tax 75998
levied by this section shall be the first day of a calendar 75999
quarter following the expiration of sixty-five days from the date 76000
the commissioner receives notice from the board of elections that 76001
the petition is invalid. 76002

(B)(1) A resolution that is not adopted as an emergency 76003
measure may direct the board of elections to submit the question 76004
of levying the tax or increasing the rate of tax to the electors 76005
of the county at a special election held on the date specified by 76006
the board of county commissioners in the resolution, provided that 76007
the election occurs not less than ninety days after a certified 76008
copy of such resolution is transmitted to the board of elections 76009
and the election is not held in August of any year. A resolution 76010
proposing to levy a tax at a rate that would cause the rate levied 76011
under this section to exceed one per cent may not go into effect 76012
unless the question is submitted to electors under this division. 76013
Upon transmission of the resolution to the board of elections, the 76014
board of county commissioners shall notify the tax commissioner in 76015
writing of the levy question to be submitted to the electors. No 76016

resolution adopted under this division shall go into effect unless 76017
approved by a majority of those voting upon it, and, except as 76018
provided in division (B)(3) of this section, shall become 76019
effective on the first day of a calendar quarter following the 76020
expiration of sixty-five days from the date the tax commissioner 76021
receives notice from the board of elections of the affirmative 76022
vote. 76023

(2) A resolution that is adopted as an emergency measure 76024
shall go into effect as provided in division (A) of this section, 76025
but may direct the board of elections to submit the question of 76026
repealing the tax or increase in the rate of the tax to the 76027
electors of the county at the next general election in the county 76028
occurring not less than ninety days after a certified copy of the 76029
resolution is transmitted to the board of elections. Upon 76030
transmission of the resolution to the board of elections, the 76031
board of county commissioners shall notify the tax commissioner in 76032
writing of the levy question to be submitted to the electors. The 76033
ballot question shall be the same as that prescribed in section 76034
5739.022 of the Revised Code. The board of elections shall notify 76035
the board of county commissioners and the tax commissioner of the 76036
result of the election immediately after the result has been 76037
declared. If a majority of the qualified electors voting on the 76038
question of repealing the tax or increase in the rate of the tax 76039
vote for repeal of the tax or repeal of the increase, the board of 76040
county commissioners, on the first day of a calendar quarter 76041
following the expiration of sixty-five days after the date the 76042
board and tax commissioner receive notice of the result of the 76043
election, shall, in the case of a repeal of the tax, cease to levy 76044
the tax, or, in the case of a repeal of an increase in the rate of 76045
the tax, cease to levy the increased rate and levy the tax at the 76046
rate at which it was imposed immediately prior to the increase in 76047
rate. 76048

(3) If a vendor makes a sale in this state by printed catalog 76049
and the consumer computed the tax on the sale based on local rates 76050
published in the catalog, any tax levied or repealed or rate 76051
changed under this section shall not apply to such a sale until 76052
the first day of a calendar quarter following the expiration of 76053
one hundred twenty days from the date of notice by the tax 76054
commissioner pursuant to division (H) of this section. 76055

(C) If a resolution is rejected at a referendum or if a 76056
resolution adopted after January 1, 1982, as an emergency measure 76057
is repealed by the electors pursuant to division (B)(2) of this 76058
section or section 5739.022 of the Revised Code, then for one year 76059
after the date of the election at which the resolution was 76060
rejected or repealed the board of county commissioners may not 76061
adopt any resolution authorized by this section as an emergency 76062
measure. 76063

(D) The board of county commissioners, at any time while a 76064
tax levied under this section is in effect, may by resolution 76065
reduce the rate at which the tax is levied to a lower rate 76066
authorized by this section. Any reduction in the rate at which the 76067
tax is levied shall be made effective on the first day of a 76068
calendar quarter next following the sixty-fifth day after a 76069
certified copy of the resolution is delivered to the tax 76070
commissioner. 76071

(E) The tax on every retail sale subject to a tax levied 76072
pursuant to this section shall be in addition to the tax levied by 76073
section 5739.02 of the Revised Code and any tax levied pursuant to 76074
section 5739.023 or 5739.026 of the Revised Code. 76075

A county that levies a tax pursuant to this section shall 76076
levy a tax at the same rate pursuant to section 5741.021 of the 76077
Revised Code. 76078

The additional tax levied by the county shall be collected 76079

pursuant to section 5739.025 of the Revised Code. If the 76080
additional tax or some portion thereof is levied for the purpose 76081
of criminal and administrative justice services or specifically 76082
for the purpose of constructing, operating, acquiring, equipping, 76083
or repairing a detention facility, the revenue from the tax, or 76084
the amount or rate apportioned to that purpose, shall be credited 76085
to one or more special funds created in the county treasury for 76086
receipt of that revenue. 76087

Any tax levied pursuant to this section is subject to the 76088
exemptions provided in section 5739.02 of the Revised Code and in 76089
addition shall not be applicable to sales not within the taxing 76090
power of a county under the Constitution of the United States or 76091
the Ohio Constitution. 76092

(F) For purposes of this section, a copy of a resolution is 76093
"certified" when it contains a written statement attesting that 76094
the copy is a true and exact reproduction of the original 76095
resolution. 76096

(G) If a board of commissioners intends to adopt a resolution 76097
to levy a tax in whole or in part for the purpose of criminal and 76098
administrative justice services, the board shall prepare and make 76099
available at the first public hearing at which the resolution is 76100
considered a statement containing the following information: 76101

(1) For each of the two preceding fiscal years, the amount of 76102
expenditures made by the county from the county general fund for 76103
the purpose of criminal and administrative justice services; 76104

(2) For the fiscal year in which the resolution is adopted, 76105
the board's estimate of the amount of expenditures to be made by 76106
the county from the county general fund for the purpose of 76107
criminal and administrative justice services; 76108

(3) For each of the two fiscal years after the fiscal year in 76109
which the resolution is adopted, the board's preliminary plan for 76110

expenditures to be made from the county general fund for the 76111
purpose of criminal and administrative justice services, both 76112
under the assumption that the tax will be imposed for that purpose 76113
and under the assumption that the tax would not be imposed for 76114
that purpose, and for expenditures to be made from the special 76115
fund created under division (E) of this section under the 76116
assumption that the tax will be imposed for that purpose. 76117

The board shall prepare the statement and the preliminary 76118
plan using the best information available to the board at the time 76119
the statement is prepared. Neither the statement nor the 76120
preliminary plan shall be used as a basis to challenge the 76121
validity of the tax in any court of competent jurisdiction, nor 76122
shall the statement or preliminary plan limit the authority of the 76123
board to appropriate, pursuant to section 5705.38 of the Revised 76124
Code, an amount different from that specified in the preliminary 76125
plan. 76126

(H) Upon receipt from a board of county commissioners of a 76127
certified copy of a resolution required by division (A) or (D) of 76128
this section, or from the board of elections of a notice of the 76129
results of an election required by division (A) or (B)(1) or (2) 76130
of this section, the tax commissioner shall provide notice of a 76131
tax rate change in a manner that is reasonably accessible to all 76132
affected vendors. The commissioner shall provide this notice at 76133
least sixty days prior to the effective date of the rate change. 76134
The commissioner, by rule, may establish the method by which 76135
notice will be provided. 76136

(I) As used in this section: 76137

(1) "Criminal and administrative justice services" means the 76138
exercise by the county sheriff of all powers and duties vested in 76139
that office by law; the exercise by the county prosecuting 76140
attorney of all powers and duties vested in that office by law; 76141
the exercise by any court in the county of all powers and duties 76142

vested in that court; the exercise by the clerk of the court of 76143
common pleas, any clerk of a municipal court having jurisdiction 76144
throughout the county, or the clerk of any county court of all 76145
powers and duties vested in the clerk by law except, in the case 76146
of the clerk of the court of common pleas, the titling of motor 76147
vehicles or watercraft pursuant to Chapter 1548. or 4505. of the 76148
Revised Code; the exercise by the county coroner of all powers and 76149
duties vested in that office by law; making payments to any other 76150
public agency or a private, nonprofit agency, the purposes of 76151
which in the county include the diversion, adjudication, 76152
detention, or rehabilitation of criminals or juvenile offenders; 76153
the operation and maintenance of any detention facility; and the 76154
construction, acquisition, equipping, or repair of such a 76155
detention facility. 76156

(2) "Detention facility" has the same meaning as in section 76157
2921.01 of the Revised Code. 76158

(3) "Construction, operation, acquisition, equipping, or 76159
repair" of a detention facility includes the payment of any debt 76160
charges incurred in the issuance of securities pursuant to Chapter 76161
133. of the Revised Code for the purpose of constructing, 76162
acquiring, equipping, or repairing such a facility. 76163

Sec. 5739.03. (A) Except as provided in section 5739.05 or 76164
section 5739.051 of the Revised Code, the tax imposed by or 76165
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 76166
the Revised Code shall be paid by the consumer to the vendor, and 76167
each vendor shall collect from the consumer, as a trustee for the 76168
state of Ohio, the full and exact amount of the tax payable on 76169
each taxable sale, in the manner and at the times provided as 76170
follows: 76171

(1) If the price is, at or prior to the provision of the 76172
service or the delivery of possession of the thing sold to the 76173

consumer, paid in currency passed from hand to hand by the 76174
consumer or the consumer's agent to the vendor or the vendor's 76175
agent, the vendor or the vendor's agent shall collect the tax with 76176
and at the same time as the price; 76177

(2) If the price is otherwise paid or to be paid, the vendor 76178
or the vendor's agent shall, at or prior to the provision of the 76179
service or the delivery of possession of the thing sold to the 76180
consumer, charge the tax imposed by or pursuant to section 76181
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 76182
the account of the consumer, which amount shall be collected by 76183
the vendor from the consumer in addition to the price. Such sale 76184
shall be reported on and the amount of the tax applicable thereto 76185
shall be remitted with the return for the period in which the sale 76186
is made, and the amount of the tax shall become a legal charge in 76187
favor of the vendor and against the consumer. 76188

(B) (1) (a) If any sale is claimed to be exempt under division 76189
(E) of section 5739.01 of the Revised Code or under section 76190
5739.02 of the Revised Code, with the exception of divisions 76191
(B) (1) to (11), (28), (48), or (55) of section 5739.02 of the 76192
Revised Code, ~~or if the consumer claims the transaction is not a~~ 76193
~~taxable sale due to one or more of the exclusions provided under~~ 76194
~~divisions (JJ) (1) to (5) of section 5739.01 of the Revised Code,~~ 76195
the consumer must provide to the vendor, and the vendor must 76196
obtain from the consumer, a certificate specifying the reason that 76197
the sale is not legally subject to the tax. The certificate shall 76198
be in such form, and shall be provided either in a hard copy form 76199
or electronic form, as the tax commissioner prescribes. 76200

(b) A vendor that obtains a fully completed exemption 76201
certificate from a consumer is relieved of liability for 76202
collecting and remitting tax on any sale covered by that 76203
certificate. If it is determined the exemption was improperly 76204
claimed, the consumer shall be liable for any tax due on that sale 76205

under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 76206
5741. of the Revised Code. Relief under this division from 76207
liability does not apply to any of the following: 76208

(i) A vendor that fraudulently fails to collect tax; 76209

(ii) A vendor that solicits consumers to participate in the 76210
unlawful claim of an exemption; 76211

(iii) A vendor that accepts an exemption certificate from a 76212
consumer that claims an exemption based on who purchases or who 76213
sells property or a service, when the subject of the transaction 76214
sought to be covered by the exemption certificate is actually 76215
received by the consumer at a location operated by the vendor in 76216
this state, and this state has posted to its web site an exemption 76217
certificate form that clearly and affirmatively indicates that the 76218
claimed exemption is not available in this state; 76219

(iv) A vendor that accepts an exemption certificate from a 76220
consumer who claims a multiple points of use exemption under 76221
division (D) of section 5739.033 of the Revised Code, if the item 76222
purchased is tangible personal property, other than prewritten 76223
computer software. 76224

(2) The vendor shall maintain records, including exemption 76225
certificates, of all sales on which a consumer has claimed an 76226
exemption, and provide them to the tax commissioner on request. 76227

(3) The tax commissioner may establish an identification 76228
system whereby the commissioner issues an identification number to 76229
a consumer that is exempt from payment of the tax. The consumer 76230
must present the number to the vendor, if any sale is claimed to 76231
be exempt as provided in this section. 76232

(4) If no certificate is provided or obtained within ninety 76233
days after the date on which such sale is consummated, it shall be 76234
presumed that the tax applies. Failure to have so provided or 76235
obtained a certificate shall not preclude a vendor, within one 76236

hundred twenty days after the tax commissioner gives written notice of intent to levy an assessment, from either establishing that the sale is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate.

(5) Certificates need not be obtained nor provided where the identity of the consumer is such that the transaction is never subject to the tax imposed or where the item of tangible personal property sold or the service provided is never subject to the tax imposed, regardless of use, or when the sale is in interstate commerce.

(6) If a transaction is claimed to be exempt under division (B) (13) of section 5739.02 of the Revised Code, the contractor shall obtain certification of the claimed exemption from the contractee. This certification shall be in addition to an exemption certificate provided by the contractor to the vendor. A contractee that provides a certification under this division shall be deemed to be the consumer of all items purchased by the contractor under the claim of exemption, if it is subsequently determined that the exemption is not properly claimed. The certification shall be in such form as the tax commissioner prescribes.

(C) As used in this division, "contractee" means a person who seeks to enter or enters into a contract or agreement with a contractor or vendor for the construction of real property or for the sale and installation onto real property of tangible personal property.

Any contractor or vendor may request from any contractee a certification of what portion of the property to be transferred under such contract or agreement is to be incorporated into the realty and what portion will retain its status as tangible personal property after installation is completed. The contractor or vendor shall request the certification by certified mail

delivered to the contractee, return receipt requested. Upon 76269
receipt of such request and prior to entering into the contract or 76270
agreement, the contractee shall provide to the contractor or 76271
vendor a certification sufficiently detailed to enable the 76272
contractor or vendor to ascertain the resulting classification of 76273
all materials purchased or fabricated by the contractor or vendor 76274
and transferred to the contractee. This requirement applies to a 76275
contractee regardless of whether the contractee holds a direct 76276
payment permit under section 5739.031 of the Revised Code or 76277
provides to the contractor or vendor an exemption certificate as 76278
provided under this section. 76279

For the purposes of the taxes levied by this chapter and 76280
Chapter 5741. of the Revised Code, the contractor or vendor may in 76281
good faith rely on the contractee's certification. Notwithstanding 76282
division (B) of section 5739.01 of the Revised Code, if the tax 76283
commissioner determines that certain property certified by the 76284
contractee as tangible personal property pursuant to this division 76285
is, in fact, real property, the contractee shall be considered to 76286
be the consumer of all materials so incorporated into that real 76287
property and shall be liable for the applicable tax, and the 76288
contractor or vendor shall be excused from any liability on those 76289
materials. 76290

If a contractee fails to provide such certification upon the 76291
request of the contractor or vendor, the contractor or vendor 76292
shall comply with the provisions of this chapter and Chapter 5741. 76293
of the Revised Code without the certification. If the tax 76294
commissioner determines that such compliance has been performed in 76295
good faith and that certain property treated as tangible personal 76296
property by the contractor or vendor is, in fact, real property, 76297
the contractee shall be considered to be the consumer of all 76298
materials so incorporated into that real property and shall be 76299
liable for the applicable tax, and the construction contractor or 76300

vendor shall be excused from any liability on those materials. 76301

This division does not apply to any contract or agreement 76302
where the tax commissioner determines as a fact that a 76303
certification under this division was made solely on the decision 76304
or advice of the contractor or vendor. 76305

(D) Notwithstanding division (B) of section 5739.01 of the 76306
Revised Code, whenever the total rate of tax imposed under this 76307
chapter is increased after the date after a construction contract 76308
is entered into, the contractee shall reimburse the construction 76309
contractor for any additional tax paid on tangible property 76310
consumed or services received pursuant to the contract. 76311

(E) A vendor who files a petition for reassessment contesting 76312
the assessment of tax on sales for which the vendor obtained no 76313
valid exemption certificates and for which the vendor failed to 76314
establish that the sales were properly not subject to the tax 76315
during the one-hundred-twenty-day period allowed under division 76316
(B) of this section, may present to the tax commissioner 76317
additional evidence to prove that the sales were properly subject 76318
to a claim of exception or exemption. The vendor shall file such 76319
evidence within ninety days of the receipt by the vendor of the 76320
notice of assessment, except that, upon application and for 76321
reasonable cause, the period for submitting such evidence shall be 76322
extended thirty days. 76323

The commissioner shall consider such additional evidence in 76324
reaching the final determination on the assessment and petition 76325
for reassessment. 76326

(F) Whenever a vendor refunds the price, minus any separately 76327
stated delivery charge, of an item of tangible personal property 76328
on which the tax imposed under this chapter has been paid, the 76329
vendor shall also refund the amount of tax paid, minus the amount 76330
of tax attributable to the delivery charge. 76331

Sec. 5741.01. As used in this chapter: 76332

(A) "Person" includes individuals, receivers, assignees, 76333
trustees in bankruptcy, estates, firms, partnerships, 76334
associations, joint-stock companies, joint ventures, clubs, 76335
societies, corporations, business trusts, governments, and 76336
combinations of individuals of any form. 76337

(B) "Storage" means and includes any keeping or retention in 76338
this state for use or other consumption in this state. 76339

(C) "Use" means and includes the exercise of any right or 76340
power incidental to the ownership of the thing used. A thing is 76341
also "used" in this state if its consumer gives or otherwise 76342
distributes it, without charge, to recipients in this state. 76343

(D) "Purchase" means acquired or received for a 76344
consideration, whether such acquisition or receipt was effected by 76345
a transfer of title, or of possession, or of both, or a license to 76346
use or consume; whether such transfer was absolute or conditional, 76347
and by whatever means the transfer was effected; and whether the 76348
consideration was money, credit, barter, or exchange. Purchase 76349
includes production, even though the article produced was used, 76350
stored, or consumed by the producer. The transfer of copyrighted 76351
motion picture films for exhibition purposes is not a purchase, 76352
except such films as are used solely for advertising purposes. 76353

(E) "Seller" means the person from whom a purchase is made, 76354
and includes every person engaged in this state or elsewhere in 76355
the business of selling tangible personal property or providing a 76356
service for storage, use, or other consumption or benefit in this 76357
state; and when, in the opinion of the tax commissioner, it is 76358
necessary for the efficient administration of this chapter, to 76359
regard any salesperson, representative, peddler, or canvasser as 76360
the agent of a dealer, distributor, supervisor, or employer under 76361
whom the person operates, or from whom the person obtains tangible 76362

personal property, sold by the person for storage, use, or other 76363
consumption in this state, irrespective of whether or not the 76364
person is making such sales on the person's own behalf, or on 76365
behalf of such dealer, distributor, supervisor, or employer, the 76366
commissioner may regard the person as such agent, and may regard 76367
such dealer, distributor, supervisor, or employer as the seller. A 76368
marketplace facilitator shall be treated as the "seller" with 76369
respect to all sales facilitated by the marketplace facilitator on 76370
behalf of one or more marketplace sellers on and after the first 76371
day of the first month that begins at least thirty days after the 76372
marketplace facilitator first has substantial nexus with this 76373
state. Otherwise, "seller" does not include any person to the 76374
extent the person provides a communications medium, such as, but 76375
not limited to, newspapers, magazines, radio, television, or cable 76376
television, by means of which sellers solicit purchases of their 76377
goods or services. 76378

(F) "Consumer" means any person who has purchased tangible 76379
personal property or has been provided a service for storage, use, 76380
or other consumption or benefit in this state. "Consumer" does not 76381
include a person who receives, without charge, tangible personal 76382
property or a service. 76383

A person who performs a facility management or similar 76384
service contract for a contractee is a consumer of all tangible 76385
personal property and services purchased for use in connection 76386
with the performance of such contract, regardless of whether title 76387
to any such property vests in the contractee. The purchase of such 76388
property and services is not subject to the exception for resale 76389
under division (E) of section 5739.01 of the Revised Code. 76390

(G) (1) "Price," except as provided in divisions (G) (2) to (6) 76391
of this section, has the same meaning as in division (H) (1) of 76392
section 5739.01 of the Revised Code. 76393

(2) In the case of watercraft, outboard motors, or new motor 76394

vehicles, "price" has the same meaning as in divisions (H) (2) and 76395
(3) of section 5739.01 of the Revised Code. 76396

(3) In the case of a nonresident business consumer that 76397
purchases and uses tangible personal property outside this state 76398
and subsequently temporarily stores, uses, or otherwise consumes 76399
such tangible personal property in the conduct of business in this 76400
state, the consumer or the tax commissioner may determine the 76401
price based on the value of the temporary storage, use, or other 76402
consumption, in lieu of determining the price pursuant to division 76403
(G) (1) of this section. A price determination made by the consumer 76404
is subject to review and redetermination by the commissioner. 76405

(4) In the case of tangible personal property held in this 76406
state as inventory for sale or lease, and that is temporarily 76407
stored, used, or otherwise consumed in a taxable manner, the price 76408
is the value of the temporary use. A price determination made by 76409
the consumer is subject to review and redetermination by the 76410
commissioner. 76411

(5) In the case of tangible personal property originally 76412
purchased and used by the consumer outside this state, and that 76413
becomes permanently stored, used, or otherwise consumed in this 76414
state more than six months after its acquisition by the consumer, 76415
the consumer or the commissioner may determine the price based on 76416
the current value of such tangible personal property, in lieu of 76417
determining the price pursuant to division (G) (1) of this section. 76418
A price determination made by the consumer is subject to review 76419
and redetermination by the commissioner. 76420

(6) If a consumer produces tangible personal property for 76421
sale and removes that property from inventory for the consumer's 76422
own use, the price is the produced cost of that tangible personal 76423
property. 76424

(H) "Nexus with this state" means that the seller engages in 76425

continuous and widespread solicitation of purchases from residents 76426
of this state or otherwise purposefully directs its business 76427
activities at residents of this state. 76428

(I) (1) "Substantial nexus with this state" means that the 76429
seller has sufficient contact with this state, in accordance with 76430
Section 8 of Article I of the Constitution of the United States, 76431
to allow the state to require the seller to collect and remit use 76432
tax on sales of tangible personal property or services made to 76433
consumers in this state. 76434

(2) "Substantial nexus with this state" is presumed to exist 76435
when the seller does any of the following: 76436

(a) Uses an office, distribution facility, warehouse, storage 76437
facility, or similar place of business within this state, whether 76438
operated by the seller or any other person, other than a common 76439
carrier acting in its capacity as a common carrier. 76440

(b) Regularly uses employees, agents, representatives, 76441
solicitors, installers, repairers, salespersons, or other persons 76442
in this state for the purpose of conducting the business of the 76443
seller or either to engage in a business with the same or a 76444
similar industry classification as the seller selling a similar 76445
product or line of products as the seller, or to use trademarks, 76446
service marks, or trade names in this state that are the same or 76447
substantially similar to those used by the seller. 76448

(c) Uses any person, other than a common carrier acting in 76449
its capacity as a common carrier, in this state for any of the 76450
following purposes: 76451

(i) Receiving or processing orders of the seller's goods or 76452
services; 76453

(ii) Using that person's employees or facilities in this 76454
state to advertise, promote, or facilitate sales by the seller to 76455
customers; 76456

(iii) Delivering, installing, assembling, or performing maintenance services for the seller's customers; 76457
76458

(iv) Facilitating the seller's delivery of tangible personal property to customers in this state by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage facility, or similar place of business. 76459
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(d) Makes regular deliveries of tangible personal property into this state by means other than common carrier. 76464
76465

(e) Has an affiliated person that has substantial nexus with this state. 76466
76467

(f) Owns tangible personal property that is rented or leased to a consumer in this state, or offers tangible personal property, on approval, to consumers in this state. 76468
76469
76470

(g) Has gross receipts in excess of one hundred thousand dollars in the current or preceding calendar year from the sale of tangible personal property for storage, use, or consumption in this state or from providing services the benefit of which is realized in this state. 76471
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(h) Engages, in the current or preceding calendar year, in two hundred or more separate transactions selling tangible personal property for storage, use, or consumption in this state or providing services the benefit of which is realized in this state. 76476
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(3) A seller presumed to have substantial nexus with this state under divisions (I)(2)(a) to (f), (g), and (h) of this section may rebut that presumption by demonstrating that activities described in any of those divisions that are conducted by a person in this state on the seller's behalf are not significantly associated with the seller's ability to establish or maintain a market in this state for the seller's sales. 76481
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(4) A marketplace facilitator is presumed to have substantial 76488
nexus with this state if either of the following apply in the 76489
current or preceding calendar year: 76490

(a) The aggregate gross receipts derived from sales of 76491
tangible personal property for storage, use, or consumption in 76492
this state or services the benefit of which is realized in this 76493
state, including sales made by the marketplace facilitator on its 76494
own behalf and sales facilitated by the marketplace facilitator on 76495
behalf of one or more marketplace sellers, exceed one hundred 76496
thousand dollars; 76497

(b) The marketplace facilitator engages in on its own behalf, 76498
or facilitates on behalf of one or more marketplace sellers, two 76499
hundred or more separate transactions selling tangible personal 76500
property for storage, use, or consumption in this state or 76501
services the benefit of which is realized in this state. 76502

(5) A seller that does not have substantial nexus with this 76503
state, and any affiliated person of the seller, before selling or 76504
leasing tangible personal property or services to a state agency, 76505
shall register with the tax commissioner in the same manner as a 76506
seller described in division (A)(1) of section 5741.17 of the 76507
Revised Code. 76508

(6) As used in division (I) of this section: 76509

(a) "Affiliated person" means any person that is a member of 76510
the same controlled group of corporations as the seller or any 76511
other person that, notwithstanding the form of organization, bears 76512
the same ownership relationship to the seller as a corporation 76513
that is a member of the same controlled group of corporations. 76514

(b) "Controlled group of corporations" has the same meaning 76515
as in section 1563(a) of the Internal Revenue Code. 76516

(c) "State agency" has the same meaning as in section 1.60 of 76517
the Revised Code. 76518

(J) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county which is a transit authority, the fiscal officer of the county transit board appointed pursuant to section 306.03 of the Revised Code or, if the board of county commissioners operates the county transit system, the county auditor.

(K) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county which is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(L) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority which includes territory in more than one county must include all the area of the most populous county which is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(M) "Providing a service" has the same meaning as in section 5739.01 of the Revised Code.

(N) "Other consumption" includes receiving the benefits of a service.

(O) "Lease" or "rental" has the same meaning as in section 5739.01 of the Revised Code.

(P) "Certified service provider" has the same meaning as in

section 5740.01 of the Revised Code. 76550

~~(Q) "Remote sale" means a sale for which the seller could not
be legally required to pay, collect, or remit a tax imposed under
this chapter or Chapter 5739. of the Revised Code, unless
otherwise provided by the laws of the United States.~~ 76551
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~~(R) "Remote seller" means a seller that lacks substantial
nexus with this state but is required to register with the tax
commissioner under section 5741.17 of the Revised Code pursuant to
federal law authorizing states to require such sellers to
register, collect, and remit use tax. A seller that is not
required to register with the commissioner under division (A) of
section 5741.17 of the Revised Code but registers voluntarily
under division (B) of that section is not a "remote seller." A
seller that registers with the commissioner under section 5741.17
of the Revised Code after the effective date of any federal law
that authorizes states to require sellers that lack substantial
nexus with the state to register, collect, and remit use tax is
presumed to be a "remote seller." The seller or the commissioner
may rebut this presumption with evidence that the seller has
substantial nexus with this state.~~ 76555
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~~(S) "Remote small seller" means a remote seller that has
gross annual receipts from remote sales in the United States not
exceeding one million dollars for the preceding calendar year. For
the purposes of determining whether a person is a small remote
seller, the sales of all persons related within the meaning of
subsection (b) or (c) of section 267 or section 707(b)(1) of the
Internal Revenue Code shall be aggregated, and persons with one or
more ownership relationships shall be aggregated if those
relationships were designed with the principal purpose to qualify
as a remote small seller.~~ 76570
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~~(T) "Marketplace facilitator" means a person that owns,
operates, or controls a physical or electronic marketplace through~~ 76580
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which retail sales are facilitated on behalf of one or more 76582
marketplace sellers, or an affiliate of such a person. 76583
"Marketplace facilitator" does not include a person that provides 76584
advertising services, including tangible personal property or 76585
services listed for sale, if the advertising service platform or 76586
forum does not engage directly or indirectly through one or more 76587
affiliated persons in the activities described in division ~~(W)(2)~~ 76588
(T)(2) of this section. 76589

~~(U)~~ (R) "Marketplace seller" means a person on behalf of 76590
which a marketplace facilitator facilitates the sale of tangible 76591
personal property for storage, use, or consumption in this state 76592
or services the benefit of which are realized in this state, 76593
regardless of whether or not the person has a substantial nexus 76594
with this state. 76595

~~(V)~~ (S) "Electronic marketplace" includes digital 76596
distribution services, digital distribution platforms, online 76597
portals, application stores, computer software applications, 76598
in-app purchase mechanisms, or other digital products. 76599

~~(W)~~ (T) A sale is "facilitated" by a marketplace facilitator 76600
on behalf of a marketplace seller if it satisfies divisions ~~(W)(1)~~ 76601
(T)(1), (2), and (3) of this section: 76602

(1) The marketplace facilitator, directly or indirectly, does 76603
any of the following: 76604

(a) Lists, makes available, or advertises the tangible 76605
personal property or services that are the subject of the sale in 76606
a physical or electronic marketplace owned, operated, or 76607
controlled by the marketplace facilitator; 76608

(b) Transmits or otherwise communicates an offer or 76609
acceptance of the sale between the marketplace seller and the 76610
purchaser in a shop, store, booth, catalog, internet site, or 76611
other similar forum; 76612

(c) Owns, rents, licenses, makes available, or operates any 76613
electronic or physical infrastructure or any property, process, 76614
method, copyright, trademark, or patent that connects the 76615
marketplace seller to the purchaser for the purpose of making 76616
sales; 76617

(d) Provides the marketplace in which the sale was made or 76618
otherwise facilitates the sale regardless of ownership or control 76619
of the tangible personal property or services that are the subject 76620
of the sale; 76621

(e) Provides software development or research and development 76622
services directly related to a physical or electronic marketplace 76623
that is involved in one or more of the activities described in 76624
division ~~(W)(1)~~ (T)(1) of this section; 76625

(f) Provides fulfillment or storage services for the 76626
marketplace seller that are related to the tangible personal 76627
property or services that are the subject of the sale; 76628

(g) Sets the price of the sale on behalf of the marketplace 76629
seller; 76630

(h) Provides or offers customer service to the marketplace 76631
seller or the marketplace seller's customers, or accepts or 76632
assists with taking orders, returns, or exchanges of the tangible 76633
personal property or services that are the subject of the sale; 76634

(i) Brands or otherwise identifies the sale as a sale of the 76635
marketplace facilitator. 76636

(2) The marketplace facilitator, directly or indirectly, does 76637
any of the following: 76638

(a) Collects the price of the tangible personal property or 76639
services sold to the consumer; 76640

(b) Provides payment processing services for the sale; 76641

(c) Collects payment in connection with the sale from the 76642

consumer through terms and conditions, agreements, or arrangements 76643
with a third party, and transmits that payment to the marketplace 76644
seller, regardless of whether the person collecting and 76645
transmitting such payment receives compensation or other 76646
consideration in exchange for the service; 76647

(d) Provides virtual currency that consumers are allowed or 76648
required to use to purchase the tangible personal property or 76649
services that are the subject of the sale. 76650

(3) The subject of the sale is tangible personal property or 76651
services other than lodging by a hotel that is or is to be 76652
furnished to transient guests. 76653

Sec. 5741.03. (A) One hundred per cent of all money deposited 76654
into the state treasury under sections 5741.01 to 5741.22 of the 76655
Revised Code that is not required to be distributed as provided in 76656
division (B) of this section shall be credited to the general 76657
revenue fund. 76658

(B) In any case where any county or transit authority has 76659
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 76660
5741.023 of the Revised Code, the tax commissioner shall, within 76661
forty-five days after the end of each month, determine and certify 76662
to the director of budget and management the amount of the 76663
proceeds of such tax or taxes from billings and assessments 76664
received during that month, or shown on tax returns or reports 76665
filed during that month, to be returned to the county or transit 76666
authority levying the tax or taxes, which amounts shall be 76667
determined in the manner provided in section 5739.21 of the 76668
Revised Code. The director of budget and management shall 76669
transfer, from the general revenue fund, to the permissive tax 76670
distribution fund created by division (B)(1) of section 4301.423 76671
of the Revised Code and to the local sales tax administrative fund 76672
created by division (C) of section 5739.21 of the Revised Code, 76673

the amounts certified by the tax commissioner. The tax 76674
commissioner shall then, on or before the twentieth day of the 76675
month in which such certification is made, provide for payment of 76676
such respective amounts to the county treasurer or to the fiscal 76677
officer of the transit authority levying the tax or taxes. The 76678
amount transferred to the local sales tax administrative fund is 76679
for use by the tax commissioner in defraying costs the 76680
commissioner incurs in administering such taxes levied by a county 76681
or transit authority. 76682

~~(C) (1) Not later than the first day of each January and July 76683
following the date remote sellers are first required to register,
collect, and remit use tax under this chapter, the tax 76684
commissioner and the director of budget and management shall 76685
jointly determine the amount of tax imposed by section 5741.02 of 76686
the Revised Code and remitted under this chapter by remote sellers 76687
during the six month period ending on the preceding last day of 76688
November and of May, respectively, reduced by any refunds issued 76689
during the six month period to remote sellers from the tax refund 76690
fund on account of that tax. 76691
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~~(2) Not later than that last day of each January and July 76693
following the date the commissioner and the director make a 76694
determination under division (C) (1) of this section, the director 76695
of budget and management shall transfer from the general revenue 76696
fund to the income tax reduction fund the amount determined under 76697
that division. Amounts transferred to the income tax reduction 76698
fund under this division shall be included in the determination of 76699
the percentage under division (B) (2) of section 131.44 of the 76700
Revised Code required to be made by the thirty first day of July 76701
of the calendar year in which the commissioner makes the 76702
certifications under this division. 76703~~

Sec. 5741.17. (A) (1) Except as otherwise provided in 76705

divisions (A) (2), (3), and (4) of this section, every seller of 76706
tangible personal property or services who has substantial nexus 76707
with this state shall register with the tax commissioner and 76708
supply any information concerning the seller's contacts with this 76709
state that may be required by the commissioner. 76710

(2) A seller who is licensed as a vendor pursuant to section 76711
5739.17 of the Revised Code shall not be required to register with 76712
the commissioner pursuant to this section if all sales to 76713
consumers in this state are made under the authority of the 76714
seller's vendor's license. 76715

(3) A seller is not required to register under this section 76716
if the seller has no contact with this state other than an agency 76717
relationship with a person engaged in the business of 76718
telemarketing in this state and engaged by the seller exclusively 76719
for the purpose of solicitation of customers in other states. 76720

(4) A seller is not required to register under this section 76721
if the seller has no contact with this state other than the 76722
ownership of property that is located at the facility of a printer 76723
with which the seller has contracted for printing and that 76724
consists of the final printed product, property that becomes a 76725
part of the final printed product, or copy from which the final 76726
printed product is produced. 76727

(B) A seller who does not have substantial nexus with this 76728
state may voluntarily register with the commissioner. A seller who 76729
voluntarily registers with the commissioner under this section is 76730
entitled to the same benefits and is subject to the same duties 76731
and requirements as a seller required to be registered with the 76732
commissioner under this chapter. 76733

The commissioner shall maintain an alphabetical index of all 76734
sellers registered under this chapter and records of the use tax 76735
reported and paid. Upon request, this information shall be made 76736

available to the treasurer of state. 76737

~~(C) A remote small seller is not required to register under
this section.~~ 76738
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Sec. 5747.01. Except as otherwise expressly provided or 76740
clearly appearing from the context, any term used in this chapter 76741
that is not otherwise defined in this section has the same meaning 76742
as when used in a comparable context in the laws of the United 76743
States relating to federal income taxes or if not used in a 76744
comparable context in those laws, has the same meaning as in 76745
section 5733.40 of the Revised Code. Any reference in this chapter 76746
to the Internal Revenue Code includes other laws of the United 76747
States relating to federal income taxes. 76748

As used in this chapter: 76749

(A) "Adjusted gross income" or "Ohio adjusted gross income" 76750
means federal adjusted gross income, as defined and used in the 76751
Internal Revenue Code, adjusted as provided in this section: 76752

(1) Add interest or dividends on obligations or securities of 76753
any state or of any political subdivision or authority of any 76754
state, other than this state and its subdivisions and authorities. 76755

(2) Add interest or dividends on obligations of any 76756
authority, commission, instrumentality, territory, or possession 76757
of the United States to the extent that the interest or dividends 76758
are exempt from federal income taxes but not from state income 76759
taxes. 76760

(3) Deduct interest or dividends on obligations of the United 76761
States and its territories and possessions or of any authority, 76762
commission, or instrumentality of the United States to the extent 76763
that the interest or dividends are included in federal adjusted 76764
gross income but exempt from state income taxes under the laws of 76765
the United States. 76766

(4) Deduct disability and survivor's benefits to the extent 76767
included in federal adjusted gross income. 76768

(5) Deduct ~~benefits~~ the following, to the extent not 76769
otherwise deducted or excluded in computing federal or Ohio 76770
adjusted gross income: 76771

(a) Benefits under Title II of the Social Security Act and 76772
tier 1 railroad retirement ~~benefits to the extent included in~~ 76773
~~federal adjusted gross income under section 86 of the Internal~~ 76774
~~Revenue Code;~~ 76775

(b) Railroad retirement benefits, other than tier 1 railroad 76776
retirement benefits, to the extent such amounts are exempt from 76777
state taxation under federal law. 76778

(6) Deduct the amount of wages and salaries, if any, not 76779
otherwise allowable as a deduction but that would have been 76780
allowable as a deduction in computing federal adjusted gross 76781
income for the taxable year, had the ~~targeted jobs work~~ 76782
opportunity tax credit allowed and determined under sections 38, 76783
51, and 52 of the Internal Revenue Code not been in effect. 76784

(7) Deduct any interest or interest equivalent on public 76785
obligations and purchase obligations to the extent that the 76786
interest or interest equivalent is included in federal adjusted 76787
gross income. 76788

(8) Add any loss or deduct any gain resulting from the sale, 76789
exchange, or other disposition of public obligations to the extent 76790
that the loss has been deducted or the gain has been included in 76791
computing federal adjusted gross income. 76792

(9) Deduct or add amounts, as provided under section 5747.70 76793
of the Revised Code, related to contributions made to ~~variable~~ 76794
~~college savings program accounts made~~ or tuition units purchased 76795
~~pursuant to Chapter 3334. of the Revised~~ under a qualified tuition 76796
program established pursuant to section 529 of the Internal 76797

Revenue Code. 76798

(10) (a) Deduct, to the extent not otherwise allowable as a 76799
deduction or exclusion in computing federal or Ohio adjusted gross 76800
income for the taxable year, the amount the taxpayer paid during 76801
the taxable year for medical care insurance and qualified 76802
long-term care insurance for the taxpayer, the taxpayer's spouse, 76803
and dependents. No deduction for medical care insurance under 76804
division (A) (10) (a) of this section shall be allowed either to any 76805
taxpayer who is eligible to participate in any subsidized health 76806
plan maintained by any employer of the taxpayer or of the 76807
taxpayer's spouse, or to any taxpayer who is entitled to, or on 76808
application would be entitled to, benefits under part A of Title 76809
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 76810
301, as amended. For the purposes of division (A) (10) (a) of this 76811
section, "subsidized health plan" means a health plan for which 76812
the employer pays any portion of the plan's cost. The deduction 76813
allowed under division (A) (10) (a) of this section shall be the net 76814
of any related premium refunds, related premium reimbursements, or 76815
related insurance premium dividends received during the taxable 76816
year. 76817

(b) Deduct, to the extent not otherwise deducted or excluded 76818
in computing federal or Ohio adjusted gross income during the 76819
taxable year, the amount the taxpayer paid during the taxable 76820
year, not compensated for by any insurance or otherwise, for 76821
medical care of the taxpayer, the taxpayer's spouse, and 76822
dependents, to the extent the expenses exceed seven and one-half 76823
per cent of the taxpayer's federal adjusted gross income. 76824

(c) For purposes of division (A) (10) of this section, 76825
"medical care" has the meaning given in section 213 of the 76826
Internal Revenue Code, subject to the special rules, limitations, 76827
and exclusions set forth therein, and "qualified long-term care" 76828
has the same meaning given in section 7702B(c) of the Internal 76829

Revenue Code. Solely for purposes of division (A)(10)(a) of this section, "dependent" includes a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(11)(a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A)(11)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(12) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(13) Deduct an amount equal to the deposits made to, and net

investment earnings of, a medical savings account during the 76861
taxable year, in accordance with section 3924.66 of the Revised 76862
Code. The deduction allowed by division (A) (13) of this section 76863
does not apply to medical savings account deposits and earnings 76864
otherwise deducted or excluded for the current or any other 76865
taxable year from the taxpayer's federal adjusted gross income. 76866

(14) (a) Add an amount equal to the funds withdrawn from a 76867
medical savings account during the taxable year, and the net 76868
investment earnings on those funds, when the funds withdrawn were 76869
used for any purpose other than to reimburse an account holder 76870
for, or to pay, eligible medical expenses, in accordance with 76871
section 3924.66 of the Revised Code; 76872

(b) Add the amounts distributed from a medical savings 76873
account under division (A) (2) of section 3924.68 of the Revised 76874
Code during the taxable year. 76875

(15) Add any amount claimed as a credit under section 76876
5747.059 of the Revised Code to the extent that such amount 76877
satisfies either of the following: 76878

(a) The amount was deducted or excluded from the computation 76879
of the taxpayer's federal adjusted gross income as required to be 76880
reported for the taxpayer's taxable year under the Internal 76881
Revenue Code; 76882

(b) The amount resulted in a reduction of the taxpayer's 76883
federal adjusted gross income as required to be reported for any 76884
of the taxpayer's taxable years under the Internal Revenue Code. 76885

(16) Deduct the amount contributed by the taxpayer to an 76886
individual development account program established by a county 76887
department of job and family services pursuant to sections 329.11 76888
to 329.14 of the Revised Code for the purpose of matching funds 76889
deposited by program participants. On request of the tax 76890
commissioner, the taxpayer shall provide any information that, in 76891

the tax commissioner's opinion, is necessary to establish the 76892
amount deducted under division (A) (16) of this section. 76893

(17) (a) (i) Subject to divisions (A) (17) (a) (iii), (iv), and 76894
(v) of this section, add five-sixths of the amount of depreciation 76895
expense allowed by subsection (k) of section 168 of the Internal 76896
Revenue Code, including the taxpayer's proportionate or 76897
distributive share of the amount of depreciation expense allowed 76898
by that subsection to a pass-through entity in which the taxpayer 76899
has a direct or indirect ownership interest. 76900

(ii) Subject to divisions (A) (17) (a) (iii), (iv), and (v) of 76901
this section, add five-sixths of the amount of qualifying section 76902
179 depreciation expense, including the taxpayer's proportionate 76903
or distributive share of the amount of qualifying section 179 76904
depreciation expense allowed to any pass-through entity in which 76905
the taxpayer has a direct or indirect ownership interest. 76906

(iii) Subject to division (A) (17) (a) (v) of this section, for 76907
taxable years beginning in 2012 or thereafter, if the increase in 76908
income taxes withheld by the taxpayer is equal to or greater than 76909
ten per cent of income taxes withheld by the taxpayer during the 76910
taxpayer's immediately preceding taxable year, "two-thirds" shall 76911
be substituted for "five-sixths" for the purpose of divisions 76912
(A) (17) (a) (i) and (ii) of this section. 76913

(iv) Subject to division (A) (17) (a) (v) of this section, for 76914
taxable years beginning in 2012 or thereafter, a taxpayer is not 76915
required to add an amount under division (A) (17) of this section 76916
if the increase in income taxes withheld by the taxpayer and by 76917
any pass-through entity in which the taxpayer has a direct or 76918
indirect ownership interest is equal to or greater than the sum of 76919
(I) the amount of qualifying section 179 depreciation expense and 76920
(II) the amount of depreciation expense allowed to the taxpayer by 76921
subsection (k) of section 168 of the Internal Revenue Code, and 76922
including the taxpayer's proportionate or distributive shares of 76923

such amounts allowed to any such pass-through entities. 76924

(v) If a taxpayer directly or indirectly incurs a net 76925
operating loss for the taxable year for federal income tax 76926
purposes, to the extent such loss resulted from depreciation 76927
expense allowed by subsection (k) of section 168 of the Internal 76928
Revenue Code and by qualifying section 179 depreciation expense, 76929
"the entire" shall be substituted for "five-sixths of the" for the 76930
purpose of divisions (A)(17)(a)(i) and (ii) of this section. 76931

The tax commissioner, under procedures established by the 76932
commissioner, may waive the add-backs related to a pass-through 76933
entity if the taxpayer owns, directly or indirectly, less than 76934
five per cent of the pass-through entity. 76935

(b) Nothing in division (A)(17) of this section shall be 76936
construed to adjust or modify the adjusted basis of any asset. 76937

(c) To the extent the add-back required under division 76938
(A)(17)(a) of this section is attributable to property generating 76939
nonbusiness income or loss allocated under section 5747.20 of the 76940
Revised Code, the add-back shall be situated to the same location 76941
as the nonbusiness income or loss generated by the property for 76942
the purpose of determining the credit under division (A) of 76943
section 5747.05 of the Revised Code. Otherwise, the add-back shall 76944
be apportioned, subject to one or more of the four alternative 76945
methods of apportionment enumerated in section 5747.21 of the 76946
Revised Code. 76947

(d) For the purposes of division (A)(17)(a)(v) of this 76948
section, net operating loss carryback and carryforward shall not 76949
include the allowance of any net operating loss deduction 76950
carryback or carryforward to the taxable year to the extent such 76951
loss resulted from depreciation allowed by section 168(k) of the 76952
Internal Revenue Code and by the qualifying section 179 76953
depreciation expense amount. 76954

(e) For the purposes of divisions (A) (17) and (18) of this section: 76955
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(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year. 76957
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(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year. 76960
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(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002. 76965
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(18) (a) If the taxpayer was required to add an amount under division (A) (17) (a) of this section for a taxable year, deduct one of the following: 76972
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(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code; 76975
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(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense; 76980
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(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added. 76983
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76985

(b) If the amount deducted under division (A)(18)(a) of this section is attributable to an add-back allocated under division (A)(17)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(18)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation results in or increases a federal net operating loss carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add that amount to any deduction otherwise available under division (A)(18)(a) of this section for that next taxable year. The carryforward of amounts not so deducted shall continue until the entire addition required by division (A)(17)(a) of this section has been deducted.

(19) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as reimbursement for life insurance premiums under section 5919.31 of the Revised Code.

(20) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as a death benefit paid by the adjutant general under section 5919.33 of the Revised Code.

(21) Deduct, to the extent included in federal adjusted gross

income and not otherwise allowable as a deduction or exclusion in 77018
computing federal or Ohio adjusted gross income for the taxable 77019
year, military pay and allowances received by the taxpayer during 77020
the taxable year for active duty service in the United States 77021
army, air force, navy, marine corps, or coast guard or reserve 77022
components thereof or the national guard. The deduction may not be 77023
claimed for military pay and allowances received by the taxpayer 77024
while the taxpayer is stationed in this state. 77025

(22) Deduct, to the extent not otherwise allowable as a 77026
deduction or exclusion in computing federal or Ohio adjusted gross 77027
income for the taxable year and not otherwise compensated for by 77028
any other source, the amount of qualified organ donation expenses 77029
incurred by the taxpayer during the taxable year, not to exceed 77030
ten thousand dollars. A taxpayer may deduct qualified organ 77031
donation expenses only once for all taxable years beginning with 77032
taxable years beginning in 2007. 77033

For the purposes of division (A) (22) of this section: 77034

(a) "Human organ" means all or any portion of a human liver, 77035
pancreas, kidney, intestine, or lung, and any portion of human 77036
bone marrow. 77037

(b) "Qualified organ donation expenses" means travel 77038
expenses, lodging expenses, and wages and salary forgone by a 77039
taxpayer in connection with the taxpayer's donation, while living, 77040
of one or more of the taxpayer's human organs to another human 77041
being. 77042

(23) Deduct, to the extent not otherwise deducted or excluded 77043
in computing federal or Ohio adjusted gross income for the taxable 77044
year, amounts received by the taxpayer as retired personnel pay 77045
for service in the uniformed services or reserve components 77046
thereof, or the national guard, or received by the surviving 77047
spouse or former spouse of such a taxpayer under the survivor 77048

benefit plan on account of such a taxpayer's death. If the 77049
taxpayer receives income on account of retirement paid under the 77050
federal civil service retirement system or federal employees 77051
retirement system, or under any successor retirement program 77052
enacted by the congress of the United States that is established 77053
and maintained for retired employees of the United States 77054
government, and such retirement income is based, in whole or in 77055
part, on credit for the taxpayer's uniformed service, the 77056
deduction allowed under this division shall include only that 77057
portion of such retirement income that is attributable to the 77058
taxpayer's uniformed service, to the extent that portion of such 77059
retirement income is otherwise included in federal adjusted gross 77060
income and is not otherwise deducted under this section. Any 77061
amount deducted under division (A) (23) of this section is not 77062
included in a taxpayer's adjusted gross income for the purposes of 77063
section 5747.055 of the Revised Code. No amount may be deducted 77064
under division (A) (23) of this section on the basis of which a 77065
credit was claimed under section 5747.055 of the Revised Code. 77066

(24) Deduct, to the extent not otherwise deducted or excluded 77067
in computing federal or Ohio adjusted gross income for the taxable 77068
year, the amount the taxpayer received during the taxable year 77069
from the military injury relief fund created in section 5902.05 of 77070
the Revised Code. 77071

(25) Deduct, to the extent not otherwise deducted or excluded 77072
in computing federal or Ohio adjusted gross income for the taxable 77073
year, the amount the taxpayer received as a veterans bonus during 77074
the taxable year from the Ohio department of veterans services as 77075
authorized by Section 2r of Article VIII, Ohio Constitution. 77076

(26) Deduct, to the extent not otherwise deducted or excluded 77077
in computing federal or Ohio adjusted gross income for the taxable 77078
year, any income derived from a transfer agreement or from the 77079
enterprise transferred under that agreement under section 4313.02 77080

of the Revised Code. 77081

(27) Deduct, to the extent not otherwise deducted or excluded 77082
in computing federal or Ohio adjusted gross income for the taxable 77083
year, Ohio college opportunity or federal Pell grant amounts 77084
received by the taxpayer or the taxpayer's spouse or dependent 77085
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 77086
1070a, et seq., and used to pay room or board furnished by the 77087
educational institution for which the grant was awarded at the 77088
institution's facilities, including meal plans administered by the 77089
institution. For the purposes of this division, receipt of a grant 77090
includes the distribution of a grant directly to an educational 77091
institution and the crediting of the grant to the enrollee's 77092
account with the institution. 77093

(28) Deduct from the portion of an individual's federal 77094
adjusted gross income that is business income, to the extent not 77095
otherwise deducted or excluded in computing federal adjusted gross 77096
income for the taxable year, one hundred twenty-five thousand 77097
dollars for each spouse if spouses file separate returns under 77098
section 5747.08 of the Revised Code or two hundred fifty thousand 77099
dollars for all other individuals. 77100

(29) Deduct, as provided under section 5747.78 of the Revised 77101
Code, contributions to ABLE savings accounts made in accordance 77102
with sections 113.50 to 113.56 of the Revised Code. 77103

(30) (a) Deduct, to the extent not otherwise deducted or 77104
excluded in computing federal or Ohio adjusted gross income during 77105
the taxable year, all of the following: 77106

(i) Compensation paid to a qualifying employee described in 77107
division (A) (14) (a) of section 5703.94 of the Revised Code to the 77108
extent such compensation is for disaster work conducted in this 77109
state during a disaster response period pursuant to a qualifying 77110
solicitation received by the employee's employer; 77111

(ii) Compensation paid to a qualifying employee described in 77112
division (A) (14) (b) of section 5703.94 of the Revised Code to the 77113
extent such compensation is for disaster work conducted in this 77114
state by the employee during the disaster response period on 77115
critical infrastructure owned or used by the employee's employer; 77116

(iii) Income received by an out-of-state disaster business 77117
for disaster work conducted in this state during a disaster 77118
response period, or, if the out-of-state disaster business is a 77119
pass-through entity, a taxpayer's distributive share of the 77120
pass-through entity's income from the business conducting disaster 77121
work in this state during a disaster response period, if, in 77122
either case, the disaster work is conducted pursuant to a 77123
qualifying solicitation received by the business. 77124

(b) All terms used in division (A) (30) of this section have 77125
the same meanings as in section 5703.94 of the Revised Code. 77126

(31) For a taxpayer who is a qualifying Ohio educator, 77127
deduct, to the extent not otherwise deducted or excluded in 77128
computing federal or Ohio adjusted gross income for the taxable 77129
year, the lesser of two hundred fifty dollars or the amount of 77130
expenses described in subsections (a) (2) (D) (i) and (ii) of section 77131
62 of the Internal Revenue Code paid or incurred by the taxpayer 77132
during the taxpayer's taxable year in excess of the amount the 77133
taxpayer is authorized to deduct for that taxable year under 77134
subsection (a) (2) (D) of that section. 77135

~~(34)~~ (32) Deduct, to the extent not otherwise deducted or 77136
excluded in computing federal or Ohio adjusted gross income for 77137
the taxable year, amounts received by the taxpayer as a disability 77138
severance payment, computed under 10 U.S.C. 1212, following 77139
discharge or release under honorable conditions from the armed 77140
forces, as defined by 10 U.S.C. 101. 77141

(33) Deduct, to the extent not otherwise deducted or excluded 77142

in computing federal adjusted gross income or Ohio adjusted gross 77143
income, amounts not subject to tax due to an agreement entered 77144
into under division (A)(2) of section 5747.05 of the Revised Code. 77145

(B) "Business income" means income, including gain or loss, 77146
arising from transactions, activities, and sources in the regular 77147
course of a trade or business and includes income, gain, or loss 77148
from real property, tangible property, and intangible property if 77149
the acquisition, rental, management, and disposition of the 77150
property constitute integral parts of the regular course of a 77151
trade or business operation. "Business income" includes income, 77152
including gain or loss, from a partial or complete liquidation of 77153
a business, including, but not limited to, gain or loss from the 77154
sale or other disposition of goodwill. 77155

(C) "Nonbusiness income" means all income other than business 77156
income and may include, but is not limited to, compensation, rents 77157
and royalties from real or tangible personal property, capital 77158
gains, interest, dividends and distributions, patent or copyright 77159
royalties, or lottery winnings, prizes, and awards. 77160

(D) "Compensation" means any form of remuneration paid to an 77161
employee for personal services. 77162

(E) "Fiduciary" means a guardian, trustee, executor, 77163
administrator, receiver, conservator, or any other person acting 77164
in any fiduciary capacity for any individual, trust, or estate. 77165

(F) "Fiscal year" means an accounting period of twelve months 77166
ending on the last day of any month other than December. 77167

(G) "Individual" means any natural person. 77168

(H) "Internal Revenue Code" means the "Internal Revenue Code 77169
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 77170

(I) "Resident" means any of the following: 77171

(1) An individual who is domiciled in this state, subject to 77172

section 5747.24 of the Revised Code; 77173

(2) The estate of a decedent who at the time of death was 77174
domiciled in this state. The domicile tests of section 5747.24 of 77175
the Revised Code are not controlling for purposes of division 77176
(I) (2) of this section. 77177

(3) A trust that, in whole or part, resides in this state. If 77178
only part of a trust resides in this state, the trust is a 77179
resident only with respect to that part. 77180

For the purposes of division (I) (3) of this section: 77181

(a) A trust resides in this state for the trust's current 77182
taxable year to the extent, as described in division (I) (3) (d) of 77183
this section, that the trust consists directly or indirectly, in 77184
whole or in part, of assets, net of any related liabilities, that 77185
were transferred, or caused to be transferred, directly or 77186
indirectly, to the trust by any of the following: 77187

(i) A person, a court, or a governmental entity or 77188
instrumentality on account of the death of a decedent, but only if 77189
the trust is described in division (I) (3) (e) (i) or (ii) of this 77190
section; 77191

(ii) A person who was domiciled in this state for the 77192
purposes of this chapter when the person directly or indirectly 77193
transferred assets to an irrevocable trust, but only if at least 77194
one of the trust's qualifying beneficiaries is domiciled in this 77195
state for the purposes of this chapter during all or some portion 77196
of the trust's current taxable year; 77197

(iii) A person who was domiciled in this state for the 77198
purposes of this chapter when the trust document or instrument or 77199
part of the trust document or instrument became irrevocable, but 77200
only if at least one of the trust's qualifying beneficiaries is a 77201
resident domiciled in this state for the purposes of this chapter 77202
during all or some portion of the trust's current taxable year. If 77203

a trust document or instrument became irrevocable upon the death 77204
of a person who at the time of death was domiciled in this state 77205
for purposes of this chapter, that person is a person described in 77206
division (I) (3) (a) (iii) of this section. 77207

(b) A trust is irrevocable to the extent that the transferor 77208
is not considered to be the owner of the net assets of the trust 77209
under sections 671 to 678 of the Internal Revenue Code. 77210

(c) With respect to a trust other than a charitable lead 77211
trust, "qualifying beneficiary" has the same meaning as "potential 77212
current beneficiary" as defined in section 1361(e) (2) of the 77213
Internal Revenue Code, and with respect to a charitable lead trust 77214
"qualifying beneficiary" is any current, future, or contingent 77215
beneficiary, but with respect to any trust "qualifying 77216
beneficiary" excludes a person or a governmental entity or 77217
instrumentality to any of which a contribution would qualify for 77218
the charitable deduction under section 170 of the Internal Revenue 77219
Code. 77220

(d) For the purposes of division (I) (3) (a) of this section, 77221
the extent to which a trust consists directly or indirectly, in 77222
whole or in part, of assets, net of any related liabilities, that 77223
were transferred directly or indirectly, in whole or part, to the 77224
trust by any of the sources enumerated in that division shall be 77225
ascertained by multiplying the fair market value of the trust's 77226
assets, net of related liabilities, by the qualifying ratio, which 77227
shall be computed as follows: 77228

(i) The first time the trust receives assets, the numerator 77229
of the qualifying ratio is the fair market value of those assets 77230
at that time, net of any related liabilities, from sources 77231
enumerated in division (I) (3) (a) of this section. The denominator 77232
of the qualifying ratio is the fair market value of all the 77233
trust's assets at that time, net of any related liabilities. 77234

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this

section, a "qualifying transfer" is a transfer of assets, net of 77266
any related liabilities, directly or indirectly to a trust, if the 77267
transfer is described in any of the following: 77268

(i) The transfer is made to a trust, created by the decedent 77269
before the decedent's death and while the decedent was domiciled 77270
in this state for the purposes of this chapter, and, prior to the 77271
death of the decedent, the trust became irrevocable while the 77272
decedent was domiciled in this state for the purposes of this 77273
chapter. 77274

(ii) The transfer is made to a trust to which the decedent, 77275
prior to the decedent's death, had directly or indirectly 77276
transferred assets, net of any related liabilities, while the 77277
decedent was domiciled in this state for the purposes of this 77278
chapter, and prior to the death of the decedent the trust became 77279
irrevocable while the decedent was domiciled in this state for the 77280
purposes of this chapter. 77281

(iii) The transfer is made on account of a contractual 77282
relationship existing directly or indirectly between the 77283
transferor and either the decedent or the estate of the decedent 77284
at any time prior to the date of the decedent's death, and the 77285
decedent was domiciled in this state at the time of death for 77286
purposes of the taxes levied under Chapter 5731. of the Revised 77287
Code. 77288

(iv) The transfer is made to a trust on account of a 77289
contractual relationship existing directly or indirectly between 77290
the transferor and another person who at the time of the 77291
decedent's death was domiciled in this state for purposes of this 77292
chapter. 77293

(v) The transfer is made to a trust on account of the will of 77294
a testator who was domiciled in this state at the time of the 77295
testator's death for purposes of the taxes levied under Chapter 77296

5731. of the Revised Code.	77297
(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly created in connection with or as a result of the death of an individual who, for purposes of the taxes levied under Chapter 5731. of the Revised Code, was domiciled in this state at the time of the individual's death.	77298 77299 77300 77301 77302 77303
(g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state.	77304 77305
(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.	77306 77307 77308 77309
(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.	77310 77311
(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.	77312 77313 77314 77315
(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.	77316 77317 77318 77319
(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.	77320 77321 77322 77323
(O) "Dependents" means one of the following:	77324
(1) For taxable years beginning on or after January 1, 2018, and before January 1, 2026, dependents as defined in the Internal	77325 77326

Revenue Code; 77327

(2) For all other taxable years, dependents as defined in the 77328
Internal Revenue Code and as claimed in the taxpayer's federal 77329
income tax return for the taxable year or which the taxpayer would 77330
have been permitted to claim had the taxpayer filed a federal 77331
income tax return. 77332

(P) "Principal county of employment" means, in the case of a 77333
nonresident, the county within the state in which a taxpayer 77334
performs services for an employer or, if those services are 77335
performed in more than one county, the county in which the major 77336
portion of the services are performed. 77337

(Q) As used in sections 5747.50 to 5747.55 of the Revised 77338
Code: 77339

(1) "Subdivision" means any county, municipal corporation, 77340
park district, or township. 77341

(2) "Essential local government purposes" includes all 77342
functions that any subdivision is required by general law to 77343
exercise, including like functions that are exercised under a 77344
charter adopted pursuant to the Ohio Constitution. 77345

(R) "Overpayment" means any amount already paid that exceeds 77346
the figure determined to be the correct amount of the tax. 77347

(S) "Taxable income" or "Ohio taxable income" applies only to 77348
estates and trusts, and means federal taxable income, as defined 77349
and used in the Internal Revenue Code, adjusted as follows: 77350

(1) Add interest or dividends, net of ordinary, necessary, 77351
and reasonable expenses not deducted in computing federal taxable 77352
income, on obligations or securities of any state or of any 77353
political subdivision or authority of any state, other than this 77354
state and its subdivisions and authorities, but only to the extent 77355
that such net amount is not otherwise includible in Ohio taxable 77356

income and is described in either division (S) (1) (a) or (b) of 77357
this section: 77358

(a) The net amount is not attributable to the S portion of an 77359
electing small business trust and has not been distributed to 77360
beneficiaries for the taxable year; 77361

(b) The net amount is attributable to the S portion of an 77362
electing small business trust for the taxable year. 77363

(2) Add interest or dividends, net of ordinary, necessary, 77364
and reasonable expenses not deducted in computing federal taxable 77365
income, on obligations of any authority, commission, 77366
instrumentality, territory, or possession of the United States to 77367
the extent that the interest or dividends are exempt from federal 77368
income taxes but not from state income taxes, but only to the 77369
extent that such net amount is not otherwise includible in Ohio 77370
taxable income and is described in either division (S) (1) (a) or 77371
(b) of this section; 77372

(3) Add the amount of personal exemption allowed to the 77373
estate pursuant to section 642(b) of the Internal Revenue Code; 77374

(4) Deduct interest or dividends, net of related expenses 77375
deducted in computing federal taxable income, on obligations of 77376
the United States and its territories and possessions or of any 77377
authority, commission, or instrumentality of the United States to 77378
the extent that the interest or dividends are exempt from state 77379
taxes under the laws of the United States, but only to the extent 77380
that such amount is included in federal taxable income and is 77381
described in either division (S) (1) (a) or (b) of this section; 77382

(5) Deduct the amount of wages and salaries, if any, not 77383
otherwise allowable as a deduction but that would have been 77384
allowable as a deduction in computing federal taxable income for 77385
the taxable year, had the ~~targeted jobs~~ work opportunity tax 77386
credit allowed under sections 38, 51, and 52 of the Internal 77387

Revenue Code not been in effect, but only to the extent such 77388
amount relates either to income included in federal taxable income 77389
for the taxable year or to income of the S portion of an electing 77390
small business trust for the taxable year; 77391

(6) Deduct any interest or interest equivalent, net of 77392
related expenses deducted in computing federal taxable income, on 77393
public obligations and purchase obligations, but only to the 77394
extent that such net amount relates either to income included in 77395
federal taxable income for the taxable year or to income of the S 77396
portion of an electing small business trust for the taxable year; 77397

(7) Add any loss or deduct any gain resulting from sale, 77398
exchange, or other disposition of public obligations to the extent 77399
that such loss has been deducted or such gain has been included in 77400
computing either federal taxable income or income of the S portion 77401
of an electing small business trust for the taxable year; 77402

(8) Except in the case of the final return of an estate, add 77403
any amount deducted by the taxpayer on both its Ohio estate tax 77404
return pursuant to section 5731.14 of the Revised Code, and on its 77405
federal income tax return in determining federal taxable income; 77406

(9) (a) Deduct any amount included in federal taxable income 77407
solely because the amount represents a reimbursement or refund of 77408
expenses that in a previous year the decedent had deducted as an 77409
itemized deduction pursuant to section 63 of the Internal Revenue 77410
Code and applicable treasury regulations. The deduction otherwise 77411
allowed under division (S) (9) (a) of this section shall be reduced 77412
to the extent the reimbursement is attributable to an amount the 77413
taxpayer or decedent deducted under this section in any taxable 77414
year. 77415

(b) Add any amount not otherwise included in Ohio taxable 77416
income for any taxable year to the extent that the amount is 77417
attributable to the recovery during the taxable year of any amount 77418

deducted or excluded in computing federal or Ohio taxable income 77419
in any taxable year, but only to the extent such amount has not 77420
been distributed to beneficiaries for the taxable year. 77421

(10) Deduct any portion of the deduction described in section 77422
1341(a)(2) of the Internal Revenue Code, for repaying previously 77423
reported income received under a claim of right, that meets both 77424
of the following requirements: 77425

(a) It is allowable for repayment of an item that was 77426
included in the taxpayer's taxable income or the decedent's 77427
adjusted gross income for a prior taxable year and did not qualify 77428
for a credit under division (A) or (B) of section 5747.05 of the 77429
Revised Code for that year. 77430

(b) It does not otherwise reduce the taxpayer's taxable 77431
income or the decedent's adjusted gross income for the current or 77432
any other taxable year. 77433

(11) Add any amount claimed as a credit under section 77434
5747.059 of the Revised Code to the extent that the amount 77435
satisfies either of the following: 77436

(a) The amount was deducted or excluded from the computation 77437
of the taxpayer's federal taxable income as required to be 77438
reported for the taxpayer's taxable year under the Internal 77439
Revenue Code; 77440

(b) The amount resulted in a reduction in the taxpayer's 77441
federal taxable income as required to be reported for any of the 77442
taxpayer's taxable years under the Internal Revenue Code. 77443

(12) Deduct any amount, net of related expenses deducted in 77444
computing federal taxable income, that a trust is required to 77445
report as farm income on its federal income tax return, but only 77446
if the assets of the trust include at least ten acres of land 77447
satisfying the definition of "land devoted exclusively to 77448
agricultural use" under section 5713.30 of the Revised Code, 77449

regardless of whether the land is valued for tax purposes as such 77450
land under sections 5713.30 to 5713.38 of the Revised Code. If the 77451
trust is a pass-through entity investor, section 5747.231 of the 77452
Revised Code applies in ascertaining if the trust is eligible to 77453
claim the deduction provided by division (S)(12) of this section 77454
in connection with the pass-through entity's farm income. 77455

Except for farm income attributable to the S portion of an 77456
electing small business trust, the deduction provided by division 77457
(S)(12) of this section is allowed only to the extent that the 77458
trust has not distributed such farm income. 77459

(13) Add the net amount of income described in section 641(c) 77460
of the Internal Revenue Code to the extent that amount is not 77461
included in federal taxable income. 77462

(14) Add or deduct the amount the taxpayer would be required 77463
to add or deduct under division (A)(17) or (18) of this section if 77464
the taxpayer's Ohio taxable income were computed in the same 77465
manner as an individual's Ohio adjusted gross income is computed 77466
under this section. 77467

(T) "School district income" and "school district income tax" 77468
have the same meanings as in section 5748.01 of the Revised Code. 77469

(U) As used in divisions (A)(7), (A)(8), (S)(6), and (S)(7) 77470
of this section, "public obligations," "purchase obligations," and 77471
"interest or interest equivalent" have the same meanings as in 77472
section 5709.76 of the Revised Code. 77473

(V) "Limited liability company" means any limited liability 77474
company formed under Chapter 1705. or 1706. of the Revised Code or 77475
under the laws of any other state. 77476

(W) "Pass-through entity investor" means any person who, 77477
during any portion of a taxable year of a pass-through entity, is 77478
a partner, member, shareholder, or equity investor in that 77479
pass-through entity. 77480

(X) "Banking day" has the same meaning as in section 1304.01 77481
of the Revised Code. 77482

(Y) "Month" means a calendar month. 77483

(Z) "Quarter" means the first three months, the second three 77484
months, the third three months, or the last three months of the 77485
taxpayer's taxable year. 77486

(AA) (1) "Modified business income" means the business income 77487
included in a trust's Ohio taxable income after such taxable 77488
income is first reduced by the qualifying trust amount, if any. 77489

(2) "Qualifying trust amount" of a trust means capital gains 77490
and losses from the sale, exchange, or other disposition of equity 77491
or ownership interests in, or debt obligations of, a qualifying 77492
investee to the extent included in the trust's Ohio taxable 77493
income, but only if the following requirements are satisfied: 77494

(a) The book value of the qualifying investee's physical 77495
assets in this state and everywhere, as of the last day of the 77496
qualifying investee's fiscal or calendar year ending immediately 77497
prior to the date on which the trust recognizes the gain or loss, 77498
is available to the trust. 77499

(b) The requirements of section 5747.011 of the Revised Code 77500
are satisfied for the trust's taxable year in which the trust 77501
recognizes the gain or loss. 77502

Any gain or loss that is not a qualifying trust amount is 77503
modified business income, qualifying investment income, or 77504
modified nonbusiness income, as the case may be. 77505

(3) "Modified nonbusiness income" means a trust's Ohio 77506
taxable income other than modified business income, other than the 77507
qualifying trust amount, and other than qualifying investment 77508
income, as defined in section 5747.012 of the Revised Code, to the 77509
extent such qualifying investment income is not otherwise part of 77510

modified business income. 77511

(4) "Modified Ohio taxable income" applies only to trusts, 77512
and means the sum of the amounts described in divisions (AA) (4) (a) 77513
to (c) of this section: 77514

(a) The fraction, calculated under section 5747.013, and 77515
applying section 5747.231 of the Revised Code, multiplied by the 77516
sum of the following amounts: 77517

(i) The trust's modified business income; 77518

(ii) The trust's qualifying investment income, as defined in 77519
section 5747.012 of the Revised Code, but only to the extent the 77520
qualifying investment income does not otherwise constitute 77521
modified business income and does not otherwise constitute a 77522
qualifying trust amount. 77523

(b) The qualifying trust amount multiplied by a fraction, the 77524
numerator of which is the sum of the book value of the qualifying 77525
investee's physical assets in this state on the last day of the 77526
qualifying investee's fiscal or calendar year ending immediately 77527
prior to the day on which the trust recognizes the qualifying 77528
trust amount, and the denominator of which is the sum of the book 77529
value of the qualifying investee's total physical assets 77530
everywhere on the last day of the qualifying investee's fiscal or 77531
calendar year ending immediately prior to the day on which the 77532
trust recognizes the qualifying trust amount. If, for a taxable 77533
year, the trust recognizes a qualifying trust amount with respect 77534
to more than one qualifying investee, the amount described in 77535
division (AA) (4) (b) of this section shall equal the sum of the 77536
products so computed for each such qualifying investee. 77537

(c) (i) With respect to a trust or portion of a trust that is 77538
a resident as ascertained in accordance with division (I) (3) (d) of 77539
this section, its modified nonbusiness income. 77540

(ii) With respect to a trust or portion of a trust that is 77541

not a resident as ascertained in accordance with division 77542
(I) (3) (d) of this section, the amount of its modified nonbusiness 77543
income satisfying the descriptions in divisions (B) (2) to (5) of 77544
section 5747.20 of the Revised Code, except as otherwise provided 77545
in division (AA) (4) (c) (ii) of this section. With respect to a 77546
trust or portion of a trust that is not a resident as ascertained 77547
in accordance with division (I) (3) (d) of this section, the trust's 77548
portion of modified nonbusiness income recognized from the sale, 77549
exchange, or other disposition of a debt interest in or equity 77550
interest in a section 5747.212 entity, as defined in section 77551
5747.212 of the Revised Code, without regard to division (A) of 77552
that section, shall not be allocated to this state in accordance 77553
with section 5747.20 of the Revised Code but shall be apportioned 77554
to this state in accordance with division (B) of section 5747.212 77555
of the Revised Code without regard to division (A) of that 77556
section. 77557

If the allocation and apportionment of a trust's income under 77558
divisions (AA) (4) (a) and (c) of this section do not fairly 77559
represent the modified Ohio taxable income of the trust in this 77560
state, the alternative methods described in division (C) of 77561
section 5747.21 of the Revised Code may be applied in the manner 77562
and to the same extent provided in that section. 77563

(5) (a) Except as set forth in division (AA) (5) (b) of this 77564
section, "qualifying investee" means a person in which a trust has 77565
an equity or ownership interest, or a person or unit of government 77566
the debt obligations of either of which are owned by a trust. For 77567
the purposes of division (AA) (2) (a) of this section and for the 77568
purpose of computing the fraction described in division (AA) (4) (b) 77569
of this section, all of the following apply: 77570

(i) If the qualifying investee is a member of a qualifying 77571
controlled group on the last day of the qualifying investee's 77572
fiscal or calendar year ending immediately prior to the date on 77573

which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day. 77574
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(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount. 77577
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(iii) For the purposes of division (AA) (5) (a) (iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity. 77594
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An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's physical assets that the lower level pass-through entity directly or indirectly owns on the last day of the lower level pass-through entity's calendar or fiscal year ending within or with the last 77599
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day of the upper level pass-through entity's fiscal or calendar 77606
year. If the upper level pass-through entity directly and 77607
indirectly owns less than fifty per cent of the equity of the 77608
lower level pass-through entity on each day of the upper level 77609
pass-through entity's calendar or fiscal year in which or with 77610
which ends the calendar or fiscal year of the lower level 77611
pass-through entity and if, based upon clear and convincing 77612
evidence, complete information about the location and cost of the 77613
physical assets of the lower pass-through entity is not available 77614
to the upper level pass-through entity, then solely for purposes 77615
of ascertaining if a gain or loss constitutes a qualifying trust 77616
amount, the upper level pass-through entity shall be deemed as 77617
owning no equity of the lower level pass-through entity for each 77618
day during the upper level pass-through entity's calendar or 77619
fiscal year in which or with which ends the lower level 77620
pass-through entity's calendar or fiscal year. Nothing in division 77621
(AA) (5) (a) (iii) of this section shall be construed to provide for 77622
any deduction or exclusion in computing any trust's Ohio taxable 77623
income. 77624

(b) With respect to a trust that is not a resident for the 77625
taxable year and with respect to a part of a trust that is not a 77626
resident for the taxable year, "qualifying investee" for that 77627
taxable year does not include a C corporation if both of the 77628
following apply: 77629

(i) During the taxable year the trust or part of the trust 77630
recognizes a gain or loss from the sale, exchange, or other 77631
disposition of equity or ownership interests in, or debt 77632
obligations of, the C corporation. 77633

(ii) Such gain or loss constitutes nonbusiness income. 77634

(6) "Available" means information is such that a person is 77635
able to learn of the information by the due date plus extensions, 77636
if any, for filing the return for the taxable year in which the 77637

trust recognizes the gain or loss. 77638

(BB) "Qualifying controlled group" has the same meaning as in 77639
section 5733.04 of the Revised Code. 77640

(CC) "Related member" has the same meaning as in section 77641
5733.042 of the Revised Code. 77642

(DD) (1) For the purposes of division (DD) of this section: 77643

(a) "Qualifying person" means any person other than a 77644
qualifying corporation. 77645

(b) "Qualifying corporation" means any person classified for 77646
federal income tax purposes as an association taxable as a 77647
corporation, except either of the following: 77648

(i) A corporation that has made an election under subchapter 77649
S, chapter one, subtitle A, of the Internal Revenue Code for its 77650
taxable year ending within, or on the last day of, the investor's 77651
taxable year; 77652

(ii) A subsidiary that is wholly owned by any corporation 77653
that has made an election under subchapter S, chapter one, 77654
subtitle A of the Internal Revenue Code for its taxable year 77655
ending within, or on the last day of, the investor's taxable year. 77656

(2) For the purposes of this chapter, unless expressly stated 77657
otherwise, no qualifying person indirectly owns any asset directly 77658
or indirectly owned by any qualifying corporation. 77659

(EE) For purposes of this chapter and Chapter 5751. of the 77660
Revised Code: 77661

(1) "Trust" does not include a qualified pre-income tax 77662
trust. 77663

(2) A "qualified pre-income tax trust" is any pre-income tax 77664
trust that makes a qualifying pre-income tax trust election as 77665
described in division (EE)(3) of this section. 77666

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

(FF) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

(GG) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division ~~(A) (31)~~ (A) (28) of this section for the taxable year.

(HH) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the

franchisee or the franchisee's employees that is not customarily 77698
exercised by a franchisor for the purpose of protecting the 77699
franchisor's trademark, brand, or both. For purposes of this 77700
division, "franchisor" and "franchisee" have the same meanings as 77701
in 16 C.F.R. 436.1. 77702

(II) "Modified adjusted gross income" means Ohio adjusted 77703
gross income plus any amount deducted under division (A) (28) of 77704
this section for the taxable year. 77705

(JJ) "Qualifying Ohio educator" means an individual who, for 77706
a taxable year, qualifies as an eligible educator, as that term is 77707
defined in section 62 of the Internal Revenue Code, and who holds 77708
a certificate, license, or permit described in Chapter 3319. or 77709
section 3301.071 of the Revised Code. 77710

Sec. 5747.02. (A) For the purpose of providing revenue for 77711
the support of schools and local government functions, to provide 77712
relief to property taxpayers, to provide revenue for the general 77713
revenue fund, and to meet the expenses of administering the tax 77714
levied by this chapter, there is hereby levied on every 77715
individual, trust, and estate residing in or earning or receiving 77716
income in this state, on every individual, trust, and estate 77717
earning or receiving lottery winnings, prizes, or awards pursuant 77718
to Chapter 3770. of the Revised Code, on every individual, trust, 77719
and estate earning or receiving winnings on casino gaming, and on 77720
every individual, trust, and estate otherwise having nexus with or 77721
in this state under the Constitution of the United States, an 77722
annual tax measured as prescribed in divisions (A) (1) to (4) of 77723
this section. 77724

(1) In the case of trusts, the tax imposed by this section 77725
shall be measured by modified Ohio taxable income under division 77726
(D) of this section and levied in the same amount as the tax is 77727
imposed on estates as prescribed in division (A) (2) of this 77728

section. 77729

(2) In the case of estates, the tax imposed by this section 77730
shall be measured by Ohio taxable income. ~~The~~ For the first 77731
twenty-two thousand one hundred fifty dollars of such income, the 77732
tax shall be levied at the rate of ~~one and forty two thousand~~ 77733
~~seven hundred forty four hundred thousandths per cent for the~~ 77734
~~first twenty one thousand seven hundred fifty dollars of such~~ 77735
~~income~~ 1.37774% for taxable years beginning in 2021 and 1.35643% 77736
for taxable years beginning in 2022 and thereafter and, for income 77737
in excess of that amount, the tax shall be levied at the same 77738
rates prescribed in division (A) (3) of this section for 77739
individuals. 77740

(3) In the case of individuals, the tax imposed by this 77741
section on income other than taxable business income shall be 77742
measured by Ohio adjusted gross income, less taxable business 77743
income and less an exemption for the taxpayer, the taxpayer's 77744
spouse, and each dependent as provided in section 5747.025 of the 77745
Revised Code. If the balance thus obtained is equal to or less 77746
than ~~twenty one~~ twenty-two thousand ~~seven~~ one hundred fifty 77747
dollars, no tax shall be imposed on that balance. If the balance 77748
thus obtained is greater than ~~twenty one~~ twenty-two thousand ~~seven~~ 77749
one hundred fifty dollars, the tax is hereby levied as follows: 77750

(a) For taxable years beginning in 2021: 77751

OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND TAX 77752
EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS)

OR OHIO TAXABLE INCOME (ESTATES)

More than ~~\$21,750~~ 22,150 but not ~~\$310.47~~ 305.17 plus ~~2.850~~ 2.750% 77753
more than ~~\$43,450~~ 44,250 of the amount in excess of
~~\$21,750~~ 22,150

More than ~~\$43,450~~ 44,250 but not ~~\$928.92~~ 912.92 plus ~~3.326~~ 3.210% 77754
more than ~~\$86,900~~ 88,450 of the amount in excess of
~~\$43,450~~ 44,250

More than ~~\$86,900~~ 88,450 but not ~~\$2,374.07~~ 2,331.74 plus ~~3.802~~ 77755
more than ~~\$108,700~~ 110,650 3.669% of the amount in excess of
~~\$86,900~~ 88,450

More than ~~\$108,700~~ 110,650 but ~~\$3,202.91~~ 3,146.26 plus ~~4.413~~ 77756
not more than ~~\$217,400~~ 221,300 4.259% of the amount in excess of
~~\$108,700~~ 110,650

More than ~~\$217,400~~ 221,300 ~~\$7,999.84~~ 7,858.84 plus ~~4.797~~ 77757
4.629% of the amount in excess of
~~\$217,400~~ 221,300

(b) For taxable years beginning in 2022 and thereafter: 77758

OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND TAX 77759
EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS)
OR OHIO TAXABLE INCOME (ESTATES)

More than \$22,150 but not more \$300.45 plus 2.708% of the amount 77760
than \$44,250 in excess of \$22,150

More than \$44,250 but not more \$898.92 plus 3.160% of the amount 77761
than \$88,450 in excess of \$44,250

More than \$88,450 but not more \$2,295.64 plus 3.612% of the 77762
than \$110,650 amount in excess of \$88,450

More than \$110,650 but not more \$3,097.50 plus 4.192% of the 77763
than \$221,300 amount in excess of \$110,650

More than \$221,300 \$7,735.95 plus 4.557% of the 77764
amount in excess of \$221,300

(4) (a) In the case of individuals, the tax imposed by this 77765
section on taxable business income shall equal three per cent of 77766
the result obtained by subtracting any amount allowed under 77767
division (A) (4) (b) of this section from the individual's taxable 77768
business income. 77769

(b) If the exemptions allowed to an individual under division 77770
(A) (3) of this section exceed the taxpayer's Ohio adjusted gross 77771
income less taxable business income, the excess shall be deducted 77772
from taxable business income before computing the tax under 77773

division (A) (4) (a) of this section. 77774

(5) Except as otherwise provided in this division, in August 77775
of each year, the tax commissioner shall make a new adjustment to 77776
the income amounts prescribed in divisions (A) (2) and (3) of this 77777
section by multiplying the percentage increase in the gross 77778
domestic product deflator computed that year under section 77779
5747.025 of the Revised Code by each of the income amounts 77780
resulting from the adjustment under this division in the preceding 77781
year, adding the resulting product to the corresponding income 77782
amount resulting from the adjustment in the preceding year, and 77783
rounding the resulting sum to the nearest multiple of fifty 77784
dollars. The tax commissioner also shall recompute each of the tax 77785
dollar amounts to the extent necessary to reflect the new 77786
adjustment of the income amounts. To recompute the tax dollar 77787
amount corresponding to the lowest tax rate in division (A) (3) of 77788
this section, the commissioner shall multiply the tax rate 77789
prescribed in division (A) (2) of this section by the income amount 77790
specified in that division and as adjusted according to this 77791
paragraph. The rates of taxation shall not be adjusted. 77792

The adjusted amounts apply to taxable years beginning in the 77793
calendar year in which the adjustments are made and to taxable 77794
years beginning in each ensuing calendar year until a calendar 77795
year in which a new adjustment is made pursuant to this division. 77796
The tax commissioner shall not make a new adjustment in any year 77797
in which the amount resulting from the adjustment would be less 77798
than the amount resulting from the adjustment in the preceding 77799
year. 77800

(B) If the director of budget and management makes a 77801
certification to the tax commissioner under division (B) of 77802
section 131.44 of the Revised Code, the amount of tax as 77803
determined under divisions (A) (1) to (3) of this section shall be 77804
reduced by the percentage prescribed in that certification for 77805

taxable years beginning in the calendar year in which that 77806
certification is made. 77807

(C) (1) The tax imposed by this section on a trust shall be 77808
computed by multiplying the Ohio modified taxable income of the 77809
trust by the rates prescribed by division (A) of this section. 77810

(2) A resident trust may claim a credit against the tax 77811
computed under division (C) of this section equal to the lesser of 77812
(a) the tax paid to another state or the District of Columbia on 77813
the resident trust's modified nonbusiness income, other than the 77814
portion of the resident trust's nonbusiness income that is 77815
qualifying investment income as defined in section 5747.012 of the 77816
Revised Code, or (b) the effective tax rate, based on modified 77817
Ohio taxable income, multiplied by the resident trust's modified 77818
nonbusiness income other than the portion of the resident trust's 77819
nonbusiness income that is qualifying investment income. The 77820
credit applies before any other applicable credits. 77821

(3) Any credit authorized against the tax imposed by this 77822
section applies to a trust subject to division (C) of this section 77823
only if the trust otherwise qualifies for the credit. To the 77824
extent that the trust distributes income for the taxable year for 77825
which a credit is available to the trust, the credit shall be 77826
shared by the trust and its beneficiaries. The tax commissioner 77827
and the trust shall be guided by applicable regulations of the 77828
United States treasury regarding the sharing of credits. 77829

(D) For the purposes of this section, "trust" means any trust 77830
described in Subchapter J of Chapter 1 of the Internal Revenue 77831
Code, excluding trusts that are not irrevocable as defined in 77832
division (I) (3) (b) of section 5747.01 of the Revised Code and that 77833
have no modified Ohio taxable income for the taxable year, 77834
charitable remainder trusts, qualified funeral trusts and preneed 77835
funeral contract trusts established pursuant to sections 4717.31 77836
to 4717.38 of the Revised Code that are not qualified funeral 77837

trusts, endowment and perpetual care trusts, qualified settlement 77838
trusts and funds, designated settlement trusts and funds, and 77839
trusts exempted from taxation under section 501(a) of the Internal 77840
Revenue Code. 77841

(E) Nothing in division (A) (3) of this section shall prohibit 77842
an individual with an Ohio adjusted gross income, less taxable 77843
business income and exemptions, of ~~twenty-one~~ twenty-two thousand 77844
~~seven~~ one hundred fifty dollars or less from filing a return under 77845
this chapter to receive a refund of taxes withheld or to claim any 77846
refundable credit allowed under this chapter. 77847

Sec. 5747.05. As used in this section, "income tax" includes 77848
both a tax on net income and a tax measured by net income. 77849

The following credits shall be allowed against the aggregate 77850
income tax liability imposed by section 5747.02 of the Revised 77851
Code on individuals and estates: 77852

(A) (1) The amount of tax otherwise due under section 5747.02 77853
of the Revised Code on such portion of the combined adjusted gross 77854
income and business income of any nonresident taxpayer that is not 77855
allocable or apportionable to this state pursuant to sections 77856
5747.20 to 5747.23 of the Revised Code. The credit provided under 77857
this division shall not exceed the total tax due under section 77858
5747.02 of the Revised Code. 77859

(2) The tax commissioner may enter into an agreement with the 77860
taxing authorities of any state or of the District of Columbia 77861
that imposes an income tax to provide that compensation paid in 77862
this state to a nonresident taxpayer shall not be subject to the 77863
tax levied in section 5747.02 of the Revised Code so long as 77864
compensation paid in such other state or in the District of 77865
Columbia to a resident taxpayer shall likewise not be subject to 77866
the income tax of such other state or of the District of Columbia. 77867

(B) The lesser of division (B) (1) or (2) of this section: 77868

(1) The aggregate amount of tax otherwise due under section 77869
5747.02 of the Revised Code on such portion of the combined 77870
adjusted gross income and business income of a resident taxpayer 77871
that in another state or in the District of Columbia is subjected 77872
to an income tax. The credit provided under division (B) (1) of 77873
this section shall not exceed the total tax due under section 77874
5747.02 of the Revised Code. 77875

(2) The amount of income tax liability to another state or 77876
the District of Columbia on the portion of the combined adjusted 77877
gross income and business income of a resident taxpayer that in 77878
another state or in the District of Columbia is subjected to an 77879
income tax. The credit provided under division (B) (2) of this 77880
section shall not exceed the total amount of tax otherwise due 77881
under section 5747.02 of the Revised Code. 77882

(3) If the credit provided under division (B) of this section 77883
is affected by a change in either the portion of the combined 77884
adjusted gross income and business income of a resident taxpayer 77885
subjected to an income tax in another state or the District of 77886
Columbia or the amount of income tax liability that has been paid 77887
to another state or the District of Columbia, the taxpayer shall 77888
report the change to the tax commissioner within ~~sixty~~ ninety days 77889
of the change in such form as the commissioner requires. 77890

(a) In the case of an underpayment, the report shall be 77891
accompanied by payment of any additional tax due as a result of 77892
the reduction in credit together with interest on the additional 77893
tax and is a return subject to assessment under section 5747.13 of 77894
the Revised Code solely for the purpose of assessing any 77895
additional tax due under this division, together with any 77896
applicable penalty and interest. It shall not reopen the 77897
computation of the taxpayer's tax liability under this chapter 77898
from a previously filed return no longer subject to assessment 77899

except to the extent that such liability is affected by an 77900
adjustment to the credit allowed by division (B) of this section. 77901

(b) In the case of an overpayment, an application for refund 77902
may be filed under this division within the ~~sixty-day~~ ninety-day 77903
period prescribed for filing the report even if it is beyond the 77904
period prescribed in section 5747.11 of the Revised Code if it 77905
otherwise conforms to the requirements of such section. An 77906
application filed under this division shall only claim refund of 77907
overpayments resulting from an adjustment to the credit allowed by 77908
division (B) of this section unless it is also filed within the 77909
time prescribed in section 5747.11 of the Revised Code. It shall 77910
not reopen the computation of the taxpayer's tax liability except 77911
to the extent that such liability is affected by an adjustment to 77912
the credit allowed by division (B) of this section. 77913

(4) No credit shall be allowed under division (B) of this 77914
section: 77915

(a) For income tax paid or accrued to another state or to the 77916
District of Columbia if the taxpayer, when computing federal 77917
adjusted gross income, has directly or indirectly deducted, or was 77918
required to directly or indirectly deduct, the amount of that 77919
income tax; 77920

(b) For compensation that is not subject to the income tax of 77921
another state or the District of Columbia as the result of an 77922
agreement entered into by the tax commissioner under division 77923
(A) (3) of this section; or 77924

(c) For income tax paid or accrued to another state or the 77925
District of Columbia if the taxpayer fails to furnish such proof 77926
as the tax commissioner shall require that such income tax 77927
liability has been paid. 77928

(C) An individual who is a resident for part of a taxable 77929
year and a nonresident for the remainder of the taxable year is 77930

allowed the credits under divisions (A) and (B) of this section in 77931
accordance with rules prescribed by the tax commissioner. In no 77932
event shall the same income be subject to both credits. 77933

(D) The credit allowed under division (A) of this section 77934
shall be calculated based upon the amount of tax due under section 77935
5747.02 of the Revised Code after subtracting any other credits 77936
that precede the credit under that division in the order required 77937
under section 5747.98 of the Revised Code. The credit allowed 77938
under division (B) of this section shall be calculated based upon 77939
the amount of tax due under section 5747.02 of the Revised Code 77940
after subtracting any other credits that precede the credit under 77941
that division in the order required under section 5747.98 of the 77942
Revised Code. 77943

(E) (1) On a joint return filed by a husband and wife, each of 77944
whom had adjusted gross income of at least five hundred dollars, 77945
exclusive of interest, dividends and distributions, royalties, 77946
rent, and capital gains, a credit equal to the lesser of six 77947
hundred fifty dollars or the percentage shown in column B that 77948
corresponds with the taxpayer's modified adjusted gross income, 77949
less exemptions for the taxable year, of the total amount of tax 77950
due after allowing for any other credit that precedes this credit 77951
as required under section 5747.98 of the Revised Code: 77952

A.	B.	
IF THE MODIFIED ADJUSTED GROSS	THE CREDIT FOR THE TAXABLE	77954
INCOME, LESS EXEMPTIONS, FOR THE	YEAR IS:	
TAX YEAR IS:		
\$25,000 or less	20%	77955
More than \$25,000 but not more	15%	77956
than \$50,000		
More than \$50,000 but not more	10%	77957
than \$75,000		
More than \$75,000	5%	77958

(2) The credit shall be claimed in the order required under 77959
section 5747.98 of the Revised Code. 77960

(F) No claim for credit under this section shall be allowed 77961
unless the claimant furnishes such supporting information as the 77962
tax commissioner prescribes by rules. 77963

Sec. 5747.065. (A) If a taxpayer has elected under section 77964
4141.321 of the Revised Code to have the director of job and 77965
family services deduct and withhold state income tax from the 77966
unemployment compensation benefits payable to the taxpayer, the 77967
director shall deduct and withhold such tax at the rate or rates 77968
that the director shall prescribe in consultation with the tax 77969
commissioner. 77970

(B) (1) ~~The~~ On or before the tenth day of each month, the 77971
director of job and family services shall file ~~returns and pay a~~ 77972
return electronically with the tax commissioner identifying each 77973
taxpayer from whose unemployment compensation amounts were 77974
deducted and withheld under this section during the preceding 77975
month, the amount of each such deduction and withholding, the 77976
amount of the unemployment compensation from which each such 77977
amount was withheld, and any other information required by the 77978
commissioner. With the return, the director shall remit 77979
electronically to the commissioner all the amounts deducted and 77980
~~withheld in accordance with the requirements of section 5747.07 of~~ 77981
~~the Revised Code~~ under this section during the preceding month. 77982

(2) Annually, on or before the thirty-first day of January, 77983
the director shall issue an information return to each taxpayer 77984
with respect to whom an amount has been deducted and withheld 77985
under this section during the preceding calendar year. The 77986
information return shall show the total amount deducted from the 77987
taxpayer's unemployment compensation benefits during the preceding 77988
calendar year and any other information the tax commissioner 77989

requires. If the director is required under the Internal Revenue Code to report federal income tax deducted and withheld from unemployment compensation benefits, then the director may report the information required under this section on that report, as authorized by the Internal Revenue Code.

~~(C) Amounts deducted and withheld under this section shall be allowed as a credit against payment of the tax imposed by this chapter and shall be treated as taxes paid for purposes of section 5747.09 of the Revised Code. This division applies only to the person for whom the amount is deducted and withheld.~~

~~(D)~~ Failure of the director to deduct and withhold the required amounts from unemployment compensation benefits or to remit amounts withheld as required by this section does not relieve a taxpayer from liability for the tax imposed by section 5747.02 of the Revised Code.

~~(E)~~ (D) The director of job and family services may adopt rules as necessary to administer this section.

Sec. 5747.08. An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under division (E) of section 5747.05 and divisions (F) and (G) of section 5747.055 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised Code.

(A) If an individual is deceased, any return or notice required of that individual under this chapter shall be made and filed by that decedent's executor, administrator, or other person

charged with the property of that decedent. 78021

(B) If an individual is unable to make a return or notice 78022
required by this chapter, the return or notice required of that 78023
individual shall be made and filed by the individual's duly 78024
authorized agent, guardian, conservator, fiduciary, or other 78025
person charged with the care of the person or property of that 78026
individual. 78027

(C) Returns or notices required of an estate or a trust shall 78028
be made and filed by the fiduciary of the estate or trust. 78029

(D) (1) (a) Except as otherwise provided in division (D) (1) (b) 78030
of this section, any pass-through entity may file a single return 78031
on behalf of one or more of the entity's investors other than an 78032
investor that is a person subject to the tax imposed under section 78033
5733.06 of the Revised Code. The single return shall set forth the 78034
name, address, and social security number or other identifying 78035
number of each of those pass-through entity investors and shall 78036
indicate the distributive share of each of those pass-through 78037
entity investor's income taxable in this state in accordance with 78038
sections 5747.20 to 5747.231 of the Revised Code. Such 78039
pass-through entity investors for whom the pass-through entity 78040
elects to file a single return are not entitled to the exemption 78041
or credit provided for by sections 5747.02 and 5747.022 of the 78042
Revised Code; shall calculate the tax before business credits at 78043
the highest rate of tax set forth in section 5747.02 of the 78044
Revised Code for the taxable year for which the return is filed; 78045
and are entitled to only their distributive share of the business 78046
credits as defined in division (D) (2) of this section. A single 78047
check drawn by the pass-through entity shall accompany the return 78048
in full payment of the tax due, as shown on the single return, for 78049
such investors, other than investors who are persons subject to 78050
the tax imposed under section 5733.06 of the Revised Code. 78051

(b) (i) A pass-through entity shall not include in such a 78052

single return any investor that is a trust to the extent that any 78053
direct or indirect current, future, or contingent beneficiary of 78054
the trust is a person subject to the tax imposed under section 78055
5733.06 of the Revised Code. 78056

(ii) A pass-through entity shall not include in such a single 78057
return any investor that is itself a pass-through entity to the 78058
extent that any direct or indirect investor in the second 78059
pass-through entity is a person subject to the tax imposed under 78060
section 5733.06 of the Revised Code. 78061

(c) Nothing in division (D) of this section precludes the tax 78062
commissioner from requiring such investors to file the return and 78063
make the payment of taxes and related interest, penalty, and 78064
interest penalty required by this section or section 5747.02, 78065
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 78066
of this section precludes such an investor from filing the annual 78067
return under this section, utilizing the refundable credit equal 78068
to the investor's proportionate share of the tax paid by the 78069
pass-through entity on behalf of the investor under division (I) 78070
of this section, and making the payment of taxes imposed under 78071
section 5747.02 of the Revised Code. Nothing in division (D) of 78072
this section shall be construed to provide to such an investor or 78073
pass-through entity any additional deduction or credit, other than 78074
the credit provided by division (I) of this section, solely on 78075
account of the entity's filing a return in accordance with this 78076
section. Such a pass-through entity also shall make the filing and 78077
payment of estimated taxes on behalf of the pass-through entity 78078
investors other than an investor that is a person subject to the 78079
tax imposed under section 5733.06 of the Revised Code. 78080

(2) For the purposes of this section, "business credits" 78081
means the credits listed in section 5747.98 of the Revised Code 78082
excluding the following credits: 78083

(a) The retirement income credit under division (B) of 78084

section 5747.055 of the Revised Code;	78085
(b) The senior citizen credit under division (F) of section 5747.055 of the Revised Code;	78086 78087
(c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;	78088 78089
(d) The dependent care credit under section 5747.054 of the Revised Code;	78090 78091
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	78092 78093
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	78094 78095
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	78096 78097
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	78098 78099
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	78100 78101
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	78102 78103
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	78104 78105
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	78106 78107
(m) The earned income tax credit under section 5747.71 of the Revised Code;	78108 78109
(n) The lead abatement credit under section 5747.26 of the Revised Code;	78110 78111
<u>(o) The credit for education expenses under section 5747.72 of the Revised Code;</u>	78112 78113

(p) The credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code; 78114
78115

(g) The credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code. 78116
78117

(3) The election provided for under division (D) of this 78118
section applies only to the taxable year for which the election is 78119
made by the pass-through entity. Unless the tax commissioner 78120
provides otherwise, this election, once made, is binding and 78121
irrevocable for the taxable year for which the election is made. 78122
Nothing in this division shall be construed to provide for any 78123
deduction or credit that would not be allowable if a nonresident 78124
pass-through entity investor were to file an annual return. 78125

(4) If a pass-through entity makes the election provided for 78126
under division (D) of this section, the pass-through entity shall 78127
be liable for any additional taxes, interest, interest penalty, or 78128
penalties imposed by this chapter if the tax commissioner finds 78129
that the single return does not reflect the correct tax due by the 78130
pass-through entity investors covered by that return. Nothing in 78131
this division shall be construed to limit or alter the liability, 78132
if any, imposed on pass-through entity investors for unpaid or 78133
underpaid taxes, interest, interest penalty, or penalties as a 78134
result of the pass-through entity's making the election provided 78135
for under division (D) of this section. For the purposes of 78136
division (D) of this section, "correct tax due" means the tax that 78137
would have been paid by the pass-through entity had the single 78138
return been filed in a manner reflecting the commissioner's 78139
findings. Nothing in division (D) of this section shall be 78140
construed to make or hold a pass-through entity liable for tax 78141
attributable to a pass-through entity investor's income from a 78142
source other than the pass-through entity electing to file the 78143
single return. 78144

(E) If a husband and wife file a joint federal income tax 78145

return for a taxable year, they shall file a joint return under 78146
this section for that taxable year, and their liabilities are 78147
joint and several, but, if the federal income tax liability of 78148
either spouse is determined on a separate federal income tax 78149
return, they shall file separate returns under this section. 78150

If either spouse is not required to file a federal income tax 78151
return and either or both are required to file a return pursuant 78152
to this chapter, they may elect to file separate or joint returns, 78153
and, pursuant to that election, their liabilities are separate or 78154
joint and several. If a husband and wife file separate returns 78155
pursuant to this chapter, each must claim the taxpayer's own 78156
exemption, but not both, as authorized under section 5747.02 of 78157
the Revised Code on the taxpayer's own return. 78158

(F) Each return or notice required to be filed under this 78159
section shall contain the signature of the taxpayer or the 78160
taxpayer's duly authorized agent and of the person who prepared 78161
the return for the taxpayer, and shall include the taxpayer's 78162
social security number. Each return shall be verified by a 78163
declaration under the penalties of perjury. The tax commissioner 78164
shall prescribe the form that the signature and declaration shall 78165
take. 78166

(G) Each return or notice required to be filed under this 78167
section shall be made and filed as required by section 5747.04 of 78168
the Revised Code, on or before the fifteenth day of April of each 78169
year, on forms that the tax commissioner shall prescribe, together 78170
with remittance made payable to the treasurer of state in the 78171
combined amount of the state and all school district income taxes 78172
shown to be due on the form. 78173

Upon good cause shown, the commissioner may extend the period 78174
for filing any notice or return required to be filed under this 78175
section and may adopt rules relating to extensions. If the 78176
extension results in an extension of time for the payment of any 78177

state or school district income tax liability with respect to 78178
which the return is filed, the taxpayer shall pay at the time the 78179
tax liability is paid an amount of interest computed at the rate 78180
per annum prescribed by section 5703.47 of the Revised Code on 78181
that liability from the time that payment is due without extension 78182
to the time of actual payment. Except as provided in section 78183
5747.132 of the Revised Code, in addition to all other interest 78184
charges and penalties, all taxes imposed under this chapter or 78185
Chapter 5748. of the Revised Code and remaining unpaid after they 78186
become due, except combined amounts due of one dollar or less, 78187
bear interest at the rate per annum prescribed by section 5703.47 78188
of the Revised Code until paid or until the day an assessment is 78189
issued under section 5747.13 of the Revised Code, whichever occurs 78190
first. 78191

If the commissioner considers it necessary in order to ensure 78192
the payment of the tax imposed by section 5747.02 of the Revised 78193
Code or any tax imposed under Chapter 5748. of the Revised Code, 78194
the commissioner may require returns and payments to be made 78195
otherwise than as provided in this section. 78196

To the extent that any provision in this division conflicts 78197
with any provision in section 5747.026 of the Revised Code, the 78198
provision in that section prevails. 78199

(H) The amounts withheld ~~by an employer~~ pursuant to section 78200
5747.06 ~~of the Revised Code, a casino operator pursuant to~~ 78201
~~section, 5747.062, 5747.063 of the Revised Code, or a lottery~~ 78202
~~sales agent pursuant to section, 5747.064, 5747.065, or 5747.071~~ 78203
of the Revised Code shall be allowed to the ultimate recipient of 78204
the ~~compensation casino winnings, or lottery prize award~~ income as 78205
credits against payment of the appropriate taxes imposed on the 78206
ultimate recipient by section 5747.02 and under Chapter 5748. of 78207
the Revised Code. As used in this division, "ultimate recipient" 78208
means the person who is required to report income from which 78209

amounts are withheld pursuant to section 5747.06, 5747.062, 78210
5747.063, 5747.064, 5747.065, or 5747.071 of the Revised Code on 78211
the annual return required to be filed under this section. 78212

(I) If a pass-through entity elects to file a single return 78213
under division (D) of this section and if any investor is required 78214
to file the annual return and make the payment of taxes required 78215
by this chapter on account of the investor's other income that is 78216
not included in a single return filed by a pass-through entity or 78217
any other investor elects to file the annual return, the investor 78218
is entitled to a refundable credit equal to the investor's 78219
proportionate share of the tax paid by the pass-through entity on 78220
behalf of the investor. The investor shall claim the credit for 78221
the investor's taxable year in which or with which ends the 78222
taxable year of the pass-through entity. Nothing in this chapter 78223
shall be construed to allow any credit provided in this chapter to 78224
be claimed more than once. For the purpose of computing any 78225
interest, penalty, or interest penalty, the investor shall be 78226
deemed to have paid the refundable credit provided by this 78227
division on the day that the pass-through entity paid the 78228
estimated tax or the tax giving rise to the credit. 78229

(J) The tax commissioner shall ensure that each return 78230
required to be filed under this section includes a box that the 78231
taxpayer may check to authorize a paid tax preparer who prepared 78232
the return to communicate with the department of taxation about 78233
matters pertaining to the return. The return or instructions 78234
accompanying the return shall indicate that by checking the box 78235
the taxpayer authorizes the department of taxation to contact the 78236
preparer concerning questions that arise during the processing of 78237
the return and authorizes the preparer only to provide the 78238
department with information that is missing from the return, to 78239
contact the department for information about the processing of the 78240
return or the status of the taxpayer's refund or payments, and to 78241

respond to notices about mathematical errors, offsets, or return 78242
preparation that the taxpayer has received from the department and 78243
has shown to the preparer. 78244

(K) The tax commissioner shall permit individual taxpayers to 78245
instruct the department of taxation to cause any refund of 78246
overpaid taxes to be deposited directly into a checking account, 78247
savings account, or an individual retirement account or individual 78248
retirement annuity, or preexisting college savings plan or program 78249
account offered by the Ohio tuition trust authority under Chapter 78250
3334. of the Revised Code, as designated by the taxpayer, when the 78251
taxpayer files the annual return required by this section 78252
electronically. 78253

~~(L) A taxpayer claiming the deduction under division (A) (31) 78254
of section 5747.01 of the Revised Code for a taxable year shall 78255
indicate on the taxpayer's return the north American industry 78256
classification system code of each business or professional 78257
activity from which the taxpayer's business income was derived. 78258
The tax commissioner shall provide space on the return for this 78259
purpose and shall prescribe, by rule adopted in accordance with 78260
Chapter 119. of the Revised Code, the manner by which such a 78261
taxpayer shall determine the taxpayer's proper classification 78262
codes and business or professional activities from which the 78263
taxpayer derives business income. 78264~~

~~(M) The tax commissioner may adopt rules to administer this 78265
section. 78266~~

Sec. 5747.10. (A) As used in this section: 78267

(1) "Audited partnership" means a partnership subject to an 78268
examination by the internal revenue service pursuant to subchapter 78269
C, chapter 63, subtitle F of the Internal Revenue Code resulting 78270
in a federal adjustment. 78271

(2) (a) "Direct investor" means a partner or other investor 78272
that holds a direct interest in a pass-through entity. 78273

(b) "Indirect investor" means a partner or other investor 78274
that holds an interest in a pass-through entity that itself holds 78275
an interest, directly or through another indirect partner or other 78276
investor, in a pass-through entity. 78277

(3) "Exempt partner" means a partner that is neither a 78278
pass-through entity nor a person subject to the tax imposed by 78279
section 5747.02 of the Revised Code. 78280

(4) "Federal adjustment" means a change to an item or amount 78281
required to be determined under the Internal Revenue Code that 78282
directly or indirectly affects a taxpayer's aggregate tax 78283
liability under section 5747.02 or Chapter 5748. of the Revised 78284
Code and that results from an action or examination by the 78285
internal revenue service, or from the filing of an amended federal 78286
tax return, a claim for a federal tax refund, or an administrative 78287
adjustment request filed by a partnership under section 6227 of 78288
the Internal Revenue Code. 78289

(5) "Federal adjustments return" means the form or other 78290
document prescribed by the tax commissioner for use by a taxpayer 78291
in reporting final federal adjustments. 78292

(6) "State partnership representative" means either of the 78293
following: 78294

(a) The person who served as the partnership's representative 78295
for federal income tax purposes, pursuant to section 6223(a) of 78296
the Internal Revenue Code, during the corresponding federal 78297
partnership audit; 78298

(b) The person designated, on a form prescribed by the tax 78299
commissioner, to serve as the partnership's representative during 78300
the state partnership audit. The commissioner may establish 78301
reasonable qualifications and procedures for a person to be 78302

designated as a state partnership representative under this 78303
division. 78304

(7) A federal adjustment is "final" or "agreed to or finally 78305
determined for federal income tax purposes" on any of the 78306
following: 78307

(a) The day after which the period for appeal of a federal 78308
assessment has expired; 78309

(b) The date on a refund check issued by the internal revenue 78310
service; or 78311

(c) For agreements required to be signed by the internal 78312
revenue service and the taxpayer or audited partnership, the date 78313
on which the last party signed the agreement. 78314

(B) (1) If any of the facts, figures, computations, or 78315
attachments required in a taxpayer's annual return to determine 78316
the tax charged by this chapter or Chapter 5748. of the Revised 78317
Code must be altered as the result of a final federal adjustment, 78318
and the federal adjustment is not required to be reported under 78319
division (C) of this section, the taxpayer shall file an amended 78320
return with the tax commissioner in such form as the commissioner 78321
requires. The amended return shall be filed not later than ninety 78322
days after the federal adjustment has been agreed to or finally 78323
determined for federal income tax purposes. 78324

(2) "One hundred eighty" shall be substituted for "ninety" in 78325
divisions (B) (1) and (E) (1) of this section if, for any taxable 78326
year, the final federal adjustment results from taxes paid by the 78327
taxpayer on an amount described in division ~~(A) (34)~~ (A) (32) of 78328
section 5747.01 of the Revised Code. 78329

(C) Except for adjustments required to be reported for 78330
federal purposes pursuant to section 6225(a) (2) of the Internal 78331
Revenue Code and adjustments that are taken into account on a 78332
federal amended return or similar report filed pursuant to section 78333

6225(c)(2) of the Internal Revenue Code, partnerships and partners shall report final federal adjustments and make payments as required under division (C) of this section.

(1) With respect to an action required or permitted to be taken by a partnership under this section, and any petition for reassessment or appeal to the board of tax appeals or any court with respect to such an action, the state partnership representative shall have the sole authority to act on behalf of the audited partnership, and the partnership's direct and indirect investors shall be bound by those actions.

(2) Unless an audited partnership makes the election under division (C)(3) of this section:

(a) The audited partnership, through its state partnership representative, shall do all of the following within ninety days after the federal adjustment is final:

(i) File a federal adjustments return with the tax commissioner, including a copy of the notifications provided under division (C)(2)(a)(ii) of this section;

(ii) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments;

(iii) File an amended tax return on behalf of its nonresident direct investors and pay any additional tax that would have been due under sections 5733.41 and 5747.41, or division (D) of section 5747.08, of the Revised Code with respect to those direct investors had the final federal adjustments been reported properly on the original filing.

(b) Each direct investor that is subject to the tax imposed by section 5747.02 of the Revised Code shall file an original or amended tax return to include the investor's distributive share of the adjustments reported to the direct investor under division

(C) (2) (a) of this section, and pay any additional tax due, within 78365
ninety days after the audited partnership files its federal 78366
adjustments return with the commissioner. 78367

(c) (i) Each direct and indirect investor of an audited 78368
partnership that is a pass-through entity and all investors in 78369
such a pass-through entity that are subject to the filing and 78370
payment requirements of Chapters 5733. and 5747. of the Revised 78371
Code are subject to the reporting and payment requirements of 78372
division (C) (2) or, upon a timely election, division (C) (3) of 78373
this section. 78374

(ii) Such direct and indirect investors shall make the 78375
required returns and payments within ninety days after the 78376
deadline for filing and furnishing statements under section 78377
6226(b) (4) of the Internal Revenue Code and applicable treasury 78378
regulations. 78379

(3) If an audited partnership makes the election under this 78380
division, the audited partnership, through its state partnership 78381
representative, shall do all of the following within ninety days 78382
after all federal adjustments are final: 78383

(a) File a federal adjustments return with the tax 78384
commissioner indicating the partnership has made the election 78385
under division (C) (3) of this section; 78386

(b) Pay the amount of combined additional tax due under 78387
division (D) (2) of this section, calculated by multiplying the 78388
highest rate of tax set forth in section 5747.02 of the Revised 78389
Code by the sum of the following: 78390

(i) The distributive shares of the final federal adjustments 78391
that are allocable or apportionable to this state of each investor 78392
who is a nonresident taxpayer or pass-through entity; 78393

(ii) The distributive share of the final federal adjustments 78394
for each investor who is a resident taxpayer. 78395

(c) Notify each of its direct investors, on a form prescribed 78396
by the commissioner, of the investor's distributive share of the 78397
final federal adjustments and the amount paid on their behalf 78398
pursuant to division (C) (3) (b) of this section. 78399

(4) (a) A direct investor of an audited partnership is not 78400
required to file an amended return or pay tax otherwise due under 78401
section 5747.02 of the Revised Code if the audited partnership 78402
properly reports and pays the tax under division (C) (3) of this 78403
section. 78404

(b) (i) Nothing in division (C) of this section precludes a 78405
direct or indirect investor in the audited partnership from filing 78406
a return to report the investor's share of the final federal 78407
adjustments. Such an investor who files a return and reports the 78408
income related to the final federal adjustments is entitled to a 78409
refundable credit for taxes paid by the audited partnership under 78410
division (C) (3) (b) of this section. The credit shall be computed 78411
and claimed in the same manner as the credit allowed under 78412
division (I) of section 5747.08 of the Revised Code. 78413

(ii) Notwithstanding division (C) (4) (b) (i) of this section, 78414
an exempt partner, whether a direct or indirect investor, may file 78415
an application for refund of its proportionate share of the 78416
amounts erroneously paid by the audited partnership pursuant to 78417
division (C) (3) (b) of this section on the exempt partner's behalf. 78418

(5) Upon request by an audited partnership, the tax 78419
commissioner may agree, in writing, to allow an alternative method 78420
of reporting and payment than required by ~~divisions~~ division 78421
(C) (2) or (3) of this section. The request must be submitted to 78422
the commissioner in writing before the applicable deadline for 78423
filing a return under division (C) (2) (a) or (3) of this section. 78424
The commissioner's decision on whether to enter into an agreement 78425
under this division is not subject to further administrative 78426
review or appeal. 78427

(6) Nothing in division (C) of this section precludes either 78428
of the following: 78429

(a) A resident taxpayer from filing a return to claim the 78430
credit under division (B) of section 5747.05 or division (D) (2) of 78431
section 5747.02 of the Revised Code based upon any amounts paid by 78432
the audited partnership on such investor's behalf to another 78433
state. 78434

(b) The tax commissioner from issuing an assessment under 78435
this chapter against any direct or indirect investor for taxes due 78436
from the investor if an audited partnership, or direct and 78437
indirect investor of an audited partnership that is a pass-through 78438
entity, fails to timely file any return or remit any payment 78439
required by this section or underreports income or underpays tax 78440
on behalf of an indirect investor who is a resident taxpayer. 78441

(D) In the case of an underpayment, and unless otherwise 78442
agreed to in writing by the tax commissioner: 78443

(1) The taxpayer's amended return shall be accompanied by 78444
payment of any combined additional tax due together with interest 78445
thereon. An amended return required by this section is a return 78446
subject to assessment under section 5747.13 of the Revised Code 78447
for the purpose of assessing any additional tax due under this 78448
section, together with any applicable penalty and interest. It 78449
shall not reopen those facts, figures, computations, or 78450
attachments from a previously filed return no longer subject to 78451
assessment that are not affected, either directly or indirectly, 78452
by the final federal adjustment to the taxpayer's federal income 78453
tax return. 78454

(2) The audited partnership's federal adjustments return 78455
shall be accompanied by payment of any combined additional tax due 78456
together with interest thereon. The federal adjustments return 78457
required by this section is a return subject to assessment under 78458

section 5747.13 of the Revised Code for the purpose of assessing 78459
any additional tax due under this section, together with any 78460
applicable penalty and interest. It shall not reopen those facts, 78461
figures, computations, or attachments from a previously filed 78462
return no longer subject to assessment that are not affected, 78463
either directly or indirectly, by the final federal adjustment. 78464

(3) The tax commissioner may accept estimated payments of the 78465
tax arising from pending federal adjustments before the date for 78466
filing a federal adjustments return. The commissioner may adopt 78467
rules for the payment of such estimated taxes. 78468

(E) In the case of an overpayment, and unless otherwise 78469
agreed to in writing by the tax commissioner: 78470

(1) A taxpayer may file an application for refund under this 78471
division within the ninety-day period prescribed for filing the 78472
amended return even if it is filed beyond the period prescribed in 78473
section 5747.11 of the Revised Code if it otherwise conforms to 78474
the requirements of such section. An application filed under this 78475
division shall claim refund of overpayments resulting from 78476
alterations to only those facts, figures, computations, or 78477
attachments required in the taxpayer's annual return that are 78478
affected, either directly or indirectly, by the final federal 78479
adjustment to the taxpayer's federal income tax return unless it 78480
is also filed within the time prescribed in section 5747.11 of the 78481
Revised Code. It shall not reopen those facts, figures, 78482
computations, or attachments that are not affected, either 78483
directly or indirectly, by the adjustment to the taxpayer's 78484
federal income tax return. 78485

(2) (a) Except as otherwise provided in division (E) (2) (b) of 78486
this section, an audited partnership may file an application for a 78487
refund under this division within the ninety-day period prescribed 78488
for filing the federal adjustments return, even if it is filed 78489
beyond the period prescribed by section 5747.11 of the Revised 78490

Code, if it otherwise conforms to the requirements of that 78491
section. An application filed under this division may claim a 78492
refund of overpayments resulting only from final federal 78493
adjustments unless it is also filed within the time prescribed by 78494
section 5747.11 of the Revised Code. It shall not reopen those 78495
facts, figures, computations, or attachments that are not 78496
affected, either directly or indirectly, by the federal 78497
adjustment. 78498

(b) An audited partnership may not file an application for 78499
refund under division (E) of this section based on final federal 78500
adjustments described in section 6225(a)(2) of the Internal 78501
Revenue Code. 78502

(3) Any refund granted to a pass-through entity filing an 78503
application for refund under division (E) of this section shall be 78504
reduced by amounts previously claimed as a credit under section 78505
5747.059 or division (I) of section 5747.08 of the Revised Code by 78506
the pass-through entity's direct or indirect investors. 78507

(F) Excluding the deadline in division (C)(2)(c)(ii) of this 78508
section, an audited partnership, or a direct or indirect investor 78509
of an audited partnership that is a pass-through entity, may 78510
automatically extend the deadline for reporting, payments, and 78511
refunds under this section by sixty days if the entity has ten 78512
thousand or more direct investors and notifies the commissioner of 78513
such extension, in writing, before the unextended deadline. 78514

Sec. 5747.70. (A) In computing Ohio adjusted gross income, a 78515
deduction from federal adjusted gross income is allowed to a 78516
~~contributor for the amount contributed during the taxable year~~ 78517
~~taxpayer who contributes to a variable college savings program~~ 78518
~~account and to a purchaser of or purchases~~ tuition units under the 78519
~~Ohio college savings program created by Chapter 3334. of the~~ 78520
~~Revised Code~~ a qualified tuition program established in accordance 78521

with section 529 of the Internal Revenue Code. The amount of the 78522
deduction shall equal the amount contributed or purchased during 78523
the taxable year to the extent that the amounts of such 78524
contributions and purchases were not deducted in determining the 78525
contributor's or purchaser's federal adjusted gross income for the 78526
taxable year. The combined amount of contributions and purchases 78527
deducted in any taxable year by a taxpayer or the taxpayer and the 78528
taxpayer's spouse, regardless of whether the taxpayer and the 78529
taxpayer's spouse file separate returns or a joint return, is 78530
limited to four thousand dollars for each beneficiary for whom 78531
contributions or purchases are made. If the combined annual 78532
contributions and purchases for a beneficiary exceed four thousand 78533
dollars, the excess may be carried forward and deducted in future 78534
taxable years until the contributions and purchases have been 78535
fully deducted. 78536

(B) In computing Ohio adjusted gross income, a deduction from 78537
federal adjusted gross income is allowed for: 78538

(1) Income related to tuition units and contributions that as 78539
of the end of the taxable year have not been refunded pursuant to 78540
the termination of a qualified tuition program payment contract or 78541
~~variable college savings program account under section 3334.10 of~~ 78542
~~the Revised Code,~~ to the extent that such income is included in 78543
federal adjusted gross income. 78544

(2) The excess of the total purchase price of tuition units 78545
refunded during the taxable year pursuant to the termination of a 78546
qualified tuition program payment contract ~~under section 3334.10~~ 78547
~~of the Revised Code~~ over the amount of the refund, to the extent 78548
the amount of the excess was not deducted in determining federal 78549
adjusted gross income. Division (B)(2) of this section applies 78550
only to units for which no deduction was allowable under division 78551
(A) of this section. 78552

(C) In computing Ohio adjusted gross income, there shall be added to federal adjusted gross income the amount of loss related to tuition units and contributions that as of the end of the taxable year have not been refunded pursuant to the termination of a qualified tuition program payment contract or ~~variable college savings program~~ account ~~under section 3334.10 of the Revised Code,~~ to the extent that such loss was deducted in determining federal adjusted gross income.

(D) For taxable years in which distributions or refunds are made under a qualified tuition ~~payment or variable college savings program contract~~ program for any reason other than payment of higher education expenses, or the beneficiary's death, disability, or receipt of a scholarship as described in section 3334.10 of the Revised Code:

(1) If the distribution or refund is paid to the purchaser or contributor or beneficiary, any portion of the distribution or refund not included in the recipient's federal adjusted gross income shall be added to the recipient's federal adjusted gross income in determining the recipient's Ohio adjusted gross income, except that the amount added shall not exceed amounts previously deducted under division (A) of this section less any amounts added under division (D) (1) of this section in a prior taxable year.

(2) If amounts paid by a purchaser or contributor on or after January 1, 2000, are distributed or refunded to someone other than the purchaser or contributor or beneficiary, the amount of the payment not included in the recipient's federal adjusted gross income, less any amounts added under division (D) of this section in a prior taxable year, shall be added to the recipient's federal adjusted gross income in determining the recipient's Ohio adjusted gross income.

Sec. 5747.72. (A) As used in this section:

(1) "Qualifying taxpayer" means a taxpayer that is an individual with a dependent who is a qualifying student. 78584
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(2) "Qualifying student" means a student who was excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code for the school year. 78586
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(3) "Education expenses" means expenses or fees for books, supplementary materials, supplies, computer software, applications, or subscriptions. "Education expenses" does not include expenses or fees for computers or similar electronic devices or accessories thereto. 78589
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(B) There is hereby allowed a nonrefundable credit against a qualifying taxpayer's aggregate tax liability under section 5747.02 of the Revised Code equal to the lesser of two hundred fifty dollars or the amount of education expenses incurred by the taxpayer in the taxable year for the benefit of one or more of the taxpayer's qualifying students. The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 78594
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The tax commissioner may request that a qualifying taxpayer claiming a credit under this section furnish information as is necessary to support the claim for the credit under this section, and no credit shall be allowed unless the requested information is provided. 78601
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Sec. 5747.73. (A) As used in this section, "scholarship granting organization" means an entity that is certified as such by the attorney general under division (C) of this section. 78606
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(B) There is hereby allowed a nonrefundable credit against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for a taxpayer that donates cash to scholarship granting organizations during the taxable year. The credit shall equal the amount of cash donations, except that the credit shall 78609
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not exceed, for any taxable year, one thousand dollars. The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 78614
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If the taxpayer is a direct or indirect investor in a pass-through entity that donates cash to scholarship granting organizations during the taxable year, the taxpayer may claim its proportionate or distributive share of the credit allowed under this section, except that the share that may be claimed by all such investors may not exceed one thousand dollars for any taxable year. 78617
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The credit authorized by this section is not allowed unless the taxpayer claiming the credit provides to the tax commissioner, in the form and manner required by the commissioner, a copy of a receipt or other document issued by the scholarship granting organization acknowledging the taxpayer's contribution to the organization and the amount of the contribution. The commissioner may require a taxpayer to furnish any other information necessary to support a claim for the credit. No credit shall be allowed unless a copy of such document or other required information is provided. 78624
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(C) An entity may apply to the attorney general, on forms and in the manner prescribed by the attorney general, to be certified so that contributions to the entity qualify for the tax credit authorized under this section. The attorney general shall certify an entity as a scholarship granting organization if the entity submits information and documentation, to the attorney general's satisfaction, establishing that the entity satisfies the following: 78634
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(1) It is a religious or nonreligious nonprofit organization exempt from federal taxation under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) of the Internal Revenue Code. 78642
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(2) It primarily awards academic scholarships for primary and secondary school students. 78646
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(3) It prioritizes awarding its scholarships to low-income primary and secondary school students. 78648
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The attorney general shall notify the applicant of the attorney general's determination within thirty days after the attorney general receives the application. The attorney general shall post and maintain a list of all scholarship granting organizations on the attorney general's web site. The attorney general shall also furnish the list to the tax commissioner on or before the first day of January each year and upon the commissioner's request. 78650
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The attorney general shall adopt rules necessary to determine eligibility for and administer the credit authorized under this section. 78658
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Sec. 5747.75. (A) As used in this section: 78661

(1) "Family size" means one plus the number of dependents claimed on the taxpayer's federal income tax return or, for spouses filing a joint return, two plus the number of dependents claimed on the taxpayers' federal income tax return. 78662
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(2) "Federal poverty level" has the same meaning as in section 5121.30 of the Revised Code. 78666
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(B) A nonrefundable credit is allowed against a taxpayer's aggregate liability under section 5747.02 of the Revised Code for taxpayers with one or more dependents who attend a nonchartered nonpublic school. To qualify for the credit, the total federal adjusted gross income of the taxpayer and, if filing a joint return, the taxpayer's spouse for the taxable year may not exceed three hundred per cent of the federal poverty level for the taxpayer's family size. The amount of the credit shall equal the 78668
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lesser of two thousand five hundred dollars or the total tuition 78676
paid by the taxpayer and, if filing a joint return, the taxpayer's 78677
spouse during the taxable year for all of the taxpayer's 78678
dependents to attend such a school. 78679

The credit shall be claimed in the order prescribed by 78680
section 5747.98 of the Revised Code. 78681

Sec. 5747.98. (A) To provide a uniform procedure for 78682
calculating a taxpayer's aggregate tax liability under section 78683
5747.02 of the Revised Code, a taxpayer shall claim any credits to 78684
which the taxpayer is entitled in the following order: 78685

Either the retirement income credit under division (B) of 78686
section 5747.055 of the Revised Code or the lump sum retirement 78687
income credits under divisions (C), (D), and (E) of that section; 78688

Either the senior citizen credit under division (F) of 78689
section 5747.055 of the Revised Code or the lump sum distribution 78690
credit under division (G) of that section; 78691

The dependent care credit under section 5747.054 of the 78692
Revised Code; 78693

The credit for displaced workers who pay for job training 78694
under section 5747.27 of the Revised Code; 78695

~~The campaign contribution credit under section 5747.29 of the~~ 78696
~~Revised Code;~~ 78697

The twenty-dollar personal exemption credit under section 78698
5747.022 of the Revised Code; 78699

The joint filing credit under division (G) of section 5747.05 78700
of the Revised Code; 78701

The earned income credit under section 5747.71 of the Revised 78702
Code; 78703

The nonrefundable credit for education expenses under section 78704

<u>5747.72 of the Revised Code;</u>	78705
<u>The nonrefundable credit for donations to scholarship</u>	78706
<u>granting organizations under section 5747.73 of the Revised Code;</u>	78707
<u>The nonrefundable credit for tuition paid to a nonchartered</u>	78708
<u>nonpublic school under section 5747.75 of the Revised Code;</u>	78709
The credit for adoption of a minor child under section	78710
5747.37 of the Revised Code;	78711
The nonrefundable job retention credit under division (B) of	78712
section 5747.058 of the Revised Code;	78713
The enterprise zone credit under section 5709.66 of the	78714
Revised Code;	78715
The credit for purchases of qualifying grape production	78716
property under section 5747.28 of the Revised Code;	78717
The small business investment credit under section 5747.81 of	78718
the Revised Code;	78719
The nonrefundable lead abatement credit under section 5747.26	78720
of the Revised Code;	78721
The opportunity zone investment credit under section 122.84	78722
of the Revised Code;	78723
The enterprise zone credits under section 5709.65 of the	78724
Revised Code;	78725
The research and development credit under section 5747.331 of	78726
the Revised Code;	78727
The credit for rehabilitating a historic building under	78728
section 5747.76 of the Revised Code;	78729
The nonresident credit under division (A) of section 5747.05	78730
of the Revised Code;	78731
The credit for a resident's out-of-state income under	78732
division (B) of section 5747.05 of the Revised Code;	78733

The refundable motion picture and Broadway theatrical
production credit under section 5747.66 of the Revised Code; 78734
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The refundable jobs creation credit or job retention credit
under division (A) of section 5747.058 of the Revised Code; 78736
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The refundable credit for taxes paid by a qualifying entity
granted under section 5747.059 of the Revised Code; 78738
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The refundable credits for taxes paid by a qualifying
pass-through entity granted under division (I) of section 5747.08
of the Revised Code; 78740
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The refundable credit under section 5747.80 of the Revised
Code for losses on loans made to the Ohio venture capital program
under sections 150.01 to 150.10 of the Revised Code; 78743
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The refundable credit for rehabilitating a historic building
under section 5747.76 of the Revised Code. 78746
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(B) For any credit, except the refundable credits enumerated
in this section and the credit granted under division (H) of
section 5747.08 of the Revised Code, the amount of the credit for
a taxable year shall not exceed the taxpayer's aggregate amount of
tax due under section 5747.02 of the Revised Code, after allowing
for any other credit that precedes it in the order required under
this section. Any excess amount of a particular credit may be
carried forward if authorized under the section creating that
credit. Nothing in this chapter shall be construed to allow a
taxpayer to claim, directly or indirectly, a credit more than once
for a taxable year. 78748
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Sec. 5751.01. As used in this chapter: 78759

(A) "Person" means, but is not limited to, individuals,
combinations of individuals of any form, receivers, assignees,
trustees in bankruptcy, firms, companies, joint-stock companies,
business trusts, estates, partnerships, limited liability 78760
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partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.

(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:

(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer;

(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:

(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

(b) Taxable gross receipts that cannot be directly attributed 78794
to any activity, multiplied by a fraction whose numerator is the 78795
taxable gross receipts described in division (E) (2) (a) of this 78796
section and whose denominator is the total taxable gross receipts 78797
that can be directly attributed to any activity; 78798

(c) Except for any differences resulting from the use of an 78799
accrual basis method of accounting for purposes of determining 78800
gross receipts under this chapter and the use of the cash basis 78801
method of accounting for purposes of determining gross receipts 78802
under section 5727.24 of the Revised Code, the gross receipts 78803
directly attributed to the activity of a natural gas company shall 78804
be determined in a manner consistent with division (D) of section 78805
5727.03 of the Revised Code. 78806

As used in division (E) (2) of this section, "combined 78807
company" and "public utility" have the same meanings as in section 78808
5727.01 of the Revised Code. 78809

(3) A financial institution, as defined in section 5726.01 of 78810
the Revised Code, that paid the tax imposed by section 5726.02 of 78811
the Revised Code based on one or more taxable years that include 78812
the entire tax period under this chapter; 78813

(4) A person directly or indirectly owned by one or more 78814
financial institutions, as defined in section 5726.01 of the 78815
Revised Code, that paid the tax imposed by section 5726.02 of the 78816
Revised Code based on one or more taxable years that include the 78817
entire tax period under this chapter. 78818

For the purposes of division (E) (4) of this section, a person 78819
owns another person under the following circumstances: 78820

(a) In the case of corporations issuing capital stock, one 78821
corporation owns another corporation if it owns fifty per cent or 78822
more of the other corporation's capital stock with current voting 78823
rights; 78824

(b) In the case of a limited liability company, one person 78825
owns the company if that person's membership interest, as defined 78826
in section 1705.01 or 1706.01 of the Revised Code as applicable, 78827
is fifty per cent or more of the combined membership interests of 78828
all persons owning such interests in the company; 78829

(c) In the case of a partnership, trust, or other 78830
unincorporated business organization other than a limited 78831
liability company, one person owns the organization if, under the 78832
articles of organization or other instrument governing the affairs 78833
of the organization, that person has a beneficial interest in the 78834
organization's profits, surpluses, losses, or distributions of 78835
fifty per cent or more of the combined beneficial interests of all 78836
persons having such an interest in the organization. 78837

(5) A domestic insurance company or foreign insurance 78838
company, as defined in section 5725.01 of the Revised Code, that 78839
paid the insurance company premiums tax imposed by section 5725.18 78840
or Chapter 5729. of the Revised Code, or an unauthorized insurance 78841
company whose gross premiums are subject to tax under section 78842
3905.36 of the Revised Code based on one or more measurement 78843
periods that include the entire tax period under this chapter; 78844

(6) A person that solely facilitates or services one or more 78845
securitizations of phase-in-recovery property pursuant to a final 78846
financing order as those terms are defined in section 4928.23 of 78847
the Revised Code. For purposes of this division, "securitization" 78848
means transferring one or more assets to one or more persons and 78849
then issuing securities backed by the right to receive payment 78850
from the asset or assets so transferred. 78851

(7) Except as otherwise provided in this division, a 78852
pre-income tax trust as defined in section 5747.01 of the Revised 78853
Code and any pass-through entity of which such pre-income tax 78854
trust owns or controls, directly, indirectly, or constructively 78855
through related interests, more than five per cent of the 78856

ownership or equity interests. If the pre-income tax trust has 78857
made a qualifying pre-income tax trust election under division 78858
(EE) of section 5747.01 of the Revised Code, then the trust and 78859
the pass-through entities of which it owns or controls, directly, 78860
indirectly, or constructively through related interests, more than 78861
five per cent of the ownership or equity interests, shall not be 78862
excluded persons for purposes of the tax imposed under section 78863
5751.02 of the Revised Code. 78864

(8) Nonprofit organizations or the state and its agencies, 78865
instrumentalities, or political subdivisions. 78866

(F) Except as otherwise provided in divisions (F)(2), (3), 78867
and (4) of this section, "gross receipts" means the total amount 78868
realized by a person, without deduction for the cost of goods sold 78869
or other expenses incurred, that contributes to the production of 78870
gross income of the person, including the fair market value of any 78871
property and any services received, and any debt transferred or 78872
forgiven as consideration. 78873

(1) The following are examples of gross receipts: 78874

(a) Amounts realized from the sale, exchange, or other 78875
disposition of the taxpayer's property to or with another; 78876

(b) Amounts realized from the taxpayer's performance of 78877
services for another; 78878

(c) Amounts realized from another's use or possession of the 78879
taxpayer's property or capital; 78880

(d) Any combination of the foregoing amounts. 78881

(2) "Gross receipts" excludes the following amounts: 78882

(a) Interest income except interest on credit sales; 78883

(b) Dividends and distributions from corporations, and 78884
distributive or proportionate shares of receipts and income from a 78885
pass-through entity as defined under section 5733.04 of the 78886

Revised Code; 78887

(c) Receipts from the sale, exchange, or other disposition of 78888
an asset described in section 1221 or 1231 of the Internal Revenue 78889
Code, without regard to the length of time the person held the 78890
asset. Notwithstanding section 1221 of the Internal Revenue Code, 78891
receipts from hedging transactions also are excluded to the extent 78892
the transactions are entered into primarily to protect a financial 78893
position, such as managing the risk of exposure to (i) foreign 78894
currency fluctuations that affect assets, liabilities, profits, 78895
losses, equity, or investments in foreign operations; (ii) 78896
interest rate fluctuations; or (iii) commodity price fluctuations. 78897
As used in division (F) (2) (c) of this section, "hedging 78898
transaction" has the same meaning as used in section 1221 of the 78899
Internal Revenue Code and also includes transactions accorded 78900
hedge accounting treatment under statement of financial accounting 78901
standards number 133 of the financial accounting standards board. 78902
For the purposes of division (F) (2) (c) of this section, the actual 78903
transfer of title of real or tangible personal property to another 78904
entity is not a hedging transaction. 78905

(d) Proceeds received attributable to the repayment, 78906
maturity, or redemption of the principal of a loan, bond, mutual 78907
fund, certificate of deposit, or marketable instrument; 78908

(e) The principal amount received under a repurchase 78909
agreement or on account of any transaction properly characterized 78910
as a loan to the person; 78911

(f) Contributions received by a trust, plan, or other 78912
arrangement, any of which is described in section 501(a) of the 78913
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 78914
1, Subchapter (D) of the Internal Revenue Code applies; 78915

(g) Compensation, whether current or deferred, and whether in 78916
cash or in kind, received or to be received by an employee, former 78917

employee, or the employee's legal successor for services rendered 78918
to or for an employer, including reimbursements received by or for 78919
an individual for medical or education expenses, health insurance 78920
premiums, or employee expenses, or on account of a dependent care 78921
spending account, legal services plan, any cafeteria plan 78922
described in section 125 of the Internal Revenue Code, or any 78923
similar employee reimbursement; 78924

(h) Proceeds received from the issuance of the taxpayer's own 78925
stock, options, warrants, puts, or calls, or from the sale of the 78926
taxpayer's treasury stock; 78927

(i) Proceeds received on the account of payments from 78928
insurance policies, except those proceeds received for the loss of 78929
business revenue; 78930

(j) Gifts or charitable contributions received; membership 78931
dues received by trade, professional, homeowners', or condominium 78932
associations; and payments received for educational courses, 78933
meetings, meals, or similar payments to a trade, professional, or 78934
other similar association; and fundraising receipts received by 78935
any person when any excess receipts are donated or used 78936
exclusively for charitable purposes; 78937

(k) Damages received as the result of litigation in excess of 78938
amounts that, if received without litigation, would be gross 78939
receipts; 78940

(l) Property, money, and other amounts received or acquired 78941
by an agent on behalf of another in excess of the agent's 78942
commission, fee, or other remuneration; 78943

(m) Tax refunds, other tax benefit recoveries, and 78944
reimbursements for the tax imposed under this chapter made by 78945
entities that are part of the same combined taxpayer or 78946
consolidated elected taxpayer group, and reimbursements made by 78947
entities that are not members of a combined taxpayer or 78948

consolidated elected taxpayer group that are required to be made 78949
for economic parity among multiple owners of an entity whose tax 78950
obligation under this chapter is required to be reported and paid 78951
entirely by one owner, pursuant to the requirements of sections 78952
5751.011 and 5751.012 of the Revised Code; 78953

(n) Pension reversions; 78954

(o) Contributions to capital; 78955

(p) Sales or use taxes collected as a vendor or an 78956
out-of-state seller on behalf of the taxing jurisdiction from a 78957
consumer or other taxes the taxpayer is required by law to collect 78958
directly from a purchaser and remit to a local, state, or federal 78959
tax authority; 78960

(q) In the case of receipts from the sale of cigarettes, 78961
tobacco products, or vapor products by a wholesale dealer, retail 78962
dealer, distributor, manufacturer, vapor distributor, or seller, 78963
all as defined in section 5743.01 of the Revised Code, an amount 78964
equal to the federal and state excise taxes paid by any person on 78965
or for such cigarettes, tobacco products, or vapor products under 78966
subtitle E of the Internal Revenue Code or Chapter 5743. of the 78967
Revised Code; 78968

(r) In the case of receipts from the sale, transfer, 78969
exchange, or other disposition of motor fuel as "motor fuel" is 78970
defined in section 5736.01 of the Revised Code, an amount equal to 78971
the value of the motor fuel, including federal and state motor 78972
fuel excise taxes and receipts from billing or invoicing the tax 78973
imposed under section 5736.02 of the Revised Code to another 78974
person; 78975

(s) In the case of receipts from the sale of beer or 78976
intoxicating liquor, as defined in section 4301.01 of the Revised 78977
Code, by a person holding a permit issued under Chapter 4301. or 78978
4303. of the Revised Code, an amount equal to federal and state 78979

excise taxes paid by any person on or for such beer or 78980
intoxicating liquor under subtitle E of the Internal Revenue Code 78981
or Chapter 4301. or 4305. of the Revised Code; 78982

(t) Receipts realized by a new motor vehicle dealer or used 78983
motor vehicle dealer, as defined in section 4517.01 of the Revised 78984
Code, from the sale or other transfer of a motor vehicle, as 78985
defined in that section, to another motor vehicle dealer for the 78986
purpose of resale by the transferee motor vehicle dealer, but only 78987
if the sale or other transfer was based upon the transferee's need 78988
to meet a specific customer's preference for a motor vehicle; 78989

(u) Receipts from a financial institution described in 78990
division (E)(3) of this section for services provided to the 78991
financial institution in connection with the issuance, processing, 78992
servicing, and management of loans or credit accounts, if such 78993
financial institution and the recipient of such receipts have at 78994
least fifty per cent of their ownership interests owned or 78995
controlled, directly or constructively through related interests, 78996
by common owners; 78997

(v) Receipts realized from administering anti-neoplastic 78998
drugs and other cancer chemotherapy, biologicals, therapeutic 78999
agents, and supportive drugs in a physician's office to patients 79000
with cancer; 79001

(w) Funds received or used by a mortgage broker that is not a 79002
dealer in intangibles, other than fees or other consideration, 79003
pursuant to a table-funding mortgage loan or warehouse-lending 79004
mortgage loan. Terms used in division (F)(2)(w) of this section 79005
have the same meanings as in section 1322.01 of the Revised Code, 79006
except "mortgage broker" means a person assisting a buyer in 79007
obtaining a mortgage loan for a fee or other consideration paid by 79008
the buyer or a lender, or a person engaged in table-funding or 79009
warehouse-lending mortgage loans that are first lien mortgage 79010
loans. 79011

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, or an alternate employer organization, as defined in section 4133.01 of the Revised Code, from a client employer, as defined in either of those sections as applicable, in excess of the administrative fee charged by the professional employer organization or the alternate employer organization to the client employer;

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts as determined under section 5751.40 of the Revised Code.

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;

(bb) Cash discounts allowed and taken;

(cc) Returns and allowances;

(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer

until the full purchase price is paid, or expenses in attempting 79043
to collect any account receivable or for any portion of the debt 79044
recovered; 79045

(ee) Any amount realized from the sale of an account 79046
receivable to the extent the receipts from the underlying 79047
transaction giving rise to the account receivable were included in 79048
the gross receipts of the taxpayer; 79049

(ff) Any receipts directly attributed to a transfer agreement 79050
or to the enterprise transferred under that agreement under 79051
section 4313.02 of the Revised Code. 79052

(gg) Qualified uranium receipts as determined under section 79053
5751.41 of the Revised Code. 79054

(hh) In the case of amounts collected by a licensed casino 79055
operator from casino gaming, amounts in excess of the casino 79056
operator's gross casino revenue. In this division, "casino 79057
operator" and "casino gaming" have the meanings defined in section 79058
3772.01 of the Revised Code, and "gross casino revenue" has the 79059
meaning defined in section 5753.01 of the Revised Code. 79060

(ii) Receipts realized from the sale of agricultural 79061
commodities by an agricultural commodity handler, both as defined 79062
in section 926.01 of the Revised Code, that is licensed by the 79063
director of agriculture to handle agricultural commodities in this 79064
state. 79065

(jj) Qualifying integrated supply chain receipts as 79066
determined under section 5751.42 of the Revised Code. 79067

(kk) In the case of a railroad company described in division 79068
(D) (9) of section 5727.01 of the Revised Code that purchases dyed 79069
diesel fuel directly from a supplier as defined by section 5736.01 79070
of the Revised Code, an amount equal to the product of the number 79071
of gallons of dyed diesel fuel purchased directly from such a 79072
supplier multiplied by the average wholesale price for a gallon of 79073

diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator of which equals the rate of tax levied by section 5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code.

(ll) Receipts realized by an out-of-state disaster business from disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the business. Terms used in division (F) (2) (ll) of this section have the same meanings as in section 5703.94 of the Revised Code.

(mm) In the case of receipts from the sale or transfer of a mortgage-backed security or a mortgage loan by a mortgage lender holding a valid certificate of registration issued under Chapter 1322. of the Revised Code or by a person that is a member of the mortgage lender's consolidated elected taxpayer group, an amount equal to the principal balance of the mortgage loan.

(nn) Amounts of excess surplus of the state insurance fund received by the taxpayer from the Ohio bureau of workers' compensation pursuant to rules adopted under section 4123.321 of the Revised Code.

(oo) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division,

"real estate broker" and "real estate salesperson" have the same 79105
meanings as in section 4735.01 of the Revised Code. 79106

(4) A taxpayer's method of accounting for gross receipts for 79107
a tax period shall be the same as the taxpayer's method of 79108
accounting for federal income tax purposes for the taxpayer's 79109
federal taxable year that includes the tax period. If a taxpayer's 79110
method of accounting for federal income tax purposes changes, its 79111
method of accounting for gross receipts under this chapter shall 79112
be changed accordingly. 79113

(G) "Taxable gross receipts" means gross receipts sitused to 79114
this state under section 5751.033 of the Revised Code. 79115

(H) A person has "substantial nexus with this state" if any 79116
of the following applies. The person: 79117

(1) Owns or uses a part or all of its capital in this state; 79118

(2) Holds a certificate of compliance with the laws of this 79119
state authorizing the person to do business in this state; 79120

(3) Has bright-line presence in this state; 79121

(4) Otherwise has nexus with this state to an extent that the 79122
person can be required to remit the tax imposed under this chapter 79123
under the Constitution of the United States. 79124

(I) A person has "bright-line presence" in this state for a 79125
reporting period and for the remaining portion of the calendar 79126
year if any of the following applies. The person: 79127

(1) Has at any time during the calendar year property in this 79128
state with an aggregate value of at least fifty thousand dollars. 79129
For the purpose of division (I)(1) of this section, owned property 79130
is valued at original cost and rented property is valued at eight 79131
times the net annual rental charge. 79132

(2) Has during the calendar year payroll in this state of at 79133
least fifty thousand dollars. Payroll in this state includes all 79134

of the following: 79135

(a) Any amount subject to withholding by the person under 79136
section 5747.06 of the Revised Code; 79137

(b) Any other amount the person pays as compensation to an 79138
individual under the supervision or control of the person for work 79139
done in this state; and 79140

(c) Any amount the person pays for services performed in this 79141
state on its behalf by another. 79142

(3) Has during the calendar year taxable gross receipts of at 79143
least five hundred thousand dollars. 79144

(4) Has at any time during the calendar year within this 79145
state at least twenty-five per cent of the person's total 79146
property, total payroll, or total gross receipts. 79147

(5) Is domiciled in this state as an individual or for 79148
corporate, commercial, or other business purposes. 79149

(J) "Tangible personal property" has the same meaning as in 79150
section 5739.01 of the Revised Code. 79151

(K) "Internal Revenue Code" means the Internal Revenue Code 79152
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 79153
this chapter that is not otherwise defined has the same meaning as 79154
when used in a comparable context in the laws of the United States 79155
relating to federal income taxes unless a different meaning is 79156
clearly required. Any reference in this chapter to the Internal 79157
Revenue Code includes other laws of the United States relating to 79158
federal income taxes. 79159

(L) "Calendar quarter" means a three-month period ending on 79160
the thirty-first day of March, the thirtieth day of June, the 79161
thirtieth day of September, or the thirty-first day of December. 79162

(M) "Tax period" means the calendar quarter or calendar year 79163
on the basis of which a taxpayer is required to pay the tax 79164

imposed under this chapter. 79165

(N) "Calendar year taxpayer" means a taxpayer for which the 79166
tax period is a calendar year. 79167

(O) "Calendar quarter taxpayer" means a taxpayer for which 79168
the tax period is a calendar quarter. 79169

(P) "Agent" means a person authorized by another person to 79170
act on its behalf to undertake a transaction for the other, 79171
including any of the following: 79172

(1) A person receiving a fee to sell financial instruments; 79173

(2) A person retaining only a commission from a transaction 79174
with the other proceeds from the transaction being remitted to 79175
another person; 79176

(3) A person issuing licenses and permits under section 79177
1533.13 of the Revised Code; 79178

(4) A lottery sales agent holding a valid license issued 79179
under section 3770.05 of the Revised Code; 79180

(5) A person acting as an agent of the division of liquor 79181
control under section 4301.17 of the Revised Code. 79182

(Q) "Received" includes amounts accrued under the accrual 79183
method of accounting. 79184

(R) "Reporting person" means a person in a consolidated 79185
elected taxpayer or combined taxpayer group that is designated by 79186
that group to legally bind the group for all filings and tax 79187
liabilities and to receive all legal notices with respect to 79188
matters under this chapter, or, for the purposes of section 79189
5751.04 of the Revised Code, a separate taxpayer that is not a 79190
member of such a group. 79191

Sec. 5751.02. (A) For the purpose of funding the needs of 79192
this state and its local governments, there is hereby levied a 79193

commercial activity tax on each person with taxable gross receipts 79194
for the privilege of doing business in this state. For the 79195
purposes of this chapter, "doing business" means engaging in any 79196
activity, whether legal or illegal, that is conducted for, or 79197
results in, gain, profit, or income, at any time during a calendar 79198
year. Persons on which the commercial activity tax is levied 79199
include, but are not limited to, persons with substantial nexus 79200
with this state. The tax imposed under this section is not a 79201
transactional tax and is not subject to Public Law No. 86-272, 73 79202
Stat. 555. The tax imposed under this section is in addition to 79203
any other taxes or fees imposed under the Revised Code. The tax 79204
levied under this section is imposed on the person receiving the 79205
gross receipts and is not a tax imposed directly on a purchaser. 79206
The tax imposed by this section is an annual privilege tax for the 79207
calendar year that, in the case of calendar year taxpayers, is the 79208
annual tax period and, in the case of calendar quarter taxpayers, 79209
contains all quarterly tax periods in the calendar year. A 79210
taxpayer is subject to the annual privilege tax for doing business 79211
during any portion of such calendar year. 79212

(B) The tax imposed by this section is a tax on the taxpayer 79213
and shall not be billed or invoiced to another person. Even if the 79214
tax or any portion thereof is billed or invoiced and separately 79215
stated, such amounts remain part of the price for purposes of the 79216
sales and use taxes levied under Chapters 5739. and 5741. of the 79217
Revised Code. Nothing in division (B) of this section prohibits: 79218

(1) A person from including in the price charged for a good 79219
or service an amount sufficient to recover the tax imposed by this 79220
section; or 79221

(2) A lessor from including an amount sufficient to recover 79222
the tax imposed by this section in a lease payment charged, or 79223
from including such an amount on a billing or invoice pursuant to 79224

the terms of a written lease agreement providing for the recovery 79225
of the lessor's tax costs. The recovery of such costs shall be 79226
based on an estimate of the total tax cost of the lessor during 79227
the tax period, as the tax liability of the lessor cannot be 79228
calculated until the end of that period. 79229

(C) (1) The commercial activities tax receipts fund is hereby 79230
created in the state treasury and shall consist of money arising 79231
from the tax imposed under this chapter. ~~Sixty five one hundredths~~ 79232
Five hundred seventy-five one-thousandths of one per cent of the 79233
money credited to that fund shall be credited to the revenue 79234
enhancement fund and shall be used to defray the costs incurred by 79235
the department of taxation in administering the tax imposed by 79236
this chapter and in implementing tax reform measures. The 79237
remainder of the money in the commercial activities tax receipts 79238
fund shall first be credited to the commercial activity tax motor 79239
fuel receipts fund, pursuant to division (C) (2) of this section, 79240
and the remainder shall be credited in the following percentages 79241
each fiscal year to the general revenue fund, to the school 79242
district tangible property tax replacement fund, which is hereby 79243
created in the state treasury for the purpose of making the 79244
payments described in section 5709.92 of the Revised Code, and to 79245
the local government tangible property tax replacement fund, which 79246
is hereby created in the state treasury for the purpose of making 79247
the payments described in section 5709.93 of the Revised Code, in 79248
the following percentages: 79249

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	79250
2016 and 2017	75.0%	20.0%	5.0%	79251
2018 and	85.0%	13.0%	2.0%	79252

thereafter

(2) Not later than the twentieth day of February, May, 79254
August, and November of each year, the commissioner shall provide 79255
for payment from the commercial activities tax receipts fund to 79256
the commercial activity tax motor fuel receipts fund an amount 79257
that bears the same ratio to the balance in the commercial 79258
activities tax receipts fund that (a) the taxable gross receipts 79259
attributed to motor fuel used for propelling vehicles on public 79260
highways as indicated by returns filed by the tenth day of that 79261
month for a liability that is due and payable on or after July 1, 79262
2013, for a tax period ending before July 1, 2014, bears to (b) 79263
all taxable gross receipts as indicated by those returns for such 79264
liabilities. 79265

(D) (1) If the total amount in the school district tangible 79266
property tax replacement fund is insufficient to make all payments 79267
under section 5709.92 of the Revised Code at the times the 79268
payments are to be made, the director of budget and management 79269
shall transfer from the general revenue fund to the school 79270
district tangible property tax replacement fund the difference 79271
between the total amount to be paid and the amount in the school 79272
district tangible property tax replacement fund. 79273

(2) If the total amount in the local government tangible 79274
property tax replacement fund is insufficient to make all payments 79275
under section 5709.93 of the Revised Code at the times the 79276
payments are to be made, the director of budget and management 79277
shall transfer from the general revenue fund to the local 79278
government tangible property tax replacement fund the difference 79279
between the total amount to be paid and the amount in the local 79280
government tangible property tax replacement fund. 79281

(E) (1) On or after the first day of June of each year, the 79282
director of budget and management may transfer any balance in the 79283
school district tangible property tax replacement fund to the 79284

general revenue fund. 79285

(2) On or after the first day of June of each year, the 79286
director of budget and management may transfer any balance in the 79287
local government tangible property tax replacement fund to the 79288
general revenue fund. 79289

(F) (1) There is hereby created in the state treasury the 79290
commercial activity tax motor fuel receipts fund. 79291

(2) On or before the fifteenth day of June of each fiscal 79292
year beginning with fiscal year 2015, the director of the Ohio 79293
public works commission shall certify to the director of budget 79294
and management the amount of debt service paid from the general 79295
revenue fund in the current fiscal year on bonds issued to finance 79296
or assist in the financing of the cost of local subdivision public 79297
infrastructure capital improvement projects, as provided for in 79298
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 79299
that are attributable to costs for construction, reconstruction, 79300
maintenance, or repair of public highways and bridges and other 79301
statutory highway purposes. That certification shall allocate the 79302
total amount of debt service paid from the general revenue fund 79303
and attributable to those costs in the current fiscal year 79304
according to the applicable section of the Ohio Constitution under 79305
which the bonds were originally issued. 79306

(3) On or before the thirtieth day of June of each fiscal 79307
year beginning with fiscal year 2015, the director of budget and 79308
management shall determine an amount up to but not exceeding the 79309
amount certified under division (F) (2) of this section and shall 79310
reserve that amount from the cash balance in the petroleum 79311
activity tax public highways fund or the commercial activity tax 79312
motor fuel receipts fund for transfer to the general revenue fund 79313
at times and in amounts to be determined by the director. The 79314
director shall transfer the cash balance in the petroleum activity 79315
tax public highways fund or the commercial activity tax motor fuel 79316

receipts fund in excess of the amount so reserved to the highway 79317
operating fund on or before the thirtieth day of June of the 79318
current fiscal year. 79319

Sec. 5751.03. (A) Except as provided in division (B) of this 79320
section, the tax levied under this section for each tax period 79321
shall be the product of two and six-tenths mills per dollar times 79322
the remainder of the taxpayer's taxable gross receipts for the tax 79323
period after subtracting the exclusion amount provided for in 79324
division (C) of this section. 79325

(B) Notwithstanding division (C) of this section, the tax on 79326
the first one million dollars in taxable gross receipts each 79327
calendar year shall be calculated as follows: 79328

(1) For taxpayers with annual taxable gross receipts of one 79329
million dollars or less for the immediately preceding calendar 79330
year, one hundred fifty dollars; 79331

(2) For taxpayers with annual taxable gross receipts greater 79332
than one million dollars, but less than or equal to two million 79333
dollars for the immediately preceding calendar year, eight hundred 79334
dollars; 79335

(3) For taxpayers with annual taxable gross receipts greater 79336
than two million dollars, but less than or equal to four million 79337
dollars for the immediately preceding calendar year, two thousand 79338
one hundred dollars; 79339

(4) For taxpayers with annual taxable gross receipts greater 79340
than four million dollars for the immediately preceding calendar 79341
year, two thousand six hundred dollars. 79342

The tax imposed under division (B)(1) of this section shall 79343
be paid not later than the tenth day of May of each year along 79344
with the annual tax return. The tax imposed under divisions 79345
(B)(2), (3), and (4) of this section shall be paid not later than 79346

the tenth day of May of each year along with the first quarter tax return. 79347
79348

(C) (1) Each taxpayer may exclude the first one million 79349
dollars of taxable gross receipts for a calendar year. Calendar 79350
quarter taxpayers shall apply the full exclusion amount to the 79351
first calendar quarter return the taxpayer files that calendar 79352
year and may carry forward and apply any unused exclusion amount 79353
to subsequent calendar quarters within that same calendar year. 79354

(2) A taxpayer switching from a calendar year tax period to a 79355
calendar quarter tax period may, for the first quarter of the 79356
change, apply the full one-million-dollar exclusion amount to the 79357
first calendar quarter return the taxpayer files that calendar 79358
year. Such taxpayers may carry forward and apply any unused 79359
exclusion amount to subsequent calendar quarters within that same 79360
calendar year. The tax rate shall be based on the rate imposed 79361
that calendar quarter when the taxpayer switches from a calendar 79362
year to a calendar quarter tax period. 79363

(3) A taxpayer shall not exclude more than one million 79364
dollars pursuant to division (C) of this section in a calendar 79365
year. 79366

Sec. 5751.40. (A) As used in this section and division 79367
(F) (2) (z) of section 5751.01 of the Revised Code: 79368

(1) "Qualifying distribution center receipts" means receipts 79369
of a supplier from qualified property that is delivered to a 79370
qualified distribution center, multiplied by a quantity that 79371
equals one minus the Ohio delivery percentage. If the qualified 79372
distribution center is a refining facility, "supplier" includes 79373
all dealers, brokers, processors, sellers, vendors, cosigners, and 79374
distributors of qualified property. 79375

(2) "Qualified property" means tangible personal property 79376

delivered to a qualified distribution center that is shipped to 79377
that qualified distribution center solely for further shipping by 79378
the qualified distribution center to another location in this 79379
state or elsewhere or, in the case of gold, silver, platinum, or 79380
palladium delivered to a refining facility solely for refining to 79381
a grade and fineness acceptable for delivery to a registered 79382
commodities exchange. "Further shipping" includes storing and 79383
repackaging property into smaller or larger bundles, so long as 79384
the property is not subject to further manufacturing or 79385
processing. "Refining" is limited to extracting impurities from 79386
gold, silver, platinum, or palladium through smelting or some 79387
other process at a refining facility. 79388

(3) "Qualified distribution center" means a warehouse, a 79389
facility similar to a warehouse, or a refining facility in this 79390
state that, for the qualifying year, is operated by a person that 79391
is not part of a combined taxpayer group and that has a qualifying 79392
certificate. All warehouses or facilities similar to warehouses 79393
that are operated by persons in the same taxpayer group and that 79394
are located within one mile of each other shall be treated as one 79395
qualified distribution center. All refining facilities that are 79396
operated by persons in the same taxpayer group and that are 79397
located in the same or adjacent counties may be treated as one 79398
qualified distribution center. 79399

(4) "Qualifying year" means the calendar year to which the 79400
qualifying certificate applies. 79401

(5) "Qualifying period" means the period of the first day of 79402
July of the second year preceding the qualifying year through the 79403
thirtieth day of June of the year preceding the qualifying year. 79404

(6) "Qualifying certificate" means the certificate issued by 79405
the tax commissioner after the operator of a distribution center 79406
files an annual application with the commissioner under division 79407
(B) of this section. 79408

(7) "Ohio delivery percentage" means the proportion of the total property delivered to a destination inside Ohio from the qualified distribution center during the qualifying period compared with total deliveries from such distribution center everywhere during the qualifying period.

(8) "Refining facility" means one or more buildings located in a county in the Appalachian region of this state as defined by section 107.21 of the Revised Code and utilized for refining or smelting gold, silver, platinum, or palladium to a grade and fineness acceptable for delivery to a registered commodities exchange.

(9) "Registered commodities exchange" means a board of trade, such as New York mercantile exchange, inc. or commodity exchange, inc., designated as a contract market by the commodity futures trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 et seq., as amended.

(10) "Ineligible operator's supplier tax liability" means an amount equal to the tax liability of all suppliers of a distribution center had the distribution center not been issued a qualifying certificate for the qualifying year. Ineligible operator's supplier tax liability shall not include interest or penalties.

(B) For purposes of division (B) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.

(1) An application for a qualifying certificate to be a qualified distribution center shall be filed, and an annual fee paid, for each qualified distribution center on or before the first day of September before the qualifying year or within forty-five days after the distribution center opens, whichever is

later. The applicant must substantiate to the commissioner's 79440
satisfaction that, for the qualifying period, all persons 79441
operating the distribution center have more than fifty per cent of 79442
the cost of the qualified property shipped to a location such that 79443
it would be sitused outside this state under the provisions of 79444
division (E) of section 5751.033 of the Revised Code. The 79445
applicant must also substantiate that the distribution center 79446
cumulatively had costs from its suppliers equal to or exceeding 79447
five hundred million dollars during the qualifying period. 79448

The commissioner may require an applicant to have an 79449
independent certified public accountant certify that the 79450
calculation of the minimum thresholds required for a qualified 79451
distribution center by the operator of a distribution center has 79452
been made in accordance with generally accepted accounting 79453
principles. The commissioner shall issue or deny the issuance of a 79454
certificate within sixty days after the receipt of the 79455
application. A denial is subject to appeal under section 5717.02 79456
of the Revised Code. If the operator files a timely appeal under 79457
section 5717.02 of the Revised Code, the operator shall be granted 79458
a qualifying certificate effective for the remainder of the 79459
qualifying year or until the appeal is finalized, whichever is 79460
earlier. If the operator does not prevail in the appeal, the 79461
operator shall pay the ineligible operator's supplier tax 79462
liability. 79463

(2) If the distribution center is new and was not open for 79464
the entire qualifying period, the operator of the distribution 79465
center may request that the commissioner grant a qualifying 79466
certificate. If the certificate is granted and it is later 79467
determined that more than fifty per cent of the qualified property 79468
during that year was not shipped to a location such that it would 79469
be sitused outside of this state under the provisions of division 79470
(E) of section 5751.033 of the Revised Code or if it is later 79471

determined that the person that operates the distribution center 79472
had average monthly costs from its suppliers of less than forty 79473
million dollars during that year, then the operator of the 79474
distribution center shall pay the ineligible operator's supplier 79475
tax liability. 79476

(3) The commissioner may grant a qualifying certificate to a 79477
distribution center that does not qualify as a qualified 79478
distribution center for an entire qualifying period if the 79479
operator of the distribution center demonstrates that the business 79480
operations of the distribution center have changed or will change 79481
such that the distribution center will qualify as a qualified 79482
distribution center within thirty-six months after the date the 79483
operator first applies for a certificate. If, at the end of that 79484
thirty-six-month period, the business operations of the 79485
distribution center have not changed such that the distribution 79486
center qualifies as a qualified distribution center, the operator 79487
of the distribution center shall pay the ineligible operator's 79488
supplier tax liability for each year that the distribution center 79489
received a certificate but did not qualify as a qualified 79490
distribution center. For each year the distribution center 79491
receives a certificate under division (B)(3) of this section, the 79492
distribution center shall pay all applicable fees required under 79493
this section and shall submit an updated business plan showing the 79494
progress the distribution center made toward qualifying as a 79495
qualified distribution center during the preceding year. 79496

(4) An operator may appeal a determination under division 79497
~~(B)(1)~~ (B)(2) or ~~(2)(3)~~ of this section that the ineligible 79498
operator is liable for the operator's supplier tax liability as a 79499
result of not qualifying as a qualified distribution center, as 79500
provided in section 5717.02 of the Revised Code. 79501

(C)(1) When filing an application for a qualifying 79502
certificate under division (B)(1) of this section, the operator of 79503

a qualified distribution center also shall provide documentation, 79504
as the commissioner requires, for the commissioner to ascertain 79505
the Ohio delivery percentage. The commissioner, upon issuing the 79506
qualifying certificate, also shall certify the Ohio delivery 79507
percentage. The operator of the qualified distribution center may 79508
appeal the commissioner's certification of the Ohio delivery 79509
percentage in the same manner as an appeal is taken from the 79510
denial of a qualifying certificate under division (B)(1) of this 79511
section. 79512

(2) In the case where the distribution center is new and not 79513
open for the entire qualifying period, the operator shall make a 79514
good faith estimate of an Ohio delivery percentage for use by 79515
suppliers in their reports of taxable gross receipts for the 79516
remainder of the qualifying period. The operator of the facility 79517
shall disclose to the suppliers that such Ohio delivery percentage 79518
is an estimate and is subject to recalculation. By the due date of 79519
the next application for a qualifying certificate, the operator 79520
shall determine the actual Ohio delivery percentage for the 79521
estimated qualifying period and proceed as provided in division 79522
(C)(1) of this section with respect to the calculation and 79523
recalculation of the Ohio delivery percentage. The supplier is 79524
required to file, within sixty days after receiving notice from 79525
the operator of the qualified distribution center, amended reports 79526
for the impacted calendar quarter or quarters or calendar year, 79527
whichever the case may be. Any additional tax liability or tax 79528
overpayment shall be subject to interest but shall not be subject 79529
to the imposition of any penalty so long as the amended returns 79530
are timely filed. 79531

(3) The operator of a distribution center that receives a 79532
qualifying certificate under division (B)(3) of this section shall 79533
make a good faith estimate of the Ohio delivery percentage that 79534
the operator estimates will apply to the distribution center at 79535

the end of the thirty-six-month period after the operator first 79536
applied for a qualifying certificate under that division. The 79537
result of the estimate shall be multiplied by a factor of one and 79538
seventy-five one-hundredths. The product of that calculation shall 79539
be the Ohio delivery percentage used by suppliers in their reports 79540
of taxable gross receipts for each qualifying year that the 79541
distribution center receives a qualifying certificate under 79542
division (B) (3) of this section, except that, if the product is 79543
less than five per cent, the Ohio delivery percentage used shall 79544
be five per cent and that, if the product exceeds forty-nine per 79545
cent, the Ohio delivery percentage used shall be forty-nine per 79546
cent. 79547

(D) Qualifying certificates and Ohio delivery percentages 79548
issued by the commissioner shall be open to public inspection and 79549
shall be timely published by the commissioner. A supplier relying 79550
in good faith on a certificate issued under this section shall not 79551
be subject to tax on the qualifying distribution center receipts 79552
under this section and division (F) (2) (z) of section 5751.01 of 79553
the Revised Code. An operator receiving a qualifying certificate 79554
is liable for the ineligible operator's supplier tax liability for 79555
each year the operator received a certificate but did not qualify 79556
as a qualified distribution center. 79557

(E) The tax commissioner shall determine an ineligible 79558
operator's supplier tax liability based on information that the 79559
commissioner may request from the operator of the distribution 79560
center. An operator shall provide a list of all suppliers of the 79561
distribution center and the corresponding costs of qualified 79562
property for the qualifying year at issue within sixty days of a 79563
request by the commissioner under this division. 79564

(F) The annual fee for a qualifying certificate shall be one 79565
hundred thousand dollars for each qualified distribution center. 79566
If a qualifying certificate is not issued, the annual fee is 79567

subject to refund after the exhaustion of all appeals provided for 79568
in division (B)(1) of this section. The first one hundred thousand 79569
dollars of the annual application fees collected each calendar 79570
year shall be credited to the revenue enhancement fund. The 79571
remainder of the annual application fees collected shall be 79572
distributed in the same manner required under section 5751.20 of 79573
the Revised Code. 79574

(G) The tax commissioner may require that adequate security 79575
be posted by the operator of the distribution center on appeal 79576
when the commissioner disagrees that the applicant has met the 79577
minimum thresholds for a qualified distribution center as set 79578
forth in this section. 79579

Sec. 5902.09. (A) As used in this section, ~~"AMVETS" means the~~ 79580
~~American Veterans of World War II (AMVETS), Department of Ohio.;~~ 79581
79582

"Electroencephalogram (EEG) combined transcranial magnetic 79583
stimulation" means treatment in which transcranial magnetic 79584
stimulation (TMS) frequency pulses are tuned to the patient's 79585
physiology and biometric data, at the time of each treatment, 79586
using a pre- and post-TMS EEG. 79587

"First responder" has the meaning defined in section 2903.01 79588
of the Revised Code. 79589

"Law enforcement officer" has the meaning defined in section 79590
9.69 of the Revised Code. 79591

(B) The directors of veterans services and mental health and 79592
addiction services shall establish a pilot program to make 79593
electroencephalogram (EEG) combined transcranial magnetic 79594
stimulation available for veterans, first responders, and law 79595
enforcement officers with substance use disorders ~~or,~~ mental 79596
illness, sleep disorders, traumatic brain injuries, sexual trauma, 79597

post traumatic stress disorder and accompanying comorbidities, 79598
concussions or other brain trauma, or other issues and shall 79599
operate the program for three years identified by the individual's 79600
qualified medical practitioner as issues that would warrant 79601
treatment under the program. The program shall be operated in 79602
conjunction with a supplier selected under this section. 79603

(C) The directors by mutual agreement shall choose a location 79604
for the pilot program and for up to ten branch sites, and shall 79605
enter into a contract for the purchase of services related to the 79606
pilot program. A branch site may be a mobile unit or an EEG 79607
combined neuromodulation portable unit if the directors determine 79608
that mobile units or EEG combined neuromodulation portable units 79609
are necessary to expand access to care. The contract shall include 79610
provisions requiring the supplier to create, ~~implement, operate~~ 79611
and conduct a clinical trial, and to establish and operate a 79612
clinical practice, to evaluate outcomes of the pilot program 79613
clinical trial and the clinical practice, to choose a location for 79614
the pilot program, to expend payments received from the state as 79615
needed for purposes of the program, and to report quarterly 79616
regarding the pilot program to the president of the senate and to 79617
the standing committee of the senate that generally considers 79618
legislation regarding veterans affairs. 79619

(D) There is the electroencephalogram (EEG) combined 79620
transcranial magnetic stimulation fund in the state treasury. It 79621
shall consist of moneys appropriated to it by the general 79622
assembly. The directors, with the approval of the controlling 79623
board, may authorize a disbursement from the fund for services 79624
rendered under the contract. 79625

(E) One or both of the directors shall adopt rules under 79626
Chapter 119. of the Revised Code as necessary to administer this 79627
section, ~~including a.~~ 79628

(F) The supplier, in conducting the clinical trial and in 79629

operating the clinical practice, shall adhere to all of the 79630
following: 79631

(1) The United States food and drug administration 79632
regulations governing the conduct of clinical practice and 79633
clinical trials; 79634

(2) A peer-to-peer support network shall be made available by 79635
the supplier to any individual receiving treatment under the 79636
program. 79637

(3) The program protocol shall use adapted stimulation 79638
frequency and intensity modulation based on EEG and motor 79639
threshold testing as well as clinical symptoms and signs, and 79640
biometrics. 79641

(4) Each individual who receives treatment under the program 79642
also shall receive pre- and post-neurophysiological monitoring, 79643
with EEG and autonomic nervous systems assessments, daily 79644
checklists of symptoms of alcohol, opioid, or other substance use, 79645
and weekly medical counseling and wellness programming, and also 79646
shall participate in the peer-to-peer support network established 79647
by the supplier. 79648

(5) ~~rule requiring that clinical~~ Clinical protocols and 79649
outcomes ~~are~~ of the clinical trial, and of any treatment provided 79650
by the clinical practice, shall be collected and reported 79651
quarterly in a report provided by the supplier. ~~The to the~~ 79652
directors of veterans services and mental health and addiction 79653
services and to the United States food and drug administration. 79654

(6) Any individual who receives treatment at the clinical 79655
practice shall be eligible for a minimum of two 79656
electroencephalograms during the course of the individual's 79657
treatment. 79658

(7) The report ~~shall also~~ required by this section shall 79659
include a thorough accounting of the use and expenditure of all 79660

funds received from the state under this section. 79661

~~(F)~~(G) Contracts entered into under this section are subject 79662
to section 9.231 and Chapter 125. of the Revised Code. 79663

Sec. 5919.34. (A) As used in this section: 79664

(1) "Academic term" means any one of the following: 79665

(a) Fall term, which consists of fall semester or fall 79666
quarter, as appropriate; 79667

(b) Winter term, which consists of winter semester, winter 79668
quarter, or spring semester, as appropriate; 79669

(c) Spring term, which consists of spring quarter; 79670

(d) Summer term, which consists of summer semester or summer 79671
quarter, as appropriate. 79672

(2) "Eligible applicant" means any individual to whom all of 79673
the following apply: 79674

(a) The individual does not possess a baccalaureate degree. 79675

(b) The individual has enlisted, re-enlisted, or extended 79676
current enlistment in the Ohio national guard or is an individual 79677
to which division (F) of this section applies. 79678

(c) The individual is actively enrolled as a full-time or 79679
part-time student for at least three credit hours of course work 79680
in a semester or quarter in a two-year or four-year 79681
degree-granting program at a state institution of higher education 79682
or a private institution of higher education, ~~or~~ in a 79683
diploma-granting program at a state or private institution of 79684
higher education that is a school of nursing, or in a 79685
credential-certifying program, licensing program, trade 79686
certification program, or apprenticeship program for an in-demand 79687
occupation as identified by the adjutant general and the 79688
chancellor of higher education, in consultation with the 79689

governor's office of workforce transformation. 79690

(d) The individual has not accumulated ninety-six eligibility 79691
units under division (E) of this section. 79692

(3) "State institution of higher education" means any state 79693
university or college as defined in division (A)(1) of section 79694
3345.12 of the Revised Code, community college established under 79695
Chapter 3354. of the Revised Code, state community college 79696
established under Chapter 3358. of the Revised Code, university 79697
branch established under Chapter 3355. of the Revised Code, or 79698
technical college established under Chapter 3357. of the Revised 79699
Code. 79700

(4) "Private institution of higher education" means an Ohio 79701
institution of higher education that is nonprofit and has received 79702
a certificate of authorization pursuant to Chapter 1713. of the 79703
Revised Code, that is a private institution exempt from regulation 79704
under Chapter 3332. of the Revised Code as prescribed in section 79705
3333.046 of the Revised Code, or that holds a certificate of 79706
registration and program authorization issued by the state board 79707
of career colleges and schools pursuant to section 3332.05 of the 79708
Revised Code. 79709

(5) "Tuition" means the charges imposed to attend an 79710
institution of higher education and includes general and 79711
instructional fees. "Tuition" does not include laboratory fees, 79712
room and board, or other similar fees and charges. 79713

(B) There is hereby created a scholarship program to be known 79714
as the Ohio national guard scholarship program. 79715

(C)(1) The adjutant general shall approve scholarships for 79716
all eligible applicants. The adjutant general shall process all 79717
applications for scholarships for each academic term in the order 79718
in which they are received. The scholarships shall be made without 79719
regard to financial need. At no time shall one person be placed in 79720

priority over another because of sex, race, or religion. 79721

(2) The adjutant general shall develop and provide a written 79722
explanation that informs all eligible scholarship recipients that 79723
the recipient may become ineligible and liable for repayment for 79724
an amount of scholarship payments received in accordance with 79725
division (G) of this section. The written explanation shall be 79726
reviewed by the scholarship recipient before acceptance of the 79727
scholarship and before acceptance of an enlistment, warrant, 79728
commission, or appointment for a term not less than the 79729
recipient's remaining term in the national guard or in the active 79730
duty component of the United States armed forces. 79731

(D) (1) Except as provided in divisions (I) and (J) of this 79732
section, for each academic term that an eligible applicant is 79733
approved for a scholarship under this section and either remains a 79734
current member in good standing of the Ohio national guard or is 79735
eligible for a scholarship under division (F) (1) of this section, 79736
the institution of higher education in which the applicant is 79737
enrolled shall, if the applicant's enlistment obligation extends 79738
beyond the end of that academic term or if division (F) (1) of this 79739
section applies, be paid on the applicant's behalf the applicable 79740
one of the following amounts: 79741

(a) If the institution is a state institution of higher 79742
education, an amount equal to one hundred per cent of the 79743
institution's tuition charges; 79744

(b) If the institution is a nonprofit private institution or 79745
a private institution exempt from regulation under Chapter 3332. 79746
of the Revised Code as prescribed in section 3333.046 of the 79747
Revised Code, an amount equal to one hundred per cent of the 79748
average tuition charges of all state universities; 79749

(c) If the institution is an institution that holds a 79750
certificate of registration from the state board of career 79751

colleges and schools, the lesser of the following: 79752

(i) An amount equal to one hundred per cent of the 79753
institution's tuition; 79754

(ii) An amount equal to one hundred per cent of the average 79755
tuition charges of all state universities, as that term is defined 79756
in section 3345.011 of the Revised Code. 79757

(2) The adjutant general and the chancellor ~~of higher~~ 79758
~~education~~ may jointly adopt rules to require the use of other 79759
federal educational financial assistance programs, including such 79760
programs offered by the United States department of defense, for 79761
which an applicant is eligible based on the applicant's military 79762
service. If such rules are adopted, the rules shall require that 79763
financial assistance received by a scholarship recipient under 79764
those programs be applied to all eligible expenses prior to the 79765
use of scholarship funds awarded under this section. Scholarship 79766
funds awarded under this section shall then be applied to the 79767
recipient's remaining eligible expenses. 79768

(3) An eligible applicant's scholarship shall not be reduced 79769
by the amount of that applicant's benefits under "the Montgomery 79770
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 79771

(E) A scholarship recipient under this section shall be 79772
entitled to receive scholarships under this section for the number 79773
of quarters or semesters it takes the recipient to accumulate 79774
ninety-six eligibility units as determined under divisions (E)(1) 79775
to (3) of this section. 79776

(1) To determine the maximum number of semesters or quarters 79777
for which a recipient is entitled to a scholarship under this 79778
section, the adjutant general shall convert a recipient's credit 79779
hours of enrollment for each academic term into eligibility units 79780
in accordance with the following table: 79781

The 79782

Number of		following		The following	79783
credit hours		number of		number of	79784
of enrollment		eligibility		eligibility	79785
in an academic		units if a		units if a	79786
term	equals	semester	or	quarter	79787
					79788
12 or more hours		12 units		8 units	79789
9 but less than 12		9 units		6 units	79790
6 but less than 9		6 units		4 units	79791
3 but less than 6		3 units		2 units	79792

(2) A scholarship recipient under this section may continue to apply for scholarships under this section until the recipient has accumulated ninety-six eligibility units.

(3) If a scholarship recipient withdraws from courses prior to the end of an academic term so that the recipient's enrollment for that academic term is less than three credit hours, no scholarship shall be paid on behalf of that person for that academic term. Except as provided in division (F)(3) of this section, if a scholarship has already been paid on behalf of the person for that academic term, the adjutant general shall add to that person's accumulated eligibility units the number of eligibility units for which the scholarship was paid.

(F) This division applies to any eligible applicant called into active duty on or after September 11, 2001. As used in this division, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(1) For a period of up to five years from when an individual's enlistment obligation in the Ohio national guard ends, an individual to whom this division applies is eligible for scholarships under this section for those academic terms that were

missed or could have been missed as a result of the individual's 79815
call into active duty. Scholarships shall not be paid for the 79816
academic term in which an eligible applicant's enlistment 79817
obligation ends unless an applicant is eligible under this 79818
division for a scholarship for such academic term due to previous 79819
active duty. 79820

(2) When an individual to whom this division applies 79821
withdraws or otherwise fails to complete courses, for which 79822
scholarships have been awarded under this section, because the 79823
individual was called into active duty, the institution of higher 79824
education shall grant the individual a leave of absence from the 79825
individual's education program and shall not impose any academic 79826
penalty for such withdrawal or failure to complete courses. 79827
Division (F) (2) of this section applies regardless of whether or 79828
not the scholarship amount was paid to the institution of higher 79829
education. 79830

(3) If an individual to whom this division applies withdraws 79831
or otherwise fails to complete courses because the individual was 79832
called into active duty, and if scholarships for those courses 79833
have already been paid, either: 79834

(a) The adjutant general shall not add to that person's 79835
accumulated eligibility units calculated under division (E) of 79836
this section the number of eligibility units for the academic 79837
courses or term for which the scholarship was paid and the 79838
institution of higher education shall repay the scholarship amount 79839
to the state. 79840

(b) The adjutant general shall add to that individual's 79841
accumulated eligibility units calculated under division (E) of 79842
this section the number of eligibility units for the academic 79843
courses or term for which the scholarship was paid if the 79844
institution of higher education agrees to permit the individual to 79845
complete the remainder of the academic courses in which the 79846

individual was enrolled at the time the individual was called into active duty. 79847
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(4) No individual who is discharged from the Ohio national guard under other than honorable conditions shall be eligible for scholarships under this division. 79849
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(G) A scholarship recipient under this section who fails to complete the term of enlistment, re-enlistment, or extension of current enlistment the recipient was serving at the time a scholarship was paid on behalf of the recipient under this section is liable to the state for repayment of a percentage of all Ohio national guard scholarships paid on behalf of the recipient under this section, plus interest at the rate of ten per cent per annum calculated from the dates the scholarships were paid. This percentage shall equal the percentage of the current term of enlistment, re-enlistment, or extension of enlistment a recipient has not completed as of the date the recipient is discharged from the Ohio national guard. 79852
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The attorney general may commence a civil action on behalf of the chancellor to recover the amount of the scholarships and the interest provided for in this division and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. A scholarship recipient is not liable under this division if the recipient's failure to complete the term of enlistment being served at the time a scholarship was paid on behalf of the recipient under this section is due to the recipient's death or discharge from the national guard due to disability. 79864
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(H) On or before the first day of each academic term, the adjutant general shall provide an eligibility roster to the chancellor and to each institution of higher education at which one or more scholarship recipients have applied for enrollment. The institution shall use the roster to certify the actual 79874
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full-time or part-time enrollment of each scholarship recipient 79879
listed as enrolled at the institution and return the roster to the 79880
adjutant general and the chancellor. Except as provided in 79881
division (J) of this section, the chancellor shall provide for 79882
payment of the appropriate number and amount of scholarships to 79883
each institution of higher education pursuant to division (D) of 79884
this section. If an institution of higher education fails to 79885
certify the actual enrollment of a scholarship recipient listed as 79886
enrolled at the institution within thirty days of the end of an 79887
academic term, the institution shall not be eligible to receive 79888
payment from the Ohio national guard scholarship program or from 79889
the individual enrollee. The adjutant general shall report on a 79890
semiannual basis to the director of budget and management, the 79891
speaker of the house of representatives, the president of the 79892
senate, and the chancellor the number of Ohio national guard 79893
scholarship recipients, the size of the scholarship-eligible 79894
population, and a projection of the cost of the program for the 79895
remainder of the biennium. 79896

(I) The chancellor and the adjutant general may adopt rules 79897
pursuant to Chapter 119. of the Revised Code governing the 79898
administration and fiscal management of the Ohio national guard 79899
scholarship program and the procedure by which the chancellor and 79900
the department of the adjutant general may modify the amount of 79901
scholarships a member receives based on the amount of other state 79902
financial aid a member receives. 79903

(J) The adjutant general, the chancellor, and the director, 79904
or their designees, shall jointly estimate the costs of the Ohio 79905
national guard scholarship program for each upcoming fiscal 79906
biennium, and shall report that estimate prior to the beginning of 79907
the fiscal biennium to the chairpersons of the finance committees 79908
in the general assembly. During each fiscal year of the biennium, 79909
the adjutant general, the chancellor, and the director, or their 79910

designees, shall meet regularly to monitor the actual costs of the 79911
Ohio national guard scholarship program and update cost 79912
projections for the remainder of the biennium as necessary. If the 79913
amounts appropriated for the Ohio national guard scholarship 79914
program and any funds in the Ohio national guard scholarship 79915
reserve fund and the Ohio national guard scholarship donation fund 79916
are not adequate to provide scholarships in the amounts specified 79917
in division (D)(1) of this section for all eligible applicants, 79918
the chancellor shall do all of the following: 79919

(1) Notify each private institution of higher education, 79920
where a scholarship recipient is enrolled, that, by accepting the 79921
Ohio national guard scholarship program as payment for all or part 79922
of the institution's tuition, the institution agrees that if the 79923
chancellor reduces the amount of each scholarship, the institution 79924
shall provide each scholarship recipient a grant or tuition waiver 79925
in an amount equal to the amount the recipient's scholarship was 79926
reduced by the chancellor. 79927

(2) Reduce the amount of each scholarship under division 79928
(D)(1)(a) of this section proportionally based on the amount of 79929
remaining available funds. Each state institution of higher 79930
education shall provide each scholarship recipient under division 79931
(D)(1)(a) of this section a grant or tuition waiver in an amount 79932
equal to the amount the recipient's scholarship was reduced by the 79933
chancellor. 79934

(K) Notwithstanding division (A) of section 127.14 of the 79935
Revised Code, the controlling board shall not transfer all or part 79936
of any appropriation for the Ohio national guard scholarship 79937
program. 79938

(L) The chancellor and the adjutant general may apply for, 79939
and may receive and accept grants, and may receive and accept 79940
gifts, bequests, and contributions, from public and private 79941
sources, including agencies and instrumentalities of the United 79942

States and this state, and shall deposit the grants, gifts, 79943
bequests, or contributions into the national guard scholarship 79944
donation fund. 79945

Sec. 6101.48. After the conservancy appraisal record as 79946
approved by the court, or that part of it from which no appeal is 79947
pending, has been filed with the secretary of the conservancy 79948
district as provided in section 6101.37 of the Revised Code, from 79949
time to time, as the affairs of the district demand it, the board 79950
of directors of the conservancy district shall levy on all real 79951
property and on all public corporations, upon which benefits have 79952
been appraised, an assessment of the portion of the benefits that 79953
is found necessary by the board to pay the cost of the execution 79954
of the official plan, including superintendence of construction 79955
and administration, plus one-ninth of that total to be added for 79956
contingencies, but not to exceed in the total of principal the 79957
appraised benefits so adjudicated. 79958

The assessment shall be apportioned to and levied on each 79959
tract of land or other property and each public corporation in the 79960
district in proportion to the benefits appraised, and not in 79961
excess of the benefits appraised. Interest at a rate not to exceed 79962
the rate provided in section 9.95 of the Revised Code, payable 79963
semiannually, shall be included in and added to the assessment, 79964
but the interest shall not be considered as a part of the cost in 79965
determining whether or not the expenses and costs of making the 79966
improvement are equal to or in excess of the benefits appraised. 79967

After the assessment is levied, the board shall report it to 79968
the court for confirmation. Upon the entry of the order of the 79969
court confirming the assessment, the clerk of the court shall 79970
transmit a certified copy of the order to the governing or taxing 79971
body of each political subdivision assessed, and the governing or 79972
taxing body shall receive and file the order. Thereafter, the 79973

board may order the issuance of notes in an amount not exceeding 79974
ninety per cent of the assessment in anticipation of the 79975
collection of the assessment. 79976

After the court has confirmed the assessment, the secretary 79977
of the conservancy district, at the expense of the district, shall 79978
prepare an assessment record named "Conservancy Assessment Record 79979
of District." It shall contain a notation of the items of 79980
property appraised and the public corporations to which benefits 79981
have been appraised, the total amount of benefits appraised 79982
against each item or public corporation, and the total assessment 79983
levied against each item or public corporation. If successive 79984
levies of assessment are made for the execution of the official 79985
plan and the acquisition or construction of improvements, the 79986
conservancy assessment record shall contain suitable notations to 79987
show the number of levies and the amount of each, to the end that 79988
the conservancy assessment record may disclose the aggregate of 79989
all such levies made up to that time. 79990

Upon the completion of the conservancy assessment record, it 79991
shall be signed and certified by the president of the board and by 79992
the secretary of the conservancy district and placed on file and 79993
shall become a permanent record in the office of the district. 79994
After the expiration of the thirty-day period for the payment of 79995
assessments as provided by section 6101.49 of the Revised Code, a 79996
copy of that part of the conservancy assessment record affecting 79997
lands or public corporations in any county shall be filed with the 79998
county auditor of the county. 79999

If it is found at any time that the total amount of 80000
assessments levied is insufficient to pay the cost of works set 80001
out in the official plan or of additional work done, the board may 80002
make an additional levy to provide funds to complete the work, 80003
provided the total of all levies of the assessment exclusive of 80004
interest does not exceed the total of benefits appraised. 80005

For tax years 2020 to 2024, qualifying real property, as 80006
defined in section 727.031 of the Revised Code, is exempt from 80007
special assessments levied under this section, provided no 80008
delinquent special assessments and related interest and penalties 80009
are levied or assessed against any property owned by the owner and 80010
operator of the qualifying real property for that tax year. 80011

Sec. 6101.53. To maintain, operate, and preserve the 80012
reservoirs, ditches, drains, dams, levies, canals, sewers, pumping 80013
stations, treatment and disposal works, or other properties or 80014
improvements acquired or made pursuant to this chapter, to 80015
strengthen, repair, and restore the same, when needed, and to 80016
defray the current expenses of the conservancy district, the board 80017
of directors of the district may, upon the substantial completion 80018
of the improvements and on or before the thirtieth day of 80019
September in each year thereafter, levy an assessment upon each 80020
tract or parcel of land and upon each public corporation within 80021
the district, subject to assessments under this chapter, to be 80022
known as a conservancy maintenance assessment. No assessment shall 80023
be made with respect to works and improvements acquired or 80024
constructed for the purpose of providing a water supply for 80025
domestic, industrial, and public use within the district, when the 80026
water supply can be metered or measured when furnished to persons 80027
or public corporations. If the district, for the benefit of one or 80028
more persons or political subdivisions, provides a water supply 80029
that recharges underground aquifers and thereby replenishes wells 80030
or provides a source of water for new wells, or increases the 80031
natural low flow of a stream used for water supply, or creates an 80032
impoundment, in such a way that the augmented use of water cannot 80033
be metered or measured for individual or public consumption, the 80034
board may make a maintenance assessment against benefited property 80035
and public corporations in the same manner provided in this 80036
section for maintenance of other properties or improvements. 80037

The maintenance assessment shall be apportioned upon the 80038
basis of the total appraisal of benefits accruing for original and 80039
subsequent construction, shall not exceed one per cent of the 80040
total appraisal of benefits in any one year unless the court by 80041
its order authorizes an assessment of a larger percentage, shall 80042
not be less than two dollars, and shall be certified to the county 80043
auditor of each county in which lands of the district are located 80044
in the conservancy assessment record but in a separate column in 80045
like manner and at the same time as the annual installment of the 80046
assessment levied under section 6101.48 of the Revised Code is 80047
certified, under the heading maintenance assessment. The auditor 80048
shall certify the same to the county treasurer of the county at 80049
the same time that the auditor certifies the annual installment of 80050
the assessments levied under that section, and the sum of the 80051
levies for any tract or public corporation may be certified as a 80052
single item. The treasurer shall demand and collect the 80053
maintenance assessment and make return of it, and shall be liable 80054
for the same penalties for failure to do so as are provided for 80055
the annual installment of the assessment levied under section 80056
6101.48 of the Revised Code. 80057

The amount of the maintenance assessment paid by any parcel 80058
of land or public corporation shall not be credited against the 80059
benefits assessed against the parcel of land or public 80060
corporation, but the maintenance assessment shall be in addition 80061
to any assessment that has been or can be levied under section 80062
6101.48 of the Revised Code. 80063

To maintain, operate, and preserve the works and improvements 80064
of the district acquired or constructed for the purpose of 80065
providing a water supply, to strengthen, repair, and restore the 80066
same, and to defray the current expenses of the district for this 80067
purpose, the board may impose rates for the sale of water to 80068
public corporations and persons within the district. The rates to 80069

be charged for the water shall be fixed and adjusted by the board 80070
at intervals of not less than one year, so that the income thus 80071
produced will be adequate to provide a maintenance fund for the 80072
purpose of water supply. Contracts for supplying water to public 80073
corporations and persons shall be entered into before the service 80074
is rendered by the district. Contracts shall specify the maximum 80075
quantity of water to be furnished to the public corporation or 80076
person, and the quantity shall be fixed so as equitably to 80077
distribute the supply. Preference shall be given to water supply 80078
furnished to public corporations for domestic and public uses. 80079
Bills for water supplied to public corporations shall be rendered 80080
at regular intervals and shall be payable from the waterworks fund 80081
of the public corporation or, if it is not sufficient, from the 80082
general fund. 80083

For tax years 2020 to 2024, qualifying real property, as 80084
defined in section 727.031 of the Revised Code, is exempt from 80085
special assessments levied under this section, provided no 80086
delinquent special assessments and related interest and penalties 80087
are levied or assessed against any property owned by the owner and 80088
operator of the qualifying real property for that tax year. 80089

Sec. 6109.121. (A) ~~Not later than one hundred twenty days 80090~~
~~after the effective date of this section, the 80091~~ The director of
environmental protection shall adopt rules in accordance with 80092
Chapter 119. of the Revised Code that do all of the following: 80093

(1) Require the owner or operator of a community or 80094
nontransient noncommunity water system to conduct sampling of the 80095
system for lead and copper; 80096

(2) Establish a schedule for lead and copper sampling 80097
applicable to the owner or operator of a community or nontransient 80098
noncommunity water system that, at a minimum, does both of the 80099
following: 80100

- (a) Allows the director, in establishing the schedule, to consider the following factors when determining if a community or nontransient noncommunity water system must conduct sampling at least once annually:
- (i) The age of the water system;
 - (ii) Whether corrosion control requirements are met;
 - (iii) Any other relevant risk factors, as determined by the director, including aging infrastructure likely to contain lead service lines.
- (b) Requires the owner or operator of a system where such risk factors are identified to conduct sampling at least once annually until the risk factors are mitigated in accordance with rules.
- (3) Require the owner or operator of a community or nontransient noncommunity water system to provide collected samples to a certified laboratory for analysis;
- (4) Authorize the director to require additional sampling for pH level and other water quality parameters to determine if corrosion control requirements are met;
- (5) Authorize the director to establish corrosion control requirements for community and nontransient noncommunity water systems;
- (6) Require the owner or operator of a community or nontransient noncommunity water system to conduct a new or updated corrosion control treatment study and submit a new or updated corrosion control treatment plan not later than eighteen months after any of the following events:
- (a) The system changes or adds a source from which water is obtained.
 - (b) The system makes a substantial change in water treatment.

(c) The system operates outside of acceptable ranges for lead, copper, pH, or other corrosion indicators, as determined by the director.

(d) Any other event determined by the director to have the potential to impact the water quality or corrosiveness of water in the system.

(7) Authorize the director to waive the requirement to conduct a new or updated corrosion control study established in rules adopted under division (A)(6) of this section in appropriate circumstances;

(8) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to complete the study and submit the plan to the director for approval even if sampling results conducted subsequent to the initiation of the study and plan do not exceed the lead action level established in rules adopted under this chapter;

(9) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to submit to the director an interim status report of actions taken to implement the corrosion control study six months and twelve months from the date of initiation of the corrosion control study requirement;

(10) Establish a lead threshold for individual taps;

(11) Establish and revise content for public education materials;

(12) Authorize the director to develop procedures and

requirements to document that notices were provided by the owner 80162
or operator of a community or nontransient noncommunity water 80163
system as required under the rules adopted under division 80164
~~(C)(A)(15)~~ of this section; 80165

~~(13) Notwithstanding section 6109.23 of the Revised Code,~~ 80166
~~establish the following~~ Authorize the director to assess 80167
administrative penalties in accordance with section 6109.23 of the 80168
Revised Code for violations of the notice requirements established 80169
in rules adopted under divisions ~~(C)(1)(A)(15)(b)~~ and 80170
~~(C)(3)(a)(c)(i)~~ of this section ~~that are applicable to a community~~ 80171
~~or nontransient noncommunity water system.;~~ 80172

~~(a) For a violation of division (C)(1) of this section by a~~ 80173
~~system that serves not less than twenty five people, but not more~~ 80174
~~than three thousand three hundred people, an administrative~~ 80175
~~penalty of twenty five dollars per day for each day that the~~ 80176
~~system failed to provide each notice;~~ 80177

~~(b) For a violation of division (C)(1) of this section by a~~ 80178
~~system that serves more than three thousand three hundred people,~~ 80179
~~but not more than ten thousand people, an administrative penalty~~ 80180
~~of fifty dollars per day for each day that the system failed to~~ 80181
~~provide each notice;~~ 80182

~~(c) For a violation of division (C)(1) of this section by a~~ 80183
~~system that serves more than ten thousand people, but not more~~ 80184
~~than twenty five thousand people, an administrative penalty of~~ 80185
~~seventy five dollars per day for each day that the system failed~~ 80186
~~to provide each notice;~~ 80187

~~(d) For a violation of division (C)(1) of this section by a~~ 80188
~~system that serves more than twenty five thousand people, an~~ 80189
~~administrative penalty of one hundred dollars per day for each day~~ 80190
~~that the system failed to provide each notice;~~ 80191

~~(e) For a violation of division (C)(3)(a) of this section by~~ 80192

~~a system that serves not less than twenty five people, but not
more than three thousand three hundred people, an administrative
penalty of two hundred fifty dollars per day for each day the
system failed to provide the notice;~~

~~(f) For a violation of division (C) (3) (a) of this section by
a system that serves more than three thousand three hundred
people, but not more than ten thousand people, an administrative
penalty of five hundred dollars per day for each day the system
failed to provide the notice;~~

~~(g) For a violation of division (C) (3) (a) of this section by
a system that serves more than ten thousand people, but not more
than twenty five thousand people, an administrative penalty of
seven hundred fifty dollars per day for each day the system failed
to provide the notice;~~

~~(h) For a violation of division (C) (3) (a) of this section by
a system that serves more than twenty five thousand people, an
administrative penalty of one thousand dollars per day for each
day the system failed to provide the notice.~~

~~(B) A (14) Require a laboratory that receives a lead or
copper tap water sample from a community or nontransient
noncommunity water system shall to do both of the following:~~

~~(1)(a) Complete a lead or copper analysis of the sample, as
applicable, not later than thirty business days after the receipt
of the sample;~~

~~(2)(b) Not later than the end of the next business day
following the day the analysis of the sample is completed, report
the results of the analysis and all identifying information about
where the sample was collected to the community or nontransient
noncommunity water system and the director.~~

~~(C) The (15) Require the owner or operator of a community or
nontransient noncommunity water system shall to do all of the~~

following, as applicable, with regard to laboratory results 80224
received under rules adopted under division ~~(B)(2)(A)(14)~~ of this 80225
section: 80226

~~(1) Not later than two business days after the receipt of the~~ 80227
~~laboratory results~~ (a) If the laboratory results show that a 80228
sample from an individual tap is below the applicable lead 80229
threshold as established in rules adopted under this chapter, 80230
provide notice of the results of each individual tap sample to the 80231
owner and persons served at the residence or other structure where 80232
the tap was sampled within a time period specified in rules that 80233
is not more than thirty business days after the receipt of the 80234
laboratory results; 80235

~~(2)(b)~~ If the results show that a sample from an individual 80236
tap is above the applicable lead threshold as established under 80237
rules adopted under this chapter, provide notice of the results of 80238
each individual tap sample to the owner and persons served at the 80239
residence or other structure where the tap was sampled within a 80240
time period specified in rules that is not more than two business 80241
days after the receipt of the laboratory results, and do all of 80242
the following, as applicable: 80243

~~(a)(i)~~ For the owner or operator of a nontransient 80244
noncommunity water system, immediately remove from service all 80245
fixtures identified as contributing to elevated lead levels; 80246

~~(b)(ii)~~ For the owner or operator of a community water 80247
system, include in the system's annual consumer confidence report 80248
the lead or copper laboratory results, an explanation of the 80249
associated health risks, what actions consumers of the system can 80250
take to reduce health risks, and the actions the system is taking 80251
to reduce public exposure; 80252

~~(c)(iii)~~ Not later than two business days after the receipt 80253
of the laboratory results, provide information on the availability 80254

of health screening and blood lead level testing to the owner and 80255
persons served at the residence or other structure where the 80256
sample was collected and provide notice of the laboratory results 80257
to the applicable local board of health. 80258

~~(3)~~(c) If the laboratory results show that the community or 80259
nontransient noncommunity water system exceeds the lead action 80260
level established in rules adopted under this chapter, do all of 80261
the following, as applicable: 80262

~~(a)~~(i) Not later than two business days after the receipt of 80263
the laboratory results, provide notice to all of the system's 80264
water consumers that the system exceeds the lead action level. The 80265
owner or operator shall provide the notice in a form specified by 80266
the director. 80267

~~(b)~~(ii) Not later than five business days after the receipt 80268
of the laboratory results by the owner or operator of a community 80269
water system, provide information on the availability of tap water 80270
testing for lead to all consumers served by the system who are 80271
known or likely to have lead service lines, lead pipes, or lead 80272
solder as identified in the map required to be completed by rules 80273
adopted under division ~~(F)~~(A) (18) of this section; 80274

~~(e)~~(iii) Not later than thirty business days after the 80275
receipt of the laboratory results, make an analysis of laboratory 80276
results available to all consumers served by the system, comply 80277
with public education requirements established in rules adopted 80278
under this chapter that apply when a public water system exceeds 80279
the lead action level, and provide information to consumers served 80280
by the system about the availability of health screenings and 80281
blood lead level testing in the area served by the water system; 80282

~~(d)~~(iv) Subject to rules adopted under division (A) (7) of 80283
this section, perform a corrosion control treatment study and 80284
submit a corrosion control treatment plan to the director not 80285

later than eighteen months after the date on which laboratory 80286
results were received by the owner or operator indicating that the 80287
system exceeded the lead action level. 80288

~~(D) Not (16) Require that not~~ later than five business days 80289
after the receipt of the laboratory results, the owner or operator 80290
shall certify to the director that the owner or operator has 80291
complied with the requirements of rules adopted under divisions 80292
~~(C)(1)(A)(15)(b), (C)(2)(e)(A)(15)(c)(i), (C)(3)(a), and (C)~~ 80293
~~(3)(b)(A)(15)(c)(ii)~~ of this section, as applicable. 80294

~~(E) If (17) Require that if~~ the owner or operator of a 80295
community or nontransient noncommunity water system fails to 80296
provide the notices required under rules adopted under division 80297
~~(C)(1)(A)(15)(b) or (C)(3)(a)(c)(i)~~ of this section, the director 80298
shall provide those notices beginning ten business days from the 80299
date that the director receives laboratory results under the rules 80300
adopted under division ~~(B)(A)(14)~~ of this section. 80301

~~(F) Not later than six months after the effective date of~~ 80302
~~this section, the owner or operator of a community or nontransient~~ 80303
~~noncommunity water system shall do all of the following, as~~ 80304
~~applicable:~~ 80305

~~(1) For the owner or operator of a community water system,~~ 80306
~~identify and map areas of the system that are known or are likely~~ 80307
~~to contain lead service lines and identify characteristics of~~ 80308
~~buildings served by the system that may contain lead piping,~~ 80309
~~solder, or fixtures;~~ 80310

~~(2) For the owner or operator of a nontransient noncommunity~~ 80311
~~water system, identify and map areas of the system with lead~~ 80312
~~piping, solder, or fixtures in buildings served by the system;~~ 80313

~~(3) Submit a copy of the applicable map to the department of~~ 80314
~~health and the department of job and family services;~~ 80315

~~(4) Submit a report to the director containing at least both~~ 80316

~~of the following:~~ 80317

~~(a) The applicable map;~~ 80318

~~(b) A list of sampling locations that are tier I sites used to collect samples as required by rules adopted under this chapter, including contact information for the owner and occupant of each sampling site.~~ 80319
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~~(G) The owner or operator of a community or nontransient noncommunity water system shall update and resubmit the information required under division (F) of this section once every five years beginning five years after the date of the initial submission.~~ 80323
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~~(H) The director shall provide financial assistance from the drinking water assistance fund established under section 6109.22 of the Revised Code to community water systems and nontransient noncommunity water systems for the purpose of fulfilling the mapping requirements under division (F) of this section and complying with corrosion control requirements established in rules adopted under division (A) of this section. In addition, the (18) Require the owner or operator of a community or nontransient noncommunity water system to submit a map to the director showing areas of the system that are known or are likely to contain lead service lines and identifying characteristics of buildings served by the system that may contain lead piping, solder, or fixtures. The rules shall, at a minimum, require the owner or operator to do all of the following:~~ 80328
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(a) Submit a copy of the applicable map to the department of health and the department of job and family services; 80342
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(b) Submit a report to the director containing at least the applicable map and a list of sampling locations that are tier I sites used to collect samples as required by rules adopted under this chapter, including contact information for the owner and 80344
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occupant of each sampling site; 80348

(c) Update and resubmit the information required by divisions 80349
(A) (18) (a) and (b) of this section according to a schedule 80350
determined by the director, but not less frequently than required 80351
under the Safe Drinking Water Act. 80352

(B) The director shall post information on the environmental 80353
protection agency's web site about ~~other~~ sources of funding that 80354
are available to assist communities with lead service line 80355
identification and replacement and schools with fountain and 80356
water-service fixture replacement. 80357

~~(I)~~(C) As required by the director, an owner or operator of a 80358
nontransient noncommunity water system that is a school or child 80359
day-care center shall collect additional tap water samples in 80360
buildings identified in the map required to be completed by rules 80361
adopted under division ~~(F)~~(A) (18) of this section. 80362

~~(J)~~(D) As used in this section: 80363

(1) "Child day-care center" has the same meaning as in 80364
section 5104.01 of the Revised Code. 80365

(2) "School" means a school operated by the board of 80366
education of a city, local, exempted village, or joint vocational 80367
school district, the governing board of an educational service 80368
center, the governing authority of a community school established 80369
under Chapter 3314. of the Revised Code, the governing body of a 80370
science, technology, engineering, and mathematics school 80371
established under Chapter 3326. of the Revised Code, the board of 80372
trustees of a college-preparatory boarding school established 80373
under Chapter 3328. of the Revised Code, or the governing 80374
authority of a chartered or nonchartered nonpublic school. 80375

(3) "Local board of health" means the applicable board of 80376
health of a city or general health district or the authority 80377
having the duties of a board of health under section 3709.05 of 80378

the Revised Code. 80379

Sec. 6111.027. (A) Mitigation for impacts to isolated 80380
wetlands under sections 6111.02 to 6111.027 shall be conducted in 80381
accordance with the following ratios: 80382

(1) For category 1 and category 2 isolated wetlands, other 80383
than forested category 2 isolated wetlands, mitigation located at 80384
an approved wetland mitigation bank shall be conducted, or 80385
mitigation shall be paid for under an in-lieu fee mitigation 80386
program, at a rate of two times the size of the area of isolated 80387
wetland that is being impacted. 80388

(2) For forested category 2 isolated wetlands, mitigation 80389
located at an approved wetland mitigation bank shall be conducted, 80390
or mitigation shall be paid for under an in-lieu fee mitigation 80391
program, at a rate of two and one-half times the size of the area 80392
of isolated wetland that is being impacted. 80393

(3) All other mitigation shall be subject to mitigation 80394
ratios established in ~~division (F)~~ of rule 3745-1-54 of the 80395
Administrative Code. 80396

(B) Mitigation that involves the enhancement or preservation 80397
of isolated wetlands shall be calculated and performed in 80398
accordance with rule 3745-1-54 of the Administrative Code. 80399

(C) An applicant for coverage under a general state isolated 80400
wetland permit or for an individual state isolated wetland permit 80401
under sections 6111.022 to 6111.024 of the Revised Code shall 80402
demonstrate that the mitigation site will be protected long term 80403
and that appropriate practicable management measures are, or will 80404
be, in place to restrict harmful activities that jeopardize the 80405
mitigation. 80406

Sec. 6111.13. (A) As used in this section: 80407

(1) "Method detection limit" has the same meaning as in 40 C.F.R. part 136, appendix B, and shall be determined in accordance with the procedures set forth in that appendix.

(2) "Practical quantification level" means a concentration that is five times the method detection limit for the most sensitive available analytical procedure currently approved under 40 C.F.R. part 136 for a pollutant unless the director of environmental protection, by rules adopted in accordance with Chapter 119. of the Revised Code, establishes a different practical quantification level for the pollutant that is consistent with and no more stringent than the appropriate national consensus standard or other generally accepted standard.

(B) Notwithstanding any other provisions of this chapter to the contrary, and until the director has adopted rules specifying a different basis for determining compliance consistent with and no more stringent than an appropriate national consensus standard or other generally accepted standard, if a discharge limit is set below the practical quantification level for a particular parameter, any value reported ~~at or~~ below the practical quantification level shall be considered to be in compliance with that limit.

(C) Whenever a discharge limit for a pollutant is less than the practical quantification level, the director may require the permit holder to identify the possible sources of that pollutant. The director, by rule, may specify additional actions that the permit holder may be required to take when the director finds the actions to be necessary to prevent or mitigate significant adverse effects on public health or environmental quality. Failure of a permit holder to comply with additional actions required by the director under this division constitutes a violation of the permit holder's discharge permit.

Sec. 6301.06. (A) The chief elected official or officials of a local area shall create a local board to carry out the functions described in section 107(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3122(d). The chief elected official or officials shall appoint members of the local board in accordance with the requirements of section 107(b)(2) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3122(b)(2).

(B) Members of the local board serve at the pleasure of the chief elected official or officials of the local area. Members shall not be compensated but may be reimbursed for actual, reasonable, and necessary expenses incurred in the performance of their duties as board members. Those expenses shall be paid from funds allocated pursuant to section 6301.03 of the Revised Code.

The chief elected official or officials of a local area may provide office space, staff, or other administrative support as needed to the board. For purposes of section 102.02 of the Revised Code, members of the board are not public officials or employees.

(C) The chief elected official or officials of a local area shall adopt a process for appointing members to the local board for the local area.

~~(E)(D)~~ (1) The requirement in division (C) of section 121.22 of the Revised Code that a member of a public body be present in person at a meeting open to the public to be part of a quorum or to vote does not apply to a local board if the board holds a meeting by interactive video conference or teleconference in the following manner:

(a) The board establishes a primary meeting location that is open and accessible to the public;

(b) Meeting-related materials that are available before the meeting are sent via electronic mail, facsimile, hand-delivery, or

United States postal service to each board member; 80469

(c) In the case of an interactive video conference, the board 80470
causes a clear video and audio connection to be established that 80471
enables all meeting participants at the primary meeting location 80472
to see and hear each board member; 80473

(d) In the case of a teleconference, the board causes a clear 80474
audio connection to be established that enables all meeting 80475
participants at the primary meeting location to hear each board 80476
member; 80477

(e) All board members have the capability to receive 80478
meeting-related materials that are distributed during the board 80479
meeting; 80480

(f) A roll call voice vote is recorded for each vote taken; 80481

(g) The minutes of the board meeting identify which board 80482
members remotely attended the meeting by interactive video 80483
conference or teleconference. 80484

(2) If the board holds a meeting by interactive video 80485
conference or teleconference in the manner described in division 80486
(D) (1) of this section, use of an interactive video conference is 80487
preferred, but nothing in this section prohibits the board from 80488
conducting its meetings by teleconference or by a combination of 80489
interactive video conference and teleconference at the same 80490
meeting. 80491

(3) The board shall adopt rules in accordance with Chapter 80492
119. of the Revised Code that are necessary to implement division 80493
(D) (1) of this section, including rules that do all of the 80494
following: 80495

(a) Authorize board members to remotely attend a board 80496
meeting by interactive video conference or teleconference, or by a 80497
combination thereof, in lieu of attending the meeting in person; 80498

(b) Establish a minimum number of board members that must be physically present in person at the primary meeting location if the board conducts a meeting by interactive video conference or teleconference; 80499
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(c) Require that not more than one board member remotely attending a board meeting by teleconference is permitted to be physically present at the same remote location; 80503
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(d) Establish geographic restrictions for participation in meetings by interactive video conference and by teleconference; 80506
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(e) Establish a policy for distributing and circulating meeting-related materials to board members, the public, and the media in advance of or during a meeting at which board members are permitted to attend by interactive video conference or teleconference; 80508
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(f) Establish a method for verifying the identity of a board member who remotely attends a meeting by teleconference. 80513
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(E) The chief elected official or officials of a local area may contract with the local board. The parties shall specify in the contract the workforce development activities that the local board is to administer and shall establish in the contract standards, including performance standards, for the local board's operation. The contract may include any other provisions that the chief elected official or officials consider necessary. 80515
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(F) The chief elected official or officials may contract with any government or private entity to enhance the administration of local workforce development activities for which the local board is responsible. The entity with which the chief elected official or officials contract is not required to be located in the local area in which the chief elected official or officials serve as chief elected executive officer. 80522
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(G) (1) As used in this division, "public library" means a 80529

library that is open to the public and that is one of the 80530
following: 80531

(a) A library that is maintained and regulated under section 80532
715.13 of the Revised Code; 80533

(b) A library that is created, maintained, and regulated 80534
under Chapter 3375. of the Revised Code; 80535

(c) A library that is created and maintained by a public or 80536
private school, college, university, or other educational 80537
institution; 80538

(d) A library that is created and maintained by a historical 80539
or charitable organization, institution, association, or society. 80540

(2) Not later than September 1, 2018, and every two years 80541
thereafter, an OhioMeansJobs center operator shall enter into a 80542
memorandum of understanding with one or more public libraries to 80543
facilitate collaboration and coordination of workforce programs 80544
and education and job training resources. 80545

Section 101.02. That existing sections 9.08, 9.318, 9.47, 80546
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5751.02, 5751.03, 5751.40, 5902.09, 5919.34, 6101.48, 6101.53, 80641
6109.121, 6111.027, 6111.13, and 6301.06 of the Revised Code are 80642
hereby repealed. 80643

Section 105.01. That sections 109.802, 111.29, 117.49, 80644
117.50, 122.404, 149.08, 183.12, 183.13, 183.14, 183.15, 183.16, 80645
183.17, 184.011, 341.121, 940.39, 1503.012, 1509.76, 1533.38, 80646
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5126.121, 5165.25, 5165.771, 5167.172, 5701.15, 5741.032, 5747.29, 80654

and 6133.041 of the Revised Code are hereby repealed. 80655

80656

Section 110.10. That the version of section 3319.227 of the 80657
Revised Code that is scheduled to take effect April 12, 2023, be 80658
amended to read as follows: 80659

Sec. 3319.227. (A) Notwithstanding any other provision of the 80660
Revised Code or any rule adopted by the state board of education 80661
to the contrary, the state board shall issue a resident educator 80662
license under section 3319.22 of the Revised Code to each person 80663
who is assigned to teach in this state as a participant in the 80664
teach for America program and who satisfies the following 80665
conditions for the duration of the program: 80666

(1) Holds a bachelor's degree from an accredited institution 80667
of higher education; 80668

(2) Maintained a cumulative undergraduate grade point average 80669
of at least 2.5 out of 4.0, or its equivalent; 80670

(3) Has passed an examination prescribed by the state board 80671
in the subject area to be taught; 80672

(4) Has successfully completed the summer training institute 80673
operated by teach for America; 80674

(5) Remains an active member of the teach for America 80675
two-year support program. 80676

(B) The state board shall issue a resident educator license 80677
under this section for teaching in any grade level or subject area 80678
for which a person may obtain a resident educator license under 80679
section 3319.22 of the Revised Code. The state board shall not 80680
adopt rules establishing any additional qualifications for the 80681
license beyond those specified in this section. 80682

(C) Notwithstanding any other provision of the Revised Code 80683
or any rule adopted by the state board to the contrary, the state 80684
board shall issue a resident educator license under section 80685
3319.22 of the Revised Code to any applicant who has completed at 80686
least two years of teaching in another state as a participant in 80687
the teach for America program and meets all of the conditions of 80688
divisions (A) (1) to (4) of this section. The state board shall 80689
credit an applicant under this division as having completed the 80690
teacher residency program under section 3319.223 of the Revised 80691
Code. 80692

(D) In order to place teachers in this state, the teach for 80693
America program shall enter into an agreement with one or more 80694
accredited four-year public or private institutions of higher 80695
education in the state to provide optional training of teach for 80696
America participants for the purpose of enabling those 80697
participants to complete an optional master's degree or an 80698
equivalent amount of coursework. Nothing in this division shall 80699
require any teach for America participant to complete a master's 80700
degree as a condition of holding a license issued under this 80701
section. 80702

(E) The superintendent of public instruction, on behalf of 80703
the state board, shall ~~revoke~~ inactivate a resident educator 80704
license issued to a participant in the teach for America program 80705
who is assigned to teach in this state if the participant resigns 80706
or is dismissed from the program prior to completion of the 80707
two-year teach for America support program. The inactivation of a 80708
license under this division does not constitute a suspension or 80709
revocation of the license by the state board under section 3319.31 80710
of the Revised Code and the state board and the state 80711
superintendent need not provide the person with an opportunity for 80712
a hearing with respect to the inactivation. 80713

Section 110.11. That the existing version of section 3319.227 80714
of the Revised Code that is scheduled to take effect April 12, 80715
2023, is hereby repealed. 80716

Section 110.12. Sections 110.10 and 110.11 of this act take 80717
effect on April 12, 2023. 80718

Section 110.22. The versions of sections 109.572, 121.22, 80719
1322.10, 1322.21, 1561.12, 1561.23, 3319.31, 3770.073, 3772.01, 80720
4709.10, 4755.06, 4755.08, 4755.11, 4755.47, 4755.64, 4757.10, and 80721
4779.28 of the Revised Code presented as existing law in this act 80722
are the versions of those sections as they result from H.B. 263 of 80723
the 133rd General Assembly, which sections take effect on October 80724
9, 2021. The amendments made to those sections by this act, H.B. 80725
110 of the 134th General Assembly, take effect as provided in 80726
sections of this act prefixed with numbers in the 812s. The taking 80727
effect of this act's amendments to those sections does not 80728
accelerate the effective date of the changes to those sections by 80729
H.B. 263 of the 133rd General Assembly. 80730

Section 130.10. That sections 111.15, 140.01, 3701.07, 80731
3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 80732
3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 80733
3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 80734
3711.10, 3711.12, 3711.14, 3711.30, 3727.70, 3781.112, 3901.40, 80735
3929.67, 4723.431, 4723.481, 4730.411, 4731.31, and 4761.01 be 80736
amended and sections 3722.01, 3722.02, 3722.03, 3722.04, 3722.05, 80737
3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 80738
3722.13, 3722.14, and 3722.99 of the Revised Code be enacted to 80739
read as follows: 80740

Sec. 111.15. (A) As used in this section: 80741

(1) "Rule" includes any rule, regulation, bylaw, or standard 80742
having a general and uniform operation adopted by an agency under 80743
the authority of the laws governing the agency; any appendix to a 80744
rule; and any internal management rule. "Rule" does not include 80745
any guideline adopted pursuant to section 3301.0714 of the Revised 80746
Code, any order respecting the duties of employees, any finding, 80747
any determination of a question of law or fact in a matter 80748
presented to an agency, or any rule promulgated pursuant to 80749
Chapter 119. or division (C) (1) or (2) of section 5117.02 of the 80750
Revised Code. "Rule" includes any amendment or rescission of a 80751
rule. 80752

(2) "Agency" means any governmental entity of the state and 80753
includes, but is not limited to, any board, department, division, 80754
commission, bureau, society, council, institution, state college 80755
or university, community college district, technical college 80756
district, or state community college. "Agency" does not include 80757
the general assembly, the controlling board, the adjutant 80758
general's department, or any court. 80759

(3) "Internal management rule" means any rule, regulation, 80760
bylaw, or standard governing the day-to-day staff procedures and 80761
operations within an agency. 80762

(B) (1) Any rule, other than a rule of an emergency nature, 80763
adopted by any agency pursuant to this section shall be effective 80764
on the tenth day after the day on which the rule in final form and 80765
in compliance with division (B) (3) of this section is filed as 80766
follows: 80767

(a) The rule shall be filed in electronic form with both the 80768
secretary of state and the director of the legislative service 80769
commission; 80770

(b) The rule shall be filed in electronic form with the joint 80771
committee on agency rule review. Division (B) (1) (b) of this 80772

section does not apply to any rule to which division (D) of this 80773
section does not apply. 80774

An agency that adopts or amends a rule that is subject to 80775
division (D) of this section shall assign a review date to the 80776
rule that is not later than five years after its effective date. 80777
If a review date assigned to a rule exceeds the five-year maximum, 80778
the review date for the rule is five years after its effective 80779
date. A rule with a review date is subject to review under section 80780
106.03 of the Revised Code. This paragraph does not apply to a 80781
rule of a state college or university, community college district, 80782
technical college district, or state community college. 80783

If an agency in adopting a rule designates an effective date 80784
that is later than the effective date provided for by division 80785
(B) (1) of this section, the rule if filed as required by such 80786
division shall become effective on the later date designated by 80787
the agency. 80788

Any rule that is required to be filed under division (B) (1) 80789
of this section is also subject to division (D) of this section if 80790
not exempted by that division. 80791

If a rule incorporates a text or other material by reference, 80792
the agency shall comply with sections 121.71 to 121.75 of the 80793
Revised Code. 80794

(2) A rule of an emergency nature necessary for the immediate 80795
preservation of the public peace, health, or safety shall state 80796
the reasons for the necessity. The emergency rule, in final form 80797
and in compliance with division (B) (3) of this section, shall be 80798
filed in electronic form with the secretary of state, the director 80799
of the legislative service commission, and the joint committee on 80800
agency rule review. The emergency rule is effective immediately 80801
upon completion of the latest filing, except that if the agency in 80802
adopting the emergency rule designates an effective date, or date 80803

and time of day, that is later than the effective date and time 80804
provided for by division (B) (2) of this section, the emergency 80805
rule if filed as required by such division shall become effective 80806
at the later date, or later date and time of day, designated by 80807
the agency. 80808

Except as provided in section 107.43 of the Revised Code, an 80809
emergency rule becomes invalid at the end of the one hundred 80810
twentieth day it is in effect. Prior to that date, the agency may 80811
file the emergency rule as a nonemergency rule in compliance with 80812
division (B) (1) of this section. The agency may not refile the 80813
emergency rule in compliance with division (B) (2) of this section 80814
so that, upon the emergency rule becoming invalid under such 80815
division, the emergency rule will continue in effect without 80816
interruption for another one hundred twenty-day period. 80817

The adoption of an emergency rule under division (B) (2) of 80818
this section in response to a state of emergency, as defined under 80819
section 107.42 of the Revised Code, may be invalidated by the 80820
general assembly, in whole or in part, by adopting a concurrent 80821
resolution in accordance with section 107.43 of the Revised Code. 80822

(3) An agency shall file a rule under division (B) (1) or (2) 80823
of this section in compliance with the following standards and 80824
procedures: 80825

(a) The rule shall be numbered in accordance with the 80826
numbering system devised by the director for the Ohio 80827
administrative code. 80828

(b) The rule shall be prepared and submitted in compliance 80829
with the rules of the legislative service commission. 80830

(c) The rule shall clearly state the date on which it is to 80831
be effective and the date on which it will expire, if known. 80832

(d) Each rule that amends or rescinds another rule shall 80833
clearly refer to the rule that is amended or rescinded. Each 80834

amendment shall fully restate the rule as amended. 80835

If the director of the legislative service commission or the 80836
director's designee gives an agency notice pursuant to section 80837
103.05 of the Revised Code that a rule filed by the agency is not 80838
in compliance with the rules of the legislative service 80839
commission, the agency shall within thirty days after receipt of 80840
the notice conform the rule to the rules of the commission as 80841
directed in the notice. 80842

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 80843
of this section shall be recorded by the secretary of state and 80844
the director under the title of the agency adopting the rule and 80845
shall be numbered according to the numbering system devised by the 80846
director. The secretary of state and the director shall preserve 80847
the rules in an accessible manner. Each such rule shall be a 80848
public record open to public inspection and may be transmitted to 80849
any law publishing company that wishes to reproduce it. 80850

(D) At least sixty-five days before a board, commission, 80851
department, division, or bureau of the government of the state 80852
files a rule under division (B)(1) of this section, it shall file 80853
the full text of the proposed rule in electronic form with the 80854
joint committee on agency rule review, and the proposed rule is 80855
subject to legislative review and invalidation under section 80856
106.021 of the Revised Code. If a state board, commission, 80857
department, division, or bureau makes a revision in a proposed 80858
rule after it is filed with the joint committee, the state board, 80859
commission, department, division, or bureau shall promptly file 80860
the full text of the proposed rule in its revised form in 80861
electronic form with the joint committee. A state board, 80862
commission, department, division, or bureau shall also file the 80863
rule summary and fiscal analysis prepared under section 106.024 of 80864
the Revised Code in electronic form along with a proposed rule, 80865
and along with a proposed rule in revised form, that is filed 80866

under this division. If a proposed rule has an adverse impact on 80867
businesses, the state board, commission, department, division, or 80868
bureau also shall file the business impact analysis, any 80869
recommendations received from the common sense initiative office, 80870
and the associated memorandum of response, if any, in electronic 80871
form along with the proposed rule, or the proposed rule in revised 80872
form, that is filed under this division. 80873

A proposed rule that is subject to legislative review under 80874
this division may not be adopted and filed in final form under 80875
division (B)(1) of this section unless the proposed rule has been 80876
filed with the joint committee on agency rule review under this 80877
division and the time for the joint committee to review the 80878
proposed rule has expired without recommendation of a concurrent 80879
resolution to invalidate the proposed rule. 80880

As used in this division, "commission" includes the public 80881
utilities commission when adopting rules under a federal or state 80882
statute. 80883

This division does not apply to any of the following: 80884

(1) A proposed rule of an emergency nature; 80885

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 80886
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 80887
4123.411, 4123.44, or 4123.442 of the Revised Code; 80888

(3) A rule proposed by an agency other than a board, 80889
commission, department, division, or bureau of the government of 80890
the state; 80891

(4) A proposed internal management rule of a board, 80892
commission, department, division, or bureau of the government of 80893
the state; 80894

(5) Any proposed rule that must be adopted verbatim by an 80895
agency pursuant to federal law or rule, to become effective within 80896

sixty days of adoption, in order to continue the operation of a 80897
federally reimbursed program in this state, so long as the 80898
proposed rule contains both of the following: 80899

(a) A statement that it is proposed for the purpose of 80900
complying with a federal law or rule; 80901

(b) A citation to the federal law or rule that requires 80902
verbatim compliance. 80903

(6) ~~An initial rule proposed by the director of health to 80904
impose safety standards and quality of care standards with respect 80905
to a health service specified in section 3702.11 of the Revised 80906
Code, or an initial rule proposed by the director of health to 80907
impose quality standards on a health care facility as defined in 80908
section 3702.30 of the Revised Code, if section 3702.12 of the 80909
Revised Code requires that the rule be adopted under this section;~~ 80910

(7) A rule of the state lottery commission pertaining to 80911
instant game rules. 80912

If a rule is exempt from legislative review under division 80913
(D) (5) of this section, and if the federal law or rule pursuant to 80914
which the rule was adopted expires, is repealed or rescinded, or 80915
otherwise terminates, the rule is thereafter subject to 80916
legislative review under division (D) of this section. 80917

Whenever a state board, commission, department, division, or 80918
bureau files a proposed rule or a proposed rule in revised form 80919
under division (D) of this section, it shall also file the full 80920
text of the same proposed rule or proposed rule in revised form in 80921
electronic form with the secretary of state and the director of 80922
the legislative service commission. A state board, commission, 80923
department, division, or bureau shall file the rule summary and 80924
fiscal analysis prepared under section 106.024 of the Revised Code 80925
in electronic form along with a proposed rule or proposed rule in 80926
revised form that is filed with the secretary of state or the 80927

director of the legislative service commission. 80928

Sec. 140.01. As used in this chapter: 80929

(A) "Hospital agency" means any public hospital agency or any 80930
nonprofit hospital agency. 80931

(B) "Public hospital agency" means any county, board of 80932
county hospital trustees established pursuant to section 339.02 of 80933
the Revised Code, county hospital commission established pursuant 80934
to section 339.14 of the Revised Code, municipal corporation, new 80935
community authority organized under Chapter 349. of the Revised 80936
Code, joint township hospital district, state or municipal 80937
university or college operating or authorized to operate a 80938
hospital facility, or the state. 80939

(C) "Nonprofit hospital agency" means a corporation or 80940
association not for profit, no part of the net earnings of which 80941
inures or may lawfully inure to the benefit of any private 80942
shareholder or individual, that has authority to own or operate a 80943
hospital facility or provides or is to provide services to one or 80944
more other hospital agencies. 80945

(D) "Governing body" means, in the case of a county, the 80946
board of county commissioners or other legislative body; in the 80947
case of a board of county hospital trustees, the board; in the 80948
case of a county hospital commission, the commission; in the case 80949
of a municipal corporation, the council or other legislative 80950
authority; in the case of a new community authority, its board of 80951
trustees; in the case of a joint township hospital district, the 80952
joint township district hospital board; in the case of a state or 80953
municipal university or college, its board of trustees or board of 80954
directors; in the case of a nonprofit hospital agency, the board 80955
of trustees or other body having general management of the agency; 80956
and, in the case of the state, the director of development 80957
~~services~~ or the Ohio higher educational facility commission. 80958

(E) "Hospital facilities" means buildings, structures and 80959
other improvements, additions thereto and extensions thereof, 80960
furnishings, equipment, and real estate and interests in real 80961
estate, used or to be used for or in connection with one or more 80962
hospitals, emergency, intensive, intermediate, extended, 80963
long-term, or self-care facilities, diagnostic and treatment and 80964
out-patient facilities, facilities related to programs for home 80965
health services, clinics, laboratories, public health centers, 80966
research facilities, and rehabilitation facilities, for or 80967
pertaining to diagnosis, treatment, care, or rehabilitation of 80968
sick, ill, injured, infirm, impaired, disabled, or handicapped 80969
persons, or the prevention, detection, and control of disease, and 80970
also includes education, training, and food service facilities for 80971
health professions personnel, housing facilities for such 80972
personnel and their families, and parking and service facilities 80973
in connection with any of the foregoing; and includes any one, 80974
part of, or any combination of the foregoing; and further includes 80975
site improvements, utilities, machinery, facilities, furnishings, 80976
and any separate or connected buildings, structures, improvements, 80977
sites, utilities, facilities, or equipment to be used in, or in 80978
connection with the operation or maintenance of, or supplementing 80979
or otherwise related to the services or facilities to be provided 80980
by, any one or more of such hospital facilities. 80981

(F) "Costs of hospital facilities" means the costs of 80982
acquiring hospital facilities or interests in hospital facilities, 80983
including membership interests in nonprofit hospital agencies, 80984
costs of constructing hospital facilities, costs of improving one 80985
or more hospital facilities, including reconstructing, 80986
rehabilitating, remodeling, renovating, and enlarging, costs of 80987
equipping and furnishing such facilities, and all financing costs 80988
pertaining thereto, including, without limitation thereto, costs 80989
of engineering, architectural, and other professional services, 80990
designs, plans, specifications and surveys, and estimates of cost, 80991

costs of tests and inspections, the costs of any indemnity or 80992
surety bonds and premiums on insurance, all related direct or 80993
allocable administrative expenses pertaining thereto, fees and 80994
expenses of trustees, depositories, and paying agents for the 80995
obligations, cost of issuance of the obligations and financing 80996
charges and fees and expenses of financial advisors, attorneys, 80997
accountants, consultants and rating services in connection 80998
therewith, capitalized interest on the obligations, amounts 80999
necessary to establish reserves as required by the bond 81000
proceedings, the reimbursement of all moneys advanced or applied 81001
by the hospital agency or others or borrowed from others for the 81002
payment of any item or items of costs of such facilities, and all 81003
other expenses necessary or incident to planning or determining 81004
feasibility or practicability with respect to such facilities, and 81005
such other expenses as may be necessary or incident to the 81006
acquisition, construction, reconstruction, rehabilitation, 81007
remodeling, renovation, enlargement, improvement, equipment, and 81008
furnishing of such facilities, the financing thereof, and the 81009
placing of the same in use and operation, including any one, part 81010
of, or combination of such classes of costs and expenses, and 81011
means the costs of refinancing obligations issued by, or 81012
reimbursement of money advanced by, nonprofit hospital agencies or 81013
others the proceeds of which were used for the payment of costs of 81014
hospital facilities, if the governing body of the public hospital 81015
agency determines that the refinancing or reimbursement advances 81016
the purposes of this chapter, whether or not the refinancing or 81017
reimbursement is in conjunction with the acquisition or 81018
construction of additional hospital facilities. 81019

(G) "Hospital receipts" means all moneys received by or on 81020
behalf of a hospital agency from or in connection with the 81021
ownership, operation, acquisition, construction, improvement, 81022
equipping, or financing of any hospital facilities, including, 81023
without limitation thereto, any rentals and other moneys received 81024

from the lease, sale, or other disposition of hospital facilities, 81025
and any gifts, grants, interest subsidies, or other moneys 81026
received under any federal program for assistance in financing the 81027
costs of hospital facilities, and any other gifts, grants, and 81028
donations, and receipts therefrom, available for financing the 81029
costs of hospital facilities. 81030

(H) "Obligations" means bonds, notes, or other evidences of 81031
indebtedness or obligation, including interest coupons pertaining 81032
thereto, issued or issuable by a public hospital agency to pay 81033
costs of hospital facilities. 81034

(I) "Bond service charges" means principal, interest, and 81035
call premium, if any, required to be paid on obligations. 81036

(J) "Bond proceedings" means one or more ordinances, 81037
resolutions, trust agreements, indentures, and other agreements or 81038
documents, and amendments and supplements to the foregoing, or any 81039
combination thereof, authorizing or providing for the terms, 81040
including any variable interest rates, and conditions applicable 81041
to, or providing for the security of, obligations and the 81042
provisions contained in such obligations. 81043

(K) "Nursing home" has the same meaning as in division (A) (1) 81044
of section 5701.13 of the Revised Code. 81045

(L) "Residential care facility" has the same meaning as in 81046
division (A) (2) of section 5701.13 of the Revised Code. 81047

(M) "Independent living facility" means any self-care 81048
facility or other housing facility designed or used as a residence 81049
for elderly persons. An "independent living facility" does not 81050
include a residential facility, or that part of a residential 81051
facility, that is any of the following: 81052

(1) A hospital ~~required to be certified by section 3727.02 of~~ 81053
~~the Revised Code;~~ 81054

(2) A nursing home or residential care facility;	81055
(3) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and used for the program's hospice patients;	81056 81057 81058
(4) A residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	81059 81060 81061 81062
(5) A residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code that is not a residential facility described in division (M) (4) of this section;	81063 81064 81065 81066
(6) A facility licensed to operate an opioid treatment program under section 5119.37 of the Revised Code;	81067 81068
(7) A community addiction services provider, as defined in section 5119.01 of the Revised Code;	81069 81070
(8) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;	81071 81072 81073 81074
(9) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.	81075 81076 81077
Sec. 3701.07. (A) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code defining and classifying hospitals and dispensaries and providing for the reporting of information by hospitals and dispensaries. Except as otherwise provided in the Revised Code, the rules providing for the reporting of information shall not require inclusion of any confidential patient data or any information concerning the	81078 81079 81080 81081 81082 81083 81084

~~financial condition, income, expenses, or net worth of the~~ 81085
~~facilities. The rules may require the reporting of information in~~ 81086
~~the following categories:~~ 81087

~~(1) Information needed to identify and classify the~~ 81088
~~institution;~~ 81089

~~(2) Information on facilities and type and volume of services~~ 81090
~~provided by the institution;~~ 81091

~~(3) The number of beds listed by category of care provided;~~ 81092

~~(4) The number of licensed or certified professional~~ 81093
~~employees by classification;~~ 81094

~~(5) The number of births that occurred at the institution the~~ 81095
~~previous calendar year;~~ 81096

~~(6) Any other information that the director considers~~ 81097
~~relevant to the safety of patients served by the institution.~~ 81098

~~Every hospital and dispensary, public or private, annually~~ 81099
~~shall register with and report to the department of health.~~ 81100
~~Reports shall be submitted in the manner prescribed in rules~~ 81101
~~adopted under this division.~~ 81102

~~(B) Every governmental entity or private nonprofit~~ 81103
~~corporation or association whose employees or representatives are~~ 81104
~~defined as residents' rights advocates under divisions (E) (1) and~~ 81105
~~(2) of section 3721.10 of the Revised Code shall register with the~~ 81106
~~department of health on forms furnished by the director of health~~ 81107
~~and shall provide such reasonable identifying information as the~~ 81108
~~director may prescribe.~~ 81109

The department shall compile a list of the governmental 81110
entities, corporations, or associations registering under this 81111
division and shall update the list annually. Copies of the list 81112
shall be made available to nursing home administrators as defined 81113
in division (C) of section 3721.10 of the Revised Code. 81114

Sec. 3701.351. (A) The governing body of every hospital shall 81115
set standards and procedures to be applied by the hospital and its 81116
medical staff in considering and acting upon applications for 81117
staff membership or professional privileges. These standards and 81118
procedures shall be available for public inspection. 81119

(B) The governing body of any hospital, in considering and 81120
acting upon applications for staff membership or professional 81121
privileges within the scope of the applicants' respective 81122
licensures, shall not discriminate against a qualified person 81123
solely on the basis of whether that person is licensed to practice 81124
medicine, osteopathic medicine, or podiatry, is licensed to 81125
practice dentistry or psychology, or is licensed to practice 81126
nursing as an advanced practice registered nurse. Staff membership 81127
or professional privileges shall be considered and acted on in 81128
accordance with standards and procedures established under 81129
division (A) of this section. ~~This section does not permit a~~ 81130
~~psychologist to admit a patient to a hospital in violation of~~ 81131
~~section 3727.06 of the Revised Code.~~ 81132

(C) The governing body of any hospital that ~~is licensed to~~ 81133
~~provide~~ provides maternity services, in considering and acting 81134
upon applications for clinical privileges, shall not discriminate 81135
against a qualified person solely on the basis that the person is 81136
authorized to practice nurse-midwifery. An application from a 81137
certified nurse-midwife who is not employed by the hospital shall 81138
contain the name of a physician member of the hospital's medical 81139
staff who holds clinical privileges in obstetrics at that hospital 81140
and who has agreed to be the collaborating physician for the 81141
applicant in accordance with section 4723.43 of the Revised Code. 81142

(D) Any person may apply to the court of common pleas for 81143
temporary or permanent injunctions restraining a violation of 81144
division (A), (B), or (C) of this section. This action is an 81145

additional remedy not dependent on the adequacy of the remedy at 81146
law. 81147

(E) (1) If a hospital does not provide or permit the provision 81148
of any diagnostic or treatment service for mental or emotional 81149
disorders or any other service that may be legally performed by a 81150
psychologist licensed under Chapter 4732. of the Revised Code, 81151
this section does not require the hospital to provide or permit 81152
the provision of any such service and the hospital shall be exempt 81153
from requirements of this section pertaining to psychologists. 81154

(2) This section does not impair the right of a hospital to 81155
enter into an employment, personal service, or any other kind of 81156
contract with a licensed psychologist, upon any such terms as the 81157
parties may mutually agree, for the provision of any service that 81158
may be legally performed by a licensed psychologist. 81159

Sec. 3701.503. As used in sections 3701.504 to 3701.509 of 81160
the Revised Code: 81161

(A) "Parent" means either parent, unless the parents are 81162
separated or divorced or their marriage has been dissolved or 81163
annulled, in which case "parent" means the parent who is the 81164
residential parent and legal custodian. 81165

(B) "Guardian" has the same meaning as in section 2111.01 of 81166
the Revised Code. 81167

(C) "Custodian" means, except as used in division (A) of this 81168
section, a government agency or an individual, other than the 81169
parent or guardian, with legal or permanent custody of a child as 81170
defined in section 2151.011 of the Revised Code. 81171

(D) "Hearing screening" means the identification of newborns 81172
and infants who may have a hearing impairment, through the use of 81173
a physiologic test. 81174

(E) "Hearing evaluation" means evaluation through the use of 81175

audiological procedures by an audiologist or physician.	81176
(F) "Hearing impairment" means a loss of hearing in one or both ears in the frequency region important for speech recognition and comprehension.	81177 81178 81179
(G) "Newborn" means a child who is less than thirty days old.	81180
(H) "Infant" means a child who is at least thirty days but less than twenty-four months old.	81181 81182
(I) "Freestanding birthing center" has the same meaning as in section 3702.141 of the Revised Code <u>means any facility in which deliveries routinely occur, regardless of whether the facility is located on the campus of another health care facility.</u>	81183 81184 81185 81186
(J) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	81187 81188 81189
(K) "Audiologist" means an individual authorized under section 4753.07 of the Revised Code to practice audiology.	81190 81191
(L) "Hospital" means a hospital that has a maternity unit or newborn nursery.	81192 81193
(M) "Maternity unit" means any unit or place in a hospital where women are regularly received and provided care during all or part of the maternity cycle, except that "maternity unit" does not include an emergency department or similar place dedicated to providing emergency health care.	81194 81195 81196 81197 81198
(N) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.	81199 81200 81201
Sec. 3701.5010. (A) As used in this section:	81202
(1) "Critical congenital heart defects screening" means the identification of a newborn that may have a critical congenital	81203 81204

heart defect, through the use of a physiologic test. 81205

(2) "Freestanding birthing center" ~~has the same meaning as in~~ 81206
~~section 3702.141 of the Revised Code~~ has the same meaning as in 81207
section 3701.503 of the Revised Code. 81208

(3) "Hospital," "maternity unit," "newborn," and "physician" 81209
have the same meanings as in section 3701.503 of the Revised Code. 81210

(4) "Pulse oximetry" means a noninvasive test that estimates 81211
the percentage of hemoglobin in blood that is saturated with 81212
oxygen. 81213

(B) Except as provided in division (C) of this section, each 81214
hospital and each freestanding birthing center shall conduct a 81215
critical congenital heart defects screening on each newborn born 81216
in the hospital or center, unless the newborn is being transferred 81217
to another hospital. The screening shall be performed before 81218
discharge. If the newborn is transferred to another hospital, that 81219
hospital shall conduct the screening when determined to be 81220
medically appropriate. The hospital or center shall promptly 81221
notify the newborn's parent, guardian, or custodian and attending 81222
physician of the screening results. 81223

(C) A hospital or freestanding birthing center shall not 81224
conduct a critical congenital heart defects screening if the 81225
newborn's parent objects on the grounds that the screening 81226
conflicts with the parent's religious tenets and practices. 81227

(D) (1) The director of health shall adopt rules in accordance 81228
with Chapter 119. of the Revised Code establishing standards and 81229
procedures for the screening required by this section, including 81230
all of the following: 81231

(a) Designating the person or persons responsible for causing 81232
the screening to be performed; 81233

(b) Specifying screening equipment and methods; 81234

(c) Identifying when the screening should be performed;	81235
(d) Providing notice of the required screening to the newborn's parent, guardian, or custodian;	81236 81237
(e) Communicating screening results to the newborn's parent, guardian, or custodian and attending physician;	81238 81239
(f) Reporting screening results to the department of health;	81240
(g) Referring newborns that receive abnormal screening results to providers of follow-up services.	81241 81242
(2) In adopting rules under division (D)(1)(b) of this section, the director shall specify screening equipment and methods that include the use of pulse oximetry or other screening equipment and methods that detect critical congenital heart defects at least as accurately as pulse oximetry. The screening equipment and methods specified shall be consistent with recommendations issued by nationally recognized organizations that advocate on behalf of medical professionals or individuals with cardiovascular conditions.	81243 81244 81245 81246 81247 81248 81249 81250 81251
Sec. 3701.63. (A) As used in this section and sections 3701.64, 3701.66, and 3701.67 of the Revised Code:	81252 81253
(1) "Child day-care center," "type A family day-care home," and "licensed type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.	81254 81255 81256
(2) "Child care facility" means a child day-care center, a type A family day-care home, or a licensed type B family day-care home.	81257 81258 81259
(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.	81260 81261
(4) "Freestanding birthing center" has the same meaning as in section 3702.141 of the Revised Code <u>has the same meaning as in</u>	81262 81263

<u>section 3701.503 of the Revised Code.</u>	81264
(5) " Hospital " means a hospital classified pursuant to rules adopted under section 3701.07 of the Revised Code as a general hospital or children's hospital and <u>has the same meaning as in section 3722.01 of the Revised Code</u> to which either of the following applies:	81265 81266 81267 81268 81269
(a) The hospital has a maternity unit.	81270
(b) The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth.	81271 81272 81273
(6) "Infant" means a child who is less than one year of age.	81274
(7) "Maternity unit" means the distinct portion of a hospital licensed as a maternity unit under Chapter 3711. of the Revised Code <u>in which maternity services are provided.</u>	81275 81276 81277
(8) "Other person responsible for the infant" includes a foster caregiver.	81278 81279
(9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.	81280 81281 81282 81283 81284
(10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.	81285 81286 81287 81288 81289
(B) The director of health shall establish the shaken baby syndrome education program by doing all of the following:	81290 81291
(1) Developing educational materials that present readily comprehensible information on shaken baby syndrome;	81292 81293

(2) Making available on the department of health web site in an easily accessible format the educational materials developed under division (B) (1) of this section;	81294 81295 81296
(3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following:	81297 81298
(a) Evaluating the reports received pursuant to section 5101.135 of the Revised Code;	81299 81300
(b) Reviewing the content of the educational materials to determine if updates or improvements should be made;	81301 81302
(c) Reviewing the manner in which the educational materials are distributed, as described in section 3701.64 of the Revised Code, to determine if modifications to that manner should be made.	81303 81304 81305
(C) In meeting the requirements under division (B) of this section, the director shall develop educational materials that, to the extent possible, minimize administrative or financial burdens on any of the entities or persons listed in section 3701.64 of the Revised Code.	81306 81307 81308 81309 81310
Sec. 3701.69. (A) (1) The department of health shall create a Down syndrome information sheet that includes all of the following:	81311 81312 81313
(a) A description of Down syndrome, including its causes, effects on development, and potential complications;	81314 81315
(b) Diagnostic tests;	81316
(c) Options for treatment and therapy;	81317
(d) Contact information for local, state, and national organizations that provide Down syndrome educational and support services and programs.	81318 81319 81320
(2) With respect to the medical information included in the information sheet, the department shall include only information	81321 81322

that is current and based on medical evidence. 81323

(3) The department shall periodically review and update the 81324
information sheet and shall make it available on the department's 81325
internet web site. 81326

(B) If a patient under the care of any of the following 81327
health care professionals or facilities receives either a test 81328
result indicating Down syndrome or a prenatal or postnatal 81329
diagnosis of Down syndrome, the health care professional or 81330
facility shall provide to the patient or the patient's 81331
representative a copy of the information sheet created under 81332
division (A) of this section: 81333

(1) A physician authorized under Chapter 4731. of the Revised 81334
Code to practice medicine and surgery or osteopathic medicine and 81335
surgery; 81336

(2) A certified nurse-midwife who holds a certificate of 81337
authority issued under Chapter 4723. of the Revised Code; 81338

(3) A genetic counselor licensed under Chapter 4778. of the 81339
Revised Code; 81340

(4) A hospital ~~registered under section 3701.07 of the~~ 81341
~~Revised Code~~ licensed under Chapter 3722. of the Revised Code that 81342
operates a maternity unit or newborn care nursery; 81343

(5) A ~~maternity unit, newborn care nursery, or~~ maternity home 81344
licensed under Chapter 3711. of the Revised Code; 81345

(6) A freestanding birthing center licensed under section 81346
3702.30 of the Revised Code. 81347

Sec. 3701.83. There is hereby created in the state treasury 81348
the general operations fund. Moneys in the fund shall be used for 81349
the purposes specified in sections 3701.04, 3701.344, ~~3702.20,~~ 81350
3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 81351
3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 81352

4736.06, and 4769.09 of the Revised Code. 81353

Sec. 3702.30. (A) As used in this section: 81354

(1) "Ambulatory surgical facility" means a facility in which 81355
surgical services are provided to patients who do not require 81356
hospitalization for inpatient care, the duration of services for 81357
any patient does not extend beyond twenty-four hours after the 81358
patient's admission, and to which any of the following apply: 81359

(a) The surgical services are provided in a building that is 81360
separate from another building in which inpatient care is 81361
provided, regardless of whether the separate building is part of 81362
the same organization as the building in which inpatient care is 81363
provided. 81364

(b) The surgical services are provided within a building in 81365
which inpatient care is provided and the entity that operates the 81366
portion of the building where the surgical services are provided 81367
is not the entity that operates the remainder of the building. 81368

(c) The facility is held out to any person or government 81369
entity as an ambulatory surgical facility or similar facility by 81370
means of signage, advertising, or other promotional efforts. 81371

"Ambulatory surgical facility" does not include a hospital 81372
emergency department, hospital provider-based department that is 81373
otherwise licensed under Chapter 3722. of the Revised Code, or an 81374
office of a physician, podiatrist, or dentist. 81375

(2) "Health care facility" means any of the following: 81376

(a) An ambulatory surgical facility; 81377

(b) A freestanding dialysis center; 81378

(c) A freestanding inpatient rehabilitation facility; 81379

(d) A freestanding birthing center; 81380

(e) A freestanding radiation therapy center; 81381

(f) A freestanding or mobile diagnostic imaging center. 81382

(B) By rule adopted in accordance with sections 3702.12 and 81383
3702.13 of the Revised Code, the director of health shall 81384
establish quality standards for health care facilities. The 81385
standards may incorporate accreditation standards or other quality 81386
standards established by any entity recognized by the director. 81387

In the case of an ambulatory surgical facility, the standards 81388
shall require the ambulatory surgical facility to maintain an 81389
infection control program. The purposes of the program are to 81390
minimize infections and communicable diseases and facilitate a 81391
functional and sanitary environment consistent with standards of 81392
professional practice. To achieve these purposes, ambulatory 81393
surgical facility staff managing the program shall create and 81394
administer a plan designed to prevent, identify, and manage 81395
infections and communicable diseases; ensure that the program is 81396
directed by a qualified professional trained in infection control; 81397
ensure that the program is an integral part of the ambulatory 81398
surgical facility's quality assessment and performance improvement 81399
program; and implement in an expeditious manner corrective and 81400
preventive measures that result in improvement. 81401

(C) Every ambulatory surgical facility shall require that 81402
each physician who practices at the facility comply with all 81403
relevant provisions in the Revised Code that relate to the 81404
obtaining of informed consent from a patient. 81405

(D) The director shall issue a license to each health care 81406
facility that makes application for a license and demonstrates to 81407
the director that it meets the quality standards established by 81408
the rules adopted under division (B) of this section and satisfies 81409
the informed consent compliance requirements specified in division 81410
(C) of this section. 81411

(E) (1) Except as provided in division (H) of this section and 81412

in section 3702.301 of the Revised Code, no health care facility 81413
shall operate without a license issued under this section. 81414

The general assembly does not intend for the provisions of 81415
this section or section 3702.301 of the Revised Code that 81416
establish health care facility licensing requirements or 81417
exemptions to have an effect on any third-party payments that may 81418
be available for the services provided by either a licensed health 81419
care facility or an entity exempt from licensure. 81420

(2) If the department of health finds that a physician who 81421
practices at a health care facility is not complying with any 81422
provision of the Revised Code related to the obtaining of informed 81423
consent from a patient, the department shall report its finding to 81424
the state medical board, the physician, and the health care 81425
facility. 81426

(3) Division (E) (2) of this section does not create, and 81427
shall not be construed as creating, a new cause of action or 81428
substantive legal right against a health care facility and in 81429
favor of a patient who allegedly sustains harm as a result of the 81430
failure of the patient's physician to obtain informed consent from 81431
the patient prior to performing a procedure on or otherwise caring 81432
for the patient in the health care facility. 81433

(F) The rules adopted under division (B) of this section 81434
shall include all of the following: 81435

(1) Provisions governing application for, renewal, 81436
suspension, and revocation of a license under this section; 81437

(2) Provisions governing orders issued pursuant to section 81438
3702.32 of the Revised Code for a health care facility to cease 81439
its operations or to prohibit certain types of services provided 81440
by a health care facility; 81441

(3) Provisions governing the imposition under section 3702.32 81442
of the Revised Code of civil penalties for violations of this 81443

section or the rules adopted under this section, including a scale 81444
for determining the amount of the penalties; 81445

(4) Provisions specifying the form inspectors must use when 81446
conducting inspections of ambulatory surgical facilities. 81447

(G) An ambulatory surgical facility that performs or induces 81448
abortions shall comply with section 3701.791 of the Revised Code. 81449

(H) The following entities are not required to obtain a 81450
license as a freestanding diagnostic imaging center issued under 81451
this section: 81452

(1) A hospital registered under section 3701.07 of the 81453
Revised Code that provides diagnostic imaging; 81454

(2) An entity that is reviewed as part of a hospital 81455
accreditation or certification program and that provides 81456
diagnostic imaging; 81457

(3) An ambulatory surgical facility that provides diagnostic 81458
imaging in conjunction with or during any portion of a surgical 81459
procedure. 81460

Sec. 3702.31. (A) The quality monitoring and inspection fund 81461
is hereby created in the state treasury. The director of health 81462
shall use the fund to administer and enforce this section and 81463
sections ~~3702.11 to 3702.20~~, 3702.30, 3702.301, 3702.32, and 81464
3702.33 of the Revised Code and rules adopted pursuant to those 81465
sections. The director shall deposit in the fund any moneys 81466
collected pursuant to this section or section 3702.32 of the 81467
Revised Code. All investment earnings of the fund shall be 81468
credited to the fund. 81469

(B) The director of health shall adopt rules pursuant to 81470
Chapter 119. of the Revised Code establishing fees for both of the 81471
following: 81472

(1) Initial and renewal license applications submitted under 81473

section 3702.30 of the Revised Code. The fees established under 81474
division (B)(1) of this section shall not exceed the actual and 81475
necessary costs of performing the activities described in division 81476
(A) of this section. 81477

(2) Inspections conducted under section ~~3702.15~~ or 3702.30 of 81478
the Revised Code. The fees established under division (B)(2) of 81479
this section shall not exceed the actual and necessary costs 81480
incurred during an inspection, including any indirect costs 81481
incurred by the department for staff, salary, or other 81482
administrative costs. The director of health shall provide to each 81483
health care facility or provider inspected pursuant to section 81484
~~3702.15~~ or 3702.30 of the Revised Code a written statement of the 81485
fee. The statement shall itemize and total the costs incurred. 81486
Within fifteen days after receiving a statement from the director, 81487
the facility or provider shall forward the total amount of the fee 81488
to the director. 81489

(3) The fees described in divisions (B)(1) and (2) of this 81490
section shall meet both of the following requirements: 81491

(a) ~~For each service described in section 3702.11 of the~~ 81492
~~Revised Code, the fee shall not exceed one thousand seven hundred~~ 81493
~~fifty dollars annually, except that the~~ The total fees charged to 81494
a health care provider under this section shall not exceed five 81495
thousand dollars annually. 81496

(b) The fee shall exclude any costs reimbursable by the 81497
United States centers for medicare and medicaid services as part 81498
of the certification process for the medicare program established 81499
under Title XVIII of the "Social Security Act," 79 Stat. 286 81500
(1935), 42 U.S.C.A. 1395, as amended, and the medicaid program 81501
established under Title XIX of the "Social Security Act," 79 Stat. 81502
286 (1965), 42 U.S.C. 1396. 81503

(4) The director shall not establish a fee for any service 81504

for which a licensure or inspection fee is paid by the health care 81505
provider to a state agency for the same or similar licensure or 81506
inspection. 81507

Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the 81508
Revised Code: 81509

(A) "Applicant" means any person that submits an application 81510
for a certificate of need and who is designated in the application 81511
as the applicant. 81512

(B) "Person" means any individual, corporation, business 81513
trust, estate, firm, partnership, association, joint stock 81514
company, insurance company, government unit, or other entity. 81515

(C) "Certificate of need" means a written approval granted by 81516
the director of health to an applicant to authorize conducting a 81517
reviewable activity. 81518

(D) "Service area" means the current and projected primary 81519
and secondary service areas to which the long-term care facility 81520
is, or will be, providing long-term care services. 81521

(E) "Primary service area" means the geographic region, 81522
usually comprised of the Ohio zip code in which the long-term care 81523
facility is located and contiguous zip codes, from which 81524
approximately seventy-five to eighty per cent of the facility's 81525
residents currently originate or are expected to originate. 81526

(F) "Secondary service area" means the geographic region, 81527
usually comprised of Ohio zip codes not included in the primary 81528
service area, excluding isolated exceptions, from which the 81529
facility's remaining residents currently originate or are expected 81530
to originate. 81531

(G) "Third-party payer" means a health insuring corporation 81532
licensed under Chapter 1751. of the Revised Code, a health 81533
maintenance organization as defined in division (I) of this 81534

section, an insurance company that issues sickness and accident 81535
insurance in conformity with Chapter 3923. of the Revised Code, a 81536
state-financed health insurance program under Chapter 3701. or 81537
4123. of the Revised Code, the medicaid program, or any 81538
self-insurance plan. 81539

(H) "Government unit" means the state and any county, 81540
municipal corporation, township, or other political subdivision of 81541
the state, or any department, division, board, or other agency of 81542
the state or a political subdivision. 81543

(I) "Health maintenance organization" means a public or 81544
private organization organized under the law of any state that is 81545
qualified under section 1310(d) of Title XIII of the "Public 81546
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 81547

(J) "Existing long-term care facility" means either of the 81548
following: 81549

(1) A long-term care facility that is licensed or otherwise 81550
authorized to operate in this state in accordance with applicable 81551
law, including a county home or a county nursing home that is 81552
certified under Title XVIII or Title XIX of the "Social Security 81553
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed 81554
and equipped to provide long-term care services, and is actively 81555
providing long-term care services; 81556

(2) A long-term care facility that is licensed or otherwise 81557
authorized to operate in this state in accordance with applicable 81558
law, including a county home or a county nursing home that is 81559
certified under Title XVIII or Title XIX of the "Social Security 81560
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has 81561
beds ~~registered under section 3701.07~~ reported in an application 81562
submitted under section 3722.03 of the Revised Code as skilled 81563
nursing beds or long-term care beds and has provided long-term 81564
care services for at least three hundred sixty-five consecutive 81565

days within the twenty-four months immediately preceding the date 81566
a certificate of need application is filed with the director of 81567
health. 81568

(K) "State" means the state of Ohio, including, but not 81569
limited to, the general assembly, the supreme court, the offices 81570
of all elected state officers, and all departments, boards, 81571
offices, commissions, agencies, institutions, and other 81572
instrumentalities of the state of Ohio. "State" does not include 81573
political subdivisions. 81574

(L) "Political subdivision" means a municipal corporation, 81575
township, county, school district, and all other bodies corporate 81576
and politic responsible for governmental activities only in 81577
geographic areas smaller than that of the state to which the 81578
sovereign immunity of the state attaches. 81579

(M) "Affected person" means: 81580

(1) An applicant for a certificate of need, including an 81581
applicant whose application was reviewed comparatively with the 81582
application in question; 81583

(2) The person that requested the reviewability ruling in 81584
question; 81585

(3) Any person that resides or regularly uses long-term care 81586
facilities within the service area served or to be served by the 81587
long-term care services that would be provided under the 81588
certificate of need or reviewability ruling in question; 81589

(4) Any long-term care facility that is located in the 81590
service area where the long-term care services would be provided 81591
under the certificate of need or reviewability ruling in question; 81592

(5) Third-party payers that reimburse long-term care 81593
facilities for services in the service area where the long-term 81594
care services would be provided under the certificate of need or 81595

reviewability ruling in question. 81596

(N) "Long-term care facility" means, except as provided in 81597
section 3702.594 of the Revised Code, any of the following: 81598

(1) A nursing home licensed under section 3721.02 of the 81599
Revised Code or by a political subdivision certified under section 81600
3721.09 of the Revised Code; 81601

(2) The portion of any facility, including a county home or 81602
county nursing home, that is certified as a skilled nursing 81603
facility or a nursing facility under Title XVIII or XIX of the 81604
"Social Security Act"; 81605

(3) The portion of any hospital that contains beds ~~registered~~ 81606
~~under section 3701.07~~ reported in an application submitted under 81607
section 3722.03 of the Revised Code as skilled nursing beds or 81608
long-term care beds. 81609

(O) "Long-term care bed" or "bed" means a bed that is 81610
categorized as one of the following: 81611

(1) A bed that is located in a facility that is a nursing 81612
home licensed under section 3721.02 of the Revised Code or a 81613
facility licensed by a political subdivision certified under 81614
section 3721.09 of the Revised Code and is included in the 81615
authorized maximum licensed capacity of the facility; 81616

(2) A bed that is located in the portion of any facility, 81617
including a county home or county nursing home, that is certified 81618
as a skilled nursing facility under the medicare program or a 81619
nursing facility under the medicaid program and is included in the 81620
authorized maximum certified capacity of that portion of the 81621
facility; 81622

(3) A bed that is ~~registered under section 3701.07 of the~~ 81623
~~Revised Code~~ reported in an application submitted under section 81624
3722.03 of the Revised Code as a skilled nursing bed, a long-term 81625

care bed, or a special skilled nursing bed; 81626

(4) A bed in a county home or county nursing home that has 81627
been certified under section 5155.38 of the Revised Code as having 81628
been in operation on July 1, 1993, and is eligible for licensure 81629
as a nursing home bed; 81630

(5) A bed held as an approved bed under a certificate of need 81631
approved by the director. 81632

A bed cannot simultaneously be both a bed described in 81633
division (O) (1), (2), (3), or (4) of this section and a bed 81634
described in division (O) (5) of this section. 81635

(P) "Reviewability ruling" means a ruling issued by the 81636
director of health under division (A) of section 3702.52 of the 81637
Revised Code as to whether a particular proposed project is or is 81638
not a reviewable activity. 81639

(Q) "County nursing home" has the same meaning as in section 81640
5155.31 of the Revised Code. 81641

(R) "Principal participant" means both of the following: 81642

(1) A person who has an ownership or controlling interest of 81643
at least five per cent in an applicant, in a long-term care 81644
facility that is the subject of an application for a certificate 81645
of need, or in the owner or operator of the applicant or such a 81646
facility; 81647

(2) An officer, director, trustee, or general partner of an 81648
applicant, of a long-term care facility that is the subject of an 81649
application for a certificate of need, or of the owner or operator 81650
of the applicant or such a facility. 81651

(S) "Actual harm but not immediate jeopardy deficiency" means 81652
a deficiency that, under 42 C.F.R. 488.404, either constitutes a 81653
pattern of deficiencies resulting in actual harm that is not 81654
immediate jeopardy or represents widespread deficiencies resulting 81655

in actual harm that is not immediate jeopardy. 81656

(T) "Immediate jeopardy deficiency" means a deficiency that, 81657
under 42 C.F.R. 488.404, either constitutes a pattern of 81658
deficiencies resulting in immediate jeopardy to resident health or 81659
safety or represents widespread deficiencies resulting in 81660
immediate jeopardy to resident health or safety. 81661

(U) "Existing bed" or "existing long-term care bed" means a 81662
bed from an existing long-term care facility, a bed described in 81663
division (O) (5) of this section, or a bed correctly reported as a 81664
long-term care bed pursuant to section 5155.38 of the Revised 81665
Code. 81666

Sec. 3702.52. The director of health shall administer a state 81667
certificate of need program in accordance with sections 3702.51 to 81668
3702.62 of the Revised Code and rules adopted under those 81669
sections. Administration of the program shall include both a 81670
standard review process and an expedited review process. 81671

(A) The director shall issue rulings on whether a particular 81672
proposed project is a reviewable activity. The director shall 81673
issue a ruling not later than forty-five days after receiving a 81674
request for a ruling accompanied by the information needed to make 81675
the ruling, except that if an expedited review is requested, the 81676
ruling shall be issued not later than thirty days after receiving 81677
the request for a ruling accompanied by the information needed to 81678
make the ruling. If the director does not issue a ruling in the 81679
required time, the project shall be considered to have been ruled 81680
not a reviewable activity. 81681

(B) (1) Each application for a certificate of need shall be 81682
submitted to the director on forms and in the manner prescribed by 81683
the director. An application for which expedited review is 81684
requested must meet the same requirements as all other 81685
applications. 81686

Each application shall include a plan for obligating the capital expenditures or implementing the proposed project on a timely basis in accordance with section 3702.524 of the Revised Code. Each application shall also include all other information required by rules adopted under division (B) of section 3702.57 of the Revised Code.

(2) Each application shall be accompanied by the application fee established in rules adopted under division (G) of section 3702.57 of the Revised Code. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections ~~3702.11 to 3702.20~~, 3702.30, and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. An application fee is nonrefundable unless the director determines that the application cannot be accepted.

(3) The director shall review applications for certificates of need. As part of a review, the director shall determine whether an application is complete. The director shall not consider an application to be complete unless the application meets all criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code. For an application being considered under the standard review process, the director shall mail to the applicant a written notice that the application is complete, or a written request for additional information, not later than thirty days after receiving an application or a response to an earlier request for information. For an application for which expedited review is requested, the director's notice or request shall be mailed not later than fourteen days after the director receives the application or a response to an earlier request for information. Except as provided in section 3702.522 of the Revised Code, the director shall not make more than two

requests for additional information. For either the standard or 81719
expedited review process, the director shall make a final 81720
determination regarding an application's completeness and issue a 81721
notice of the determination not later than one hundred eighty days 81722
after the date the director received the initial application. 81723

The director's determination that an application is not 81724
complete is final and not subject to appeal. 81725

(4) Except as necessary to comply with a subpoena issued 81726
under division (F) of this section, after a notice of completeness 81727
has been received, no person shall make revisions to information 81728
that was submitted to the director before the director mailed the 81729
notice of completeness or knowingly discuss in person or by 81730
telephone the merits of the application with the director. A 81731
person may supplement an application after a notice of 81732
completeness has been received by submitting clarifying 81733
information to the director. 81734

(C) All of the following apply to the process of granting or 81735
denying a certificate of need: 81736

(1) If the project proposed in a certificate of need 81737
application meets all of the applicable certificate of need 81738
criteria for approval under sections 3702.51 to 3702.62 of the 81739
Revised Code and the rules adopted under those sections, the 81740
director shall grant a certificate of need for all or part of the 81741
project that is the subject of the application by the applicable 81742
deadline specified in division (C) (4) of this section or any 81743
extension of it under division (C) (5) of this section. 81744

(2) The director's grant of a certificate of need does not 81745
affect, and sets no precedent for, the director's decision to 81746
grant or deny other applications for similar reviewable 81747
activities. 81748

(3) Any affected person may submit written comments regarding 81749

an application. The director shall consider all written comments 81750
received by the forty-fifth day after the application is submitted 81751
to the director, except that to be considered in an expedited 81752
review, written comments must be received by the twenty-first day 81753
after the application is submitted. 81754

(4) Except as provided in division (C) (5) of this section, 81755
the director shall grant or deny certificate of need applications 81756
not later than sixty days after mailing the notice of completeness 81757
unless the application is receiving expedited review. If the 81758
application is receiving expedited review, the director shall 81759
grant or deny the application not later than forty-five days after 81760
mailing the notice of completeness. 81761

(5) Except as provided in division (C) (6) of this section, 81762
the director or the applicant may extend the deadline prescribed 81763
in division (C) (4) of this section once, for no longer than thirty 81764
days, by written notice before the end of the deadline prescribed 81765
by division (C) (4) of this section. An extension by the director 81766
under division (C) (5) of this section shall apply to all 81767
applications that are in comparative review. 81768

(6) No applicant in a comparative review may extend the 81769
deadline specified in division (C) (4) of this section. 81770

(7) If the director does not grant or deny the certificate by 81771
the applicable deadline specified in division (C) (4) of this 81772
section or any extension of it under division (C) (5) of this 81773
section, the certificate shall be considered to have been granted. 81774

(8) In granting a certificate of need, the director shall 81775
specify as the maximum capital expenditure the certificate holder 81776
may obligate under the certificate a figure equal to one hundred 81777
ten per cent of the approved project cost. 81778

(9) In granting a certificate of need, the director may grant 81779
the certificate with conditions that must be met by the holder of 81780

the certificate. 81781

(D) When a certificate of need is granted for a project under 81782
which beds are to be relocated, upon completion of the project for 81783
which the certificate of need was granted a number of beds equal 81784
to the number of beds relocated shall cease to be operated in the 81785
long-term care facility from which they are relocated, except that 81786
the beds may continue to be operated for not more than fifteen 81787
days to allow relocation of residents to the facility to which the 81788
beds have been relocated. Notwithstanding section 3721.03 of the 81789
Revised Code, if the relocated beds are in a home licensed under 81790
Chapter 3721. of the Revised Code, the facility's license is 81791
automatically reduced by the number of beds relocated effective 81792
fifteen days after the beds are relocated. If the beds are in a 81793
facility that is certified as a skilled nursing facility or 81794
nursing facility under Title XVIII or XIX of the "Social Security 81795
Act," the certification for the beds shall be surrendered. If the 81796
beds are ~~registered under section 3701.07~~ reported in an 81797
application submitted under section 3722.03 of the Revised Code as 81798
skilled nursing beds or long-term care beds, the director shall 81799
remove the beds from registration not later than fifteen days 81800
after the beds are relocated. 81801

(E) During the period beginning with the granting of a 81802
certificate of need and ending five years after implementation of 81803
the reviewable activity for which the certificate was granted, the 81804
director shall monitor the activities of the person granted the 81805
certificate to determine whether the reviewable activity is 81806
conducted in substantial accordance with the certificate. A 81807
reviewable activity shall not be determined to be not in 81808
substantial accordance with the certificate of need solely because 81809
of either of the following: 81810

(1) A decrease in bed capacity; 81811

(2) A change in the owner or operator of the facility unless 81812

any of the circumstances specified in division (B) of section 81813
3702.59 of the Revised Code apply to the new owner or operator. 81814

(F) When reviewing applications for certificates of need, 81815
considering appeals under section 3702.60 of the Revised Code, or 81816
monitoring activities of persons granted certificates of need, the 81817
director may issue and enforce, in the manner provided in section 81818
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 81819
compel a person to testify and produce documents relevant to 81820
review of the application, consideration of the appeal, or 81821
monitoring of the activities. In addition, the director or the 81822
director's designee may visit the sites where the activities are 81823
or will be conducted. 81824

(G) The director may withdraw certificates of need. 81825

(H) All long-term care facilities shall submit to the 81826
director, upon request, any information prescribed by rules 81827
adopted under division (H) of section 3702.57 of the Revised Code 81828
that is necessary to conduct reviews of certificate of need 81829
applications and to develop criteria for reviews. 81830

(I) Any decision to grant or deny a certificate of need shall 81831
consider the special needs and circumstances resulting from moral 81832
and ethical values and the free exercise of religious rights of 81833
long-term care facilities administered by religious organizations, 81834
and the special needs and circumstances of inner city and rural 81835
communities. 81836

Sec. 3702.521. (A) Reviews of applications for certificates 81837
of need to recategorize hospital beds to skilled nursing beds 81838
shall be conducted in accordance with this division and rules 81839
adopted by the director of health. 81840

(1) No hospital recategorizing beds shall apply for a 81841
certificate of need for more than twenty skilled nursing beds. 81842

(2) No beds for which a certificate of need is requested 81843
under this division shall be reviewed under or counted in any 81844
formula developed under rules adopted by the director for the 81845
purpose of determining the number of long-term care beds that may 81846
be needed within the state. 81847

(3) No beds shall be approved under this division unless the 81848
hospital certifies and demonstrates in the application that the 81849
beds will be dedicated to patients with a length of stay of no 81850
more than thirty days. 81851

(4) No beds shall be approved under this division unless the 81852
hospital can satisfactorily demonstrate in the application that it 81853
is routinely unable to place the patients planned for the beds in 81854
accessible skilled nursing facilities. 81855

(5) In developing rules to implement this division, the 81856
director shall give special attention to the required 81857
documentation of the need for such beds, including the efforts 81858
made by the hospital to place patients in suitable skilled nursing 81859
facilities, and special attention to the appropriate size of units 81860
with such beds given the historical pattern of the applicant 81861
hospital's documented difficulty in placing skilled nursing 81862
patients. 81863

(B) For assistance in monitoring the use of hospital beds 81864
recategorized as skilled nursing beds after August 5, 1989, the 81865
director shall adopt rules specifying appropriate quarterly 81866
procedures for reporting to the department of health. 81867

(C) A patient may stay in a hospital bed that, after August 81868
5, 1989, has been recategorized as a skilled nursing bed for more 81869
than thirty days if the hospital is able to demonstrate that it 81870
made a good faith effort to place the patient in an accessible 81871
skilled nursing facility acceptable to the patient within the 81872
thirty-day period, but was unable to do so. 81873

(D) No hospital bed recategorized after August 5, 1989, as a skilled nursing bed shall be covered by a provider agreement under the medicaid program.

(E) Nothing in this section requires a hospital to place a patient in any nursing home if the patient does not wish to be placed in the nursing home. Nothing in this section limits the ability of a hospital to file a certificate of need application for the addition of long-term care beds that meet the definition of "home" in section 3721.01 of the Revised Code. Nothing in this section limits the ability of the director to grant certificates of need necessary for hospitals to engage in demonstration projects authorized by the federal government for the purpose of enhancing long-term quality of care and cost containment. Nothing in this section limits the ability of hospitals to develop swing bed programs in accordance with federal regulations.

No hospital that is granted a certificate of need after August 5, 1989, to recategorize hospital beds as skilled nursing beds is subject to sections 3721.01 to 3721.09 of the Revised Code. If the portion of the hospital in which the recategorized beds are located is certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, that portion of the hospital is subject to sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of the Revised Code. If the beds are ~~registered pursuant to section 3701.07 of the Revised Code~~ reported in an application submitted under section 3722.03 of the Revised Code as long-term care beds, the beds are subject to sections 5168.40 to 5168.56 of the Revised Code.

Sec. 3702.55. A person that the director of health determines has violated section 3702.53 of the Revised Code shall cease conducting the activity that constitutes the violation or

utilizing the facility resulting from the violation not later than 81905
thirty days after the person receives the notice mailed under 81906
section 3702.532 of the Revised Code or, if the person appeals the 81907
director's determination under section 3702.60 of the Revised 81908
Code, thirty days after the person receives an order upholding the 81909
director's determination that is not subject to further appeal. 81910

If any person determined to have violated section 3702.53 of 81911
the Revised Code fails to cease conducting an activity or using a 81912
facility as required by this section or if the person continues to 81913
seek payment or reimbursement for services rendered or costs 81914
incurred in conducting the activity as prohibited by section 81915
3702.56 of the Revised Code, in addition to the penalties imposed 81916
under section 3702.54 or 3702.541 of the Revised Code: 81917

~~(A) The director of health may refuse to include any beds 81918
involved in the activity in the bed capacity of a hospital for 81919
purposes of registration under section 3701.07 of the Revised 81920
Code.~~ 81921

~~(B)~~ The director of health may refuse to license, or may 81922
revoke a license or reduce bed capacity previously granted to, a 81923
hospice care program under section 3712.04 of the Revised Code; a 81924
nursing home, residential care facility, or home for the aging 81925
under section 3721.02 of the Revised Code; or any beds within any 81926
of those facilities that are involved in the activity; 81927

~~(C)~~ (B) A political subdivision certified under section 81928
3721.09 of the Revised Code may refuse to license, or may revoke a 81929
license or reduce bed capacity previously granted to, a nursing 81930
home, residential care facility, or home for the aging, or any 81931
beds within any of those facilities that are involved in the 81932
activity; 81933

~~(D)~~ (C) The director of mental health and addiction services 81934
may refuse to license under section 5119.33 of the Revised Code, 81935

or may revoke a license or reduce bed capacity previously granted 81936
to, a hospital receiving mentally ill persons or beds within such 81937
a hospital that are involved in the activity; 81938

~~(E)~~(D) The department of medicaid may refuse to enter into a 81939
provider agreement that includes a facility, beds, or services 81940
that result from the activity. 81941

Sec. 3702.592. (A) The director of health shall accept, for 81942
review under section 3702.52 of the Revised Code, certificate of 81943
need applications for any of the following purposes if the 81944
proposed increase in beds is attributable to a replacement or 81945
relocation of existing beds from an existing long-term care 81946
facility within the same county: 81947

(1) Approval of beds in a new long-term care facility or an 81948
increase of beds in an existing long-term care facility if the 81949
beds are proposed to be licensed as nursing home beds under 81950
Chapter 3721. of the Revised Code; 81951

(2) Approval of beds in a new county home or new county 81952
nursing home, or an increase of beds in an existing county home or 81953
existing county nursing home if the beds are proposed to be 81954
certified as skilled nursing facility beds under the medicare 81955
program, Title XVIII of the "Social Security Act," 49 Stat. 286 81956
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 81957
the medicaid program, Title XIX of the "Social Security Act," 49 81958
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 81959

(3) An increase of hospital beds ~~registered pursuant to~~ 81960
~~section 3701.07 of the Revised Code~~ reported in an application 81961
submitted under section 3722.03 of the Revised Code as long-term 81962
care beds; 81963

(4) An increase of hospital beds ~~registered pursuant to~~ 81964
~~section 3701.07 of the Revised Code~~ reported in an application 81965

submitted under section 3722.03 of the Revised Code as special 81966
skilled nursing beds that were originally authorized by and are 81967
operated in accordance with section 3702.521 of the Revised Code. 81968

(B) The director shall accept applications described in 81969
division (A) of this section at any time. 81970

Sec. 3702.593. (A) At the times specified in this section, 81971
the director of health shall accept, for review under section 81972
3702.52 of the Revised Code, certificate of need applications for 81973
any of the following purposes if the proposed increase in beds is 81974
attributable solely to relocation of existing beds from an 81975
existing long-term care facility in a county with excess beds to a 81976
long-term care facility in a county in which there are fewer 81977
long-term care beds than the county's bed need: 81978

(1) Approval of beds in a new long-term care facility or an 81979
increase of beds in an existing long-term care facility if the 81980
beds are proposed to be licensed as nursing home beds under 81981
Chapter 3721. of the Revised Code; 81982

(2) Approval of beds in a new county home or new county 81983
nursing home, or an increase of beds in an existing county home or 81984
existing county nursing home if the beds are proposed to be 81985
certified as skilled nursing facility beds under the medicare 81986
program, Title XVIII of the "Social Security Act," 49 Stat. 286 81987
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 81988
the medicaid program, Title XIX of the "Social Security Act," 49 81989
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 81990

(3) An increase of hospital beds ~~registered pursuant to~~ 81991
~~section 3701.07 of the Revised Code~~ reported in an application 81992
submitted under section 3722.03 of the Revised Code as long-term 81993
care beds. 81994

(B) For the purpose of implementing this section, the 81995

director shall do all of the following:	81996
(1) Not later than October 1, 2023, and every four years thereafter, determine the long-term care bed supply for each county, which shall consist of all of the following:	81997 81998 81999
(a) Nursing home beds licensed under Chapter 3721. of the Revised Code;	82000 82001
(b) Beds certified as skilled nursing facility beds under the medicare program or nursing facility beds under the medicaid program;	82002 82003 82004
(c) Beds in any portion of a hospital that are properly registered under section 3701.07 <u>reported in an application submitted under section 3722.03</u> of the Revised Code as skilled nursing beds, long-term care beds, or special skilled nursing beds;	82005 82006 82007 82008 82009
(d) Beds in a county home or county nursing home that are certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and are eligible for licensure as nursing home beds;	82010 82011 82012 82013
(e) Beds described in division (O) (5) of section 3702.51 of the Revised Code.	82014 82015
(2) Determine the long-term care bed occupancy rate for the state at the time the determination is made;	82016 82017
(3) For each county, determine the county's bed need by identifying the number of long-term care beds that would be needed in the county in order for the statewide occupancy rate for a projected population aged sixty-five and older to be ninety per cent.	82018 82019 82020 82021 82022
In determining each county's bed need, the director shall use the formula developed in rules adopted under section 3702.57 of the Revised Code. A determination shall be made not later than	82023 82024 82025

October 1, 2023, and every four years thereafter. After each 82026
determination is made, the director shall publish the county's bed 82027
need on the web site maintained by the department of health. 82028

(C) The director's consideration of an application for a 82029
certificate of need that would increase the number of beds in a 82030
county shall be consistent with the county's bed need determined 82031
under division (B) of this section except as follows: 82032

(1) If a county's occupancy rate is less than eighty-five per 82033
cent, the county shall be considered to have no need for 82034
additional beds. 82035

(2) Even if a county is determined not to need any additional 82036
long-term care beds, the director may approve an increase in beds 82037
equal to up to ten per cent of the county's bed supply if the 82038
county's occupancy rate is greater than ninety per cent. 82039

(D) (1) For the review process used in considering certificate 82040
of need applications, the director shall establish a review period 82041
that begins January 1, 2020, and ends December 31, 2023. 82042
Thereafter, the review period for each review process shall begin 82043
on the first day of January following the end of the previous 82044
review period and shall be four years. 82045

(2) Certificate of need applications shall be accepted during 82046
the first month of the review period and reviewed through the 82047
thirtieth day of September of the year in which the review period 82048
begins. 82049

(E) The director shall consider certificate of need 82050
applications in accordance with all of the following: 82051

(1) The number of beds approved for a county shall include 82052
only beds available for relocation from another county and shall 82053
not exceed the bed need of the receiving county; 82054

(2) The director shall consider the existence of community 82055

resources serving persons who are age sixty-five or older or 82056
disabled that are demonstrably effective in providing alternatives 82057
to long-term care facility placement. 82058

(3) The director shall approve relocation of beds from a 82059
county only if, after the relocation, the number of beds remaining 82060
in the county will exceed the county's bed need by at least one 82061
hundred beds; 82062

(4) The director shall approve relocation of beds from a 82063
long-term care facility only if, after the relocation, the number 82064
of beds in the facility's service area is at least equal to the 82065
state bed need rate. For purposes of this division, a facility's 82066
service area shall be either of the following: 82067

(a) The census tract in which the facility is located, if the 82068
facility is located in an area designated by the United States 82069
secretary of health and human services as a health professional 82070
shortage area under the "Public Health Service Act," 88 Stat. 682 82071
(1944), 42 U.S.C. 254(e), as amended; 82072

(b) The area that is within a fifteen-mile radius of the 82073
facility's location, if the facility is not located in a health 82074
professional shortage area. 82075

(F) Applications made under this section are subject to 82076
comparative review if two or more applications are submitted 82077
during the same review period and any of the following applies: 82078

(1) The applications propose to relocate beds from the same 82079
county and the number of beds for which certificates of need are 82080
being requested totals more than the number of beds available in 82081
the county from which the beds are to be relocated. 82082

(2) The applications propose to relocate beds to the same 82083
county and the number of beds for which certificates of need are 82084
being requested totals more than the number of beds needed in the 82085
county to which the beds are to be relocated. 82086

(3) The applications propose to relocate beds from the same 82087
service area and the number of beds left in the service area from 82088
which the beds are being relocated would be less than the state 82089
bed need rate determined by the director. 82090

(G) In determining which applicants should receive preference 82091
in the comparative review process, the director shall consider all 82092
of the following as weighted priorities: 82093

(1) Whether the beds will be part of a continuing care 82094
retirement community; 82095

(2) Whether the beds will serve an underserved population, 82096
such as low-income individuals, individuals with disabilities, or 82097
individuals who are members of racial or ethnic minority groups; 82098

(3) Whether the project in which the beds will be included 82099
will provide alternatives to institutional care, such as adult 82100
day-care, home health care, respite or hospice care, mobile meals, 82101
residential care, independent living, or congregate living 82102
services; 82103

(4) Whether the long-term care facility's owner or operator 82104
will participate in medicaid waiver programs for alternatives to 82105
institutional care; 82106

(5) Whether the project in which the beds will be included 82107
will reduce alternatives to institutional care by converting 82108
residential care beds or other alternative care beds to long-term 82109
care beds; 82110

(6) Whether the facility in which the beds will be placed has 82111
positive resident and family satisfaction surveys; 82112

(7) Whether the facility in which the beds will be placed has 82113
fewer than fifty long-term care beds; 82114

(8) Whether the long-term care facility in which the beds 82115
will be placed is located within the service area of a hospital 82116

and is designed to accept patients for rehabilitation after an 82117
in-patient hospital stay; 82118

(9) Whether the long-term care facility in which the beds 82119
will be placed is or proposes to become a nurse aide training and 82120
testing site; 82121

(10) The rating, under the centers for medicare and medicaid 82122
services' five star nursing home quality rating system, of the 82123
long-term care facility in which the beds will be placed. 82124

(H) A person who has submitted an application under this 82125
section that is not subject to comparative review may revise the 82126
site of the proposed project pursuant to section 3702.522 of the 82127
Revised Code. 82128

(I) When a certificate of need application is approved, in 82129
addition to the actions required by division (D) of section 82130
3702.52 of the Revised Code, the long-term care facility from 82131
which the beds were relocated shall reduce the number of beds 82132
operated in the facility by a number of beds equal to at least ten 82133
per cent of the number of beds relocated. If these beds are in a 82134
home licensed under Chapter 3721. of the Revised Code, the 82135
long-term care facility shall have the beds removed from the 82136
license. If the beds are in a facility that is certified as a 82137
skilled nursing facility or nursing facility under Title XVIII or 82138
XIX of the "Social Security Act," the facility shall surrender the 82139
certification of these beds. If the beds are ~~registered~~ reported 82140
in an application submitted under section 3722.03 of the Revised 82141
Code as skilled nursing beds or long-term care beds ~~under section~~ 82142
~~3701.07 of the Revised Code~~, the long-term care facility shall 82143
surrender the registration for these beds. This reduction shall be 82144
made not later than the completion date of the project for which 82145
the beds were relocated. 82146

Sec. 3705.30. (A) As used in this section: 82147

(1) ~~"Freestanding birthing center" has the same meaning as in section 3702.141 of the Revised Code~~ has the same meaning as in section 3701.503 of the Revised Code.

(2) ~~"Hospital" means a hospital classified under section 3701.07 of the Revised Code as a general hospital or children's hospital~~ has the same meaning as in section 3722.01 of the Revised Code.

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(B) The director of health shall establish and, if funds for this purpose are available, implement a statewide birth defects information system for the collection of information concerning congenital anomalies, stillbirths, and abnormal conditions of newborns.

(C) If the system is implemented under division (B) of this section, all of the following apply:

(1) The director may require each physician, hospital, and freestanding birthing center to report to the system information concerning all patients under five years of age with a primary diagnosis of a congenital anomaly or abnormal condition. The director shall not require a hospital, freestanding birthing center, or physician to report to the system any information that is reported to the director or department of health under another provision of the Revised Code or Administrative Code.

(2) On request, each physician, hospital, and freestanding birthing center shall give the director or authorized employees of the department of health access to the medical records of any patient described in division (C)(1) of this section. The department shall pay the costs of copying any medical records pursuant to this division.

(3) The director may review vital statistics records and 82179
shall consider expanding the list of congenital anomalies and 82180
abnormal conditions of newborns reported on birth certificates 82181
pursuant to section 3705.08 of the Revised Code. 82182

(D) A physician, hospital, or freestanding birthing center 82183
that provides information to the system under division (C) of this 82184
section shall not be subject to criminal or civil liability for 82185
providing the information. 82186

Sec. 3705.41. (A) As used in this section: 82187

(1) "Freestanding birthing center" ~~has the same meaning as in~~ 82188
~~section 3702.141 of the Revised Code~~ has the same meaning as in 82189
section 3701.503 of the Revised Code. 82190

(2) "Funeral services worker" means a person licensed as a 82191
funeral director or embalmer under Chapter 4717. of the Revised 82192
Code or an individual responsible for the direct final disposition 82193
of a deceased person. 82194

(3) "Hospital" ~~means a hospital classified pursuant to rules~~ 82195
~~adopted under section 3701.07 of the Revised Code as a general~~ 82196
~~hospital or children's hospital and to which either of the~~ 82197
~~following applies:~~ 82198

~~(a) The hospital has a maternity unit.~~ 82199

~~(b) The hospital receives for care infants who have been~~ 82200
~~transferred to it from other facilities and who have never been~~ 82201
~~discharged to their residences following birth~~ has the same 82202
meaning as in section 3722.01 of the Revised Code. 82203

~~(4) "Maternity unit" means the distinct portion of a hospital~~ 82204
~~licensed as a maternity unit under Chapter 3711. of the Revised~~ 82205
~~Code.~~ 82206

(B) At least annually, the state registrar shall offer to 82207
provide training for appropriate staff of hospitals and 82208

freestanding birthing centers, as well as funeral services 82209
workers, on their responsibilities under the laws of this state 82210
and any rules adopted pursuant to those laws pertaining to vital 82211
records. If provided, the training shall cover correct data entry 82212
procedures and time limits for reporting vital statistics 82213
information for the purpose of ensuring accuracy and consistency 82214
of the system of vital statistics. 82215

Sec. 3711.01. As used in this chapter: 82216

(A) "Board of health" means a board of health of a city or 82217
general health district or the authority having the duties of a 82218
board of health under section 3709.05 of the Revised Code. 82219

(B) "Maternity home" means a facility for pregnant girls and 82220
women where accommodations, medical care, and social services are 82221
provided during the prenatal and postpartal periods. "Maternity 82222
home" does not include a private residence where obstetric or 82223
newborn services are received by a resident of the home. 82224

~~(C) "Maternity unit" means a distinct portion of a hospital 82225
in which inpatient care is provided to women during all or part of 82226
the maternity cycle. 82227~~

~~(D) "Newborn care nursery" means a distinct portion of a 82228
hospital in which inpatient care is provided to infants. "Newborn 82229
care nursery" includes a distinct portion of a hospital in which 82230
intensive care is provided to infants. 82231~~

Sec. 3711.02. (A) Except as provided in division (B) of this 82232
section, no person shall operate ~~any of the following,~~ a maternity 82233
home unless the person holds the appropriate license issued under 82234
this chapter and the license is valid. 82235

~~(1) A maternity unit, 82236~~

~~(2) A newborn care nursery, 82237~~

~~(3) A maternity home.~~ 82238

(B) Division (A) of this section does not apply to a health 82239
care facility, as defined in section 3702.30 of the Revised Code. 82240

Sec. 3711.04. Each person seeking to operate a ~~maternity~~ 82241
~~unit, newborn care nursery, or~~ maternity home shall apply to the 82242
director of health for a license under this chapter. The 82243
application shall be submitted in the form and manner prescribed 82244
by the director in rules adopted under section 3711.12 of the 82245
Revised Code. 82246

~~A single application and license is required if an applicant~~ 82247
~~will operate both a maternity unit and newborn care nursery.~~ 82248

Sec. 3711.05. (A) The director of health shall review all 82249
applications received under section 3711.04 of the Revised Code. 82250
On receipt of a complete application, the director shall send a 82251
copy of the application to the board of health of the city or 82252
general health district in which the ~~maternity unit, newborn care~~ 82253
~~nursery, or~~ maternity home is to be operated. 82254

Unless the board finds that an applicant is not in compliance 82255
with an applicable health regulation adopted by the board, the 82256
board shall approve the application. The board shall notify the 82257
director of its determination to approve or disapprove the 82258
application. If the board does not notify the director of its 82259
determination by the end of the thirtieth day after the board 82260
receives the copy of the application, the application is deemed to 82261
have been approved by the board. 82262

(B) The director shall issue a license to an applicant if all 82263
of the following requirements are met: 82264

(1) The board of health approves the application or the 82265
application is deemed to have been approved; 82266

(2) The applicant meets the standards specified in rules 82267
adopted under section 3711.12 of the Revised Code; 82268

(3) The applicant passes the inspection required by section 82269
3711.06 of the Revised Code. 82270

(C) On issuance of a license, the director shall notify the 82271
board of health to which the application was sent under division 82272
(A) of this section. In the notice, the director shall specify the 82273
terms that apply to the license. 82274

Sec. 3711.06. The director of health shall inspect each 82275
~~maternity unit, newborn care nursery, or~~ maternity home for which 82276
a person has applied for an initial license under section 3711.04 82277
of the Revised Code prior to issuing the license. Inspections 82278
shall be conducted in accordance with inspection criteria, 82279
procedures, and guidelines adopted by the director under section 82280
3711.12 of the Revised Code. 82281

Sec. 3711.10. The director of health shall monitor compliance 82282
with this chapter and the rules adopted under it. The director may 82283
conduct inspections of a ~~maternity unit, newborn care nursery, or~~ 82284
maternity home as necessary to adequately monitor compliance with 82285
this chapter and the rules adopted under it. The inspections may 82286
be scheduled or random. 82287

The board of health of the city or general health district in 82288
which a ~~maternity unit, newborn care nursery, or~~ maternity home is 82289
located may conduct inspections of the ~~unit, nursery, or~~ home as 82290
necessary to adequately monitor compliance with any applicable 82291
health regulation adopted by the board. The inspections may be 82292
scheduled or random. 82293

Sec. 3711.12. (A) The director of health shall adopt rules in 82294
accordance with Chapter 119. of the Revised Code as the director 82295

considers necessary to implement the requirements of this chapter 82296
for licensure and operation of ~~maternity units, newborn care~~ 82297
~~nurseries, and~~ maternity homes. The rules shall include provisions 82298
for the following: 82299

(1) Licensure application forms and procedures; 82300

(2) Renewal procedures, including procedures that address the 82301
right of the director of health, at the director's sole 82302
discretion, to conduct an inspection prior to renewal of a 82303
license; 82304

(3) Initial license fees and license renewal fees; 82305

(4) Fees for inspections conducted by the director under 82306
section 3711.10 of the Revised Code; 82307

(5) Safety standards, quality-of-care standards, and 82308
quality-of-care data reporting requirements; 82309

(6) Reporting and auditing requirements; 82310

(7) Inspection criteria, procedures, and guidelines; 82311

(8) Application forms to be used and procedures to be 82312
followed in applying under section 3711.13 of the Revised Code for 82313
a variance or waiver of any of the requirements of the rules 82314
adopted under this section regarding the operation of a maternity 82315
home; 82316

(9) Any other rules necessary to implement this chapter. 82317

(B) When adopting rules under this section, the director 82318
shall give consideration to recommendations regarding obstetric 82319
and newborn care issued by the American college of obstetricians 82320
and gynecologists; American academy of pediatrics; American 82321
academy of family physicians; American society of 82322
anesthesiologists; American college of nurse-midwives; United 82323
States centers for disease control and prevention; association of 82324

women's health, obstetric and neonatal nurses; and association of 82325
perioperative registered nurses, or their successor organizations. 82326

Sec. 3711.14. (A) In accordance with Chapter 119. of the 82327
Revised Code, the director of health may do any of the following: 82328

(1) Impose a civil penalty of not less than one thousand 82329
dollars and not more than two hundred fifty thousand dollars on a 82330
person who violates a provision of this chapter or the rules 82331
adopted under it; 82332

(2) Summarily suspend, in accordance with division (B) of 82333
this section, a license issued under this chapter if the director 82334
believes there is clear and convincing evidence that the continued 82335
operation of a ~~maternity unit, newborn care nursery, or~~ maternity 82336
home presents a danger of immediate and serious harm to the 82337
public; 82338

(3) Revoke a license issued under this chapter if the 82339
director determines that a violation of a provision of this 82340
chapter or the rules adopted under it has occurred in such a 82341
manner as to pose an imminent threat of serious physical or 82342
life-threatening danger. 82343

(B) If the director suspends a license under division (A) (2) 82344
of this section, the director shall issue a written order of 82345
suspension and cause it to be delivered by certified mail or in 82346
person in accordance with section 119.07 of the Revised Code. The 82347
order shall not be subject to suspension by the court while an 82348
appeal filed under section 119.12 of the Revised Code is pending. 82349
If the individual subject to the suspension requests an 82350
adjudication, the date set for the adjudication shall be within 82351
fifteen days but not earlier than seven days after the individual 82352
makes the request, unless another date is agreed to by both the 82353
individual and the director. The summary suspension shall remain 82354
in effect, unless reversed by the director, until a final 82355

adjudication order issued by the director pursuant to this section 82356
and Chapter 119. of the Revised Code becomes effective. 82357

The director shall issue a final adjudication order not later 82358
than ninety days after completion of the adjudication. If the 82359
director does not issue a final order within the ninety-day 82360
period, the summary suspension shall be void, but any final 82361
adjudication order issued subsequent to the ninety-day period 82362
shall not be affected. 82363

(C) If the director issues an order revoking or suspending a 82364
license issued under this chapter and the license holder continues 82365
to operate a ~~maternity unit, newborn care nursery, or~~ maternity 82366
home, the director may ask the attorney general to apply to the 82367
court of common pleas of the county in which the person is located 82368
for an order enjoining the person from operating the ~~unit,~~ 82369
~~nursery, or~~ home. The court shall grant the order on a showing 82370
that the person is operating the ~~unit, nursery, or~~ home. 82371

Sec. 3711.30. (A) As used in this section, "opioid" means 82372
~~opium, opium derivatives, and synthetic opium substitutes~~ an 82373
opioid analgesic as defined in section 3719.01 of the Revised 82374
Code. 82375

(B) Each ~~maternity unit, newborn care nursery, and~~ maternity 82376
home shall report to the department of health the number of 82377
newborns born to residents of this state in the ~~unit, nursery, or~~ 82378
home during the preceding calendar quarter that were diagnosed as 82379
opioid dependent at birth. The reports shall be submitted not 82380
later than thirty days after the end of each quarter and shall not 82381
include any patient-identifying information. 82382

(C) The department shall establish standards and procedures 82383
for reporting the information required by this section. The 82384
information reported under this section shall not be used for law 82385
enforcement purposes or disclosed to law enforcement authorities. 82386

(D) The department shall compile the information submitted 82387
under this section and make a summary of that information 82388
available to the public not later than ninety days after the end 82389
of each calendar year. 82390

Sec. 3722.01. As used in this chapter: 82391

(A) "Children's hospital" means either of the following: 82392

(1) A hospital that provides general pediatric medical and 82393
surgical care in which at least seventy-five per cent of annual 82394
inpatient discharges for the preceding two calendar years were 82395
individuals less than eighteen years of age; 82396

(2) A distinct portion of a hospital that provides general 82397
pediatric medical and surgical care, has a total of at least one 82398
hundred fifty pediatric special care and pediatric acute care 82399
beds, and in which at least seventy-five per cent of annual 82400
inpatient discharges for the preceding two calendar years were 82401
individuals less than eighteen years of age. 82402

(B) "Health care service" means any of the following: 82403

(1) Pediatric intensive care; 82404

(2) Solid organ and bone marrow transplantation; 82405

(3) Stem cell harvesting and reinfusion; 82406

(4) Cardiac catheterization; 82407

(5) Open heart surgery; 82408

(6) Operation of linear accelerators; 82409

(7) Operation of cobalt radiation therapy units; 82410

(8) Operation of gamma knives. 82411

(C) "Hospital" means an institution or facility that provides 82412
inpatient medical or surgical services for a continuous period 82413
longer than twenty-four hours. "Hospital" includes a children's 82414

hospital. 82415

(D) "Political subdivision" means a county, township, municipal corporation, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state. 82416
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(E) "State university" has the same meaning as in section 3345.12 of the Revised Code. 82420
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Sec. 3722.02. (A) It is the intent of the General Assembly in enacting Chapter 3722. of the Revised Code to require each hospital operating in this state to be licensed by the director of health. Beginning on the date that is three years after the effective date of this section, any reference to a hospital contained in the Revised Code in a chapter other than Chapter 3722. of the Revised Code shall be construed to mean a hospital licensed under Chapter 3722. of the Revised Code. 82422
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(B) Beginning on the date that is three years after the effective date of this section, no person and no political subdivision, agency, or instrumentality of this state shall operate a hospital without holding a license issued by the director of health under section 3722.03 of the Revised Code. 82430
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(C) Division (A) of this section does not apply to any of the following: 82435
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(1) A hospital operated by the federal government; 82437

(2) An ambulatory surgical facility or other health care facility licensed as described in section 3702.30 of the Revised Code; 82438
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(3) A nursing home or residential care facility licensed under Chapter 3721. of the Revised Code; 82441
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(4) A hospital or inpatient unit licensed under section 5119.33 of the Revised Code; 82443
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- (5) A residential facility as defined in section 5119.34 of the Revised Code; 82445
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- (6) A residential facility as defined in section 5123.19 of the Revised Code; 82447
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- (7) A community addiction services provider as defined in section 5119.01 of the Revised Code; 82449
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- (8) A facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code; 82451
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- (9) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and that is used exclusively for the care of hospice patients; 82454
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- (10) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code and that is used exclusively for the care of pediatric respite care patients; 82457
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- (11) The site where a health care practice is operated, regardless of whether the practice is organized as an individual or group practice; 82460
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- (12) A clinic providing ambulatory patient services where patients are not regularly admitted as inpatients; 82463
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- (13) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 26 U.S.C. 1, and providing twenty-four-hour nursing care pursuant to the exemption from the licensing requirements of Chapter 4723. of the Revised Code described in division (E) of section 4723.32 of the Revised Code. 82465
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- (D) (1) If the director of health determines that a hospital 82474

is operating without a license in violation of this section, the 82475
director shall do any of the following: 82476

(a) Notify the hospital that it is operating without a 82477
license and provide it with an opportunity to apply for licensure, 82478
but only within the thirty-day period beginning on the date the 82479
hospital received the director's notice; 82480

(b) Direct the hospital to cease operations; 82481

(c) Impose a civil penalty of not more than two hundred fifty 82482
thousand dollars; 82483

(d) In addition to the penalty described in division 82484
(D) (1) (c) of this section, impose a penalty of not less than one 82485
thousand dollars and not more than ten thousand dollars for each 82486
day the hospital operates without a license. 82487

(2) If the hospital described in division (D) (1) of this 82488
section continues to operate without a license, the director may 82489
petition the court of common pleas of the county in which the 82490
hospital is located for an order enjoining the hospital from 82491
operating. 82492

Sec. 3722.03. (A) Subject to division (D) of this section, 82493
each person or political subdivision, agency, or instrumentality 82494
of this state, including a state university, seeking to operate a 82495
hospital shall apply to the director of health for a license to 82496
operate a hospital. 82497

The director of health shall not consider any application for 82498
licensure until the date that is one year after the effective date 82499
of this section. An application shall be submitted in the form and 82500
manner prescribed by the director in rules adopted under section 82501
3722.06 of the Revised Code. 82502

(B) To be eligible for a license, an applicant must satisfy 82503
all of the following: 82504

(1) Have submitted a complete application, which includes identifying the main hospital location and any location operated by the hospital pursuant to 42 C.F.R. 413.65 and paying the fee specified in rules adopted under section 3722.06 of the Revised Code; 82505
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(2) Be certified under Title XVIII of the "Social Security Act," 42 U.S.C. 1395aa, or accredited by a national accrediting organization approved by the federal centers for medicare and medicaid services in accordance with 42 U.S.C. 1395bb(a), or, in the case of a new hospital, eligible under rules adopted under section 3722.06 of the Revised Code; 82510
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(3) Demonstrate the ability to comply with standards established in rules adopted under section 3722.06 of the Revised Code; 82516
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(4) Specify the number of beds for the hospital, including skilled nursing beds, long-term care beds, and special skilled nursing beds. 82519
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(C)(1) If the applicant satisfies the requirements described in division (B) of this section, the director shall issue to the applicant a license to operate a hospital. 82522
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(2) A license issued under this section is valid for a three-year period unless revoked or suspended. A license expires on the date that is three years from the date of issuance and may be renewed for additional three-year periods. Applications for renewal shall be submitted to the director in a manner prescribed in rules adopted under section 3722.06 of the Revised Code. 82525
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(3) Both of the following apply to a license issued under this section: 82531
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(a) The license is valid only for the hospital identified in the application. 82533
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(b) The license holder shall post a copy of the license in a conspicuous place in the hospital. 82535
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(D) This section does not prohibit the director of health from issuing a license to a hospital that does either or both of the following: 82537
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(1) Occupies space in a building that is also used by another hospital or hospitals; 82540
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(2) Occupies one or more buildings located on the same campus as buildings used by another hospital or hospitals. 82542
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Sec. 3722.04. If a hospital licensed under this chapter is assigned, sold, or transferred to a new owner, within thirty days of the assignment, sale, or transfer, the new owner shall apply to the director of health for a license transfer. The application shall be submitted to the director in the form and manner prescribed in rules adopted under section 3722.06 of the Revised Code. 82544
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The new owner is responsible for compliance with any action taken or proposed by the director under section 3722.07 or 3722.08 of the Revised Code. If a notice has been issued under section 119.07 of the Revised Code, the new owner becomes party to the notice. 82551
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Sec. 3722.05. (A) Upon the filing of an initial application for licensure under section 3722.03 of the Revised Code, the director of health may inspect the hospital prior to issuing or denying the applicant a license to operate a hospital. An applicant may avoid such an inspection if the applicant submits with the application a copy of the hospital's most recent final on-site survey report from the federal centers for medicare and medicaid services or an accrediting organization approved under 42 U.S.C. 1395bb(a) demonstrating that the hospital is certified or 82556
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accredited. 82565

(B) When filing an application to renew a license issued under section 3722.03 of the Revised Code, an applicant may avoid an inspection by the director if the applicant submits with the application a copy of the hospital's most recent final on-site survey report from the federal centers for medicare and medicaid services or an accrediting organization approved under 42 U.S.C. 1395bb(a) demonstrating that the hospital is certified or accredited. 82566
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(C) For purposes of this section, a final on-site survey report from the federal centers for medicare and medicaid services or an accrediting organization submitted in accordance with this section is confidential and is not a public record under section 149.43 of the Revised Code. 82574
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(D) At least once every thirty-six months, the director shall inspect each licensed hospital's maternity unit, newborn care nursery, and any unit providing health care services. 82579
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(E) The director may at any time inspect a licensed hospital in order to address an incident that may impact public health, respond to a complaint submitted to the director, or otherwise ensure the safety of patients cared for by the hospital. 82582
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(F) Any inspection conducted under this section is subject to a fee. Upon conducting the inspection, the director shall provide the applicant or license holder with a fee statement. Not later than fifteen days after receiving the fee statement, the applicant or license holder shall submit to the director the total amount of the fee. 82586
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Sec. 3722.06. (A) Not later than the date that is one year after the effective date of this section, the director of health shall adopt rules establishing health, safety, welfare, and 82592
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<u>quality standards for hospitals licensed under this chapter,</u>	82595
<u>including standards for all of the following:</u>	82596
<u>(1) Maternity units;</u>	82597
<u>(2) Newborn care nurseries;</u>	82598
<u>(3) Health care services.</u>	82599
<u>(B) Not later than the date that is one year after the</u>	82600
<u>effective date of this section, the director shall adopt rules</u>	82601
<u>establishing standards and procedures for the licensure of</u>	82602
<u>hospitals, including all of the following:</u>	82603
<u>(1) Procedures for applying and renewing licenses as</u>	82604
<u>described in section 3722.03 of the Revised Code;</u>	82605
<u>(2) Procedures for transferring licenses as described in</u>	82606
<u>section 3722.04 of the Revised Code;</u>	82607
<u>(3) Procedures for inspections following complaints;</u>	82608
<u>(4) Subject to division (C)(1) of this section, fees for</u>	82609
<u>initial applications, license renewals, and license transfers, as</u>	82610
<u>well as inspections conducted under section 3722.05 of the Revised</u>	82611
<u>Code;</u>	82612
<u>(5) Subject to division (C)(2) of this section, standards and</u>	82613
<u>procedures for imposing civil penalties as described in section</u>	82614
<u>3722.07 of the Revised Code;</u>	82615
<u>(6) Subject to division (C)(3) of this section, standards and</u>	82616
<u>procedures for correcting violations, including through the</u>	82617
<u>submission of correction plans;</u>	82618
<u>(7) Standards and procedures for identifying, monitoring,</u>	82619
<u>managing, reporting, and reducing exposures to risk conditions,</u>	82620
<u>such as Legionella, including through the use of environmental</u>	82621
<u>facility assessments, the development of water management plans,</u>	82622
<u>and the use of disinfection measures;</u>	82623

<u>(8) Standards and procedures for data reporting;</u>	82624
<u>(9) Standards and procedures for emergency preparedness;</u>	82625
<u>(10) Standards and procedures for the provision of technical assistance as described in section 3722.09 of the Revised Code;</u>	82626 82627
<u>(11) Standards and procedures for new hospitals to demonstrate eligibility as described in division (B)(2) of section 3722.03 of the Revised Code;</u>	82628 82629 82630
<u>(12) Standards and procedures to address changes to a hospital's license, including adding or removing a location of the hospital.</u>	82631 82632 82633
<u>(C)(1) In the case of an inspection fee described in division (B)(4) of this section, the director shall establish an amount to cover only the cost of the inspection. All other fees established under that division shall be limited to what is necessary to support the hospital licensure program.</u>	82634 82635 82636 82637 82638
<u>(2) The director shall establish a scale for use in determining the amount of a civil penalty that may be imposed under section 3722.07 of the Revised Code. The scale shall include per day amounts for ongoing violations. The total amount of a civil penalty shall not exceed two hundred fifty thousand dollars for each violation.</u>	82639 82640 82641 82642 82643 82644
<u>(3) The director shall accept a corrective action plan that also was accepted by the federal centers for medicare and medicaid services or an accrediting organization approved under 42 U.S.C. 1395bb(a) provided that the plan was submitted to the centers or organization in response to the same deficiencies identified by the director.</u>	82645 82646 82647 82648 82649 82650
<u>(D) The director may adopt any other rules as necessary to implement this chapter.</u>	82651 82652
<u>(E) When adopting rules under this section, all of the</u>	82653

following apply: 82654

(1) The director shall adopt the rules in accordance with Chapter 119. of the Revised Code; 82655
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(2) Any rules adopted are not subject to division (F) of section 121.95 of the Revised Code; 82657
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(3) The director shall collaborate with representatives of this state's hospital industry to maximize the public health utility of rules adopted under this section and limit the administrative burden of and costs of complying with such rules. 82659
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(4) The director shall not adopt rules that conflict with requirements under federal laws or regulations. 82663
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Sec. 3722.07. (A) Each hospital licensed under this chapter shall comply with the requirements of this chapter and the rules adopted under it. 82665
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(B) In accordance with Chapter 119. of the Revised Code, if the director of health finds that a license holder has violated any requirement of this chapter or the rules adopted under it, the director may do any of the following: 82668
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(1) Impose a civil penalty of not less than one thousand dollars and not more than two hundred fifty thousand dollars; 82672
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(2) Require the license holder to submit a plan to correct or mitigate the violation; 82674
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(3) Suspend a health care service or revoke a license issued under this chapter if the director determines that the license holder is not in substantial compliance with this chapter or the rules adopted under it. 82676
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(C) (1) If the director takes action under division (B) (3) of this section, the director shall give written notice of proposed action to the hospital. The notice shall specify all of the 82680
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following: 82683

(a) The nature of the conditions giving rise to the director's judgment; 82684
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(b) The measures that the director determines the hospital must take to respond to the conditions; 82686
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(c) The date, which shall be not later than thirty days after the notice is delivered, on which the director intends to suspend the health care service or revoke the license if the conditions are not corrected and the director determines that the license holder has not come into substantial compliance with this chapter or the rules adopted under it. 82688
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(2) If the licensed hospital notifies the director, within the period of time specified in division (C)(1)(c) of this section, that the conditions giving rise to the director's determination have been corrected and that the hospital is in substantial compliance with this chapter and the rules adopted under it, the director shall conduct an inspection. The director may suspend the health care service or revoke the license if the director determines on the basis of the inspection that the conditions have not been corrected and the license holder has not come into substantial compliance with this chapter or the rules adopted under it. 82694
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(3) If the licensed hospital fails to notify the director, within the period of time specified in division (C)(1)(c) of this section, that the conditions giving rise to the director's determination have been corrected and that the hospital is in substantial compliance with this chapter and the rules adopted under it, the director may suspend the health care service or revoke the license. 82705
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(D) If the director suspends a health care service or revokes a license under division (C) of this section, the director shall 82712
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issue a written order of suspension or revocation and cause it to 82714
be delivered by certified mail or in person in accordance with 82715
section 119.07 of the Revised Code. If the license holder subject 82716
to the suspension or revocation requests an adjudication, the date 82717
set for the adjudication shall be within seven days after the 82718
license holder makes the request, unless another date is agreed to 82719
by both the individual and the director. The suspension or 82720
revocation shall remain in effect, unless reversed by the 82721
director, until a final adjudication order issued by the director 82722
pursuant to this section and Chapter 119. of the Revised Code 82723
becomes effective. 82724

The director shall issue a final adjudication order not later 82725
than fourteen days after completion of the adjudication. If the 82726
director does not issue a final order within the fourteen-day 82727
period, the suspension or revocation is void, but any final 82728
adjudication order issued subsequent to the fourteen-day period 82729
shall not be affected. 82730

(E) If the director issues a final adjudication order 82731
suspending a health care service or suspending or revoking a 82732
license issued under this chapter and the license holder continues 82733
to operate a hospital, the director may ask the attorney general 82734
to apply to the court of common pleas of the county in which the 82735
hospital is located for an order enjoining the license holder from 82736
operating the hospital. 82737

Sec. 3722.08. (A) As used in this section, "imminent threat 82738
of harm" means imminent danger of serious physical or 82739
life-threatening harm to one or more occupants of a hospital. 82740

(B) If, in the judgment of the director of health, an 82741
imminent threat of harm exists at any licensed hospital, the 82742
director may petition the court of common pleas of the county in 82743
which the hospital is located for such injunctive relief as is 82744

necessary to close the hospital, suspend a service within the 82745
hospital, transfer one or more occupants to other hospitals or 82746
other appropriate care settings, or otherwise eliminate the 82747
imminent threat of harm. The court has jurisdiction to grant such 82748
injunctive relief upon a showing that there is an imminent threat 82749
of harm. In such court proceeding, the hospital shall have an 82750
opportunity, before the court enters an order granting injunctive 82751
relief, to present evidence to the court that an imminent threat 82752
of harm does not exist or has been remedied. 82753

(C) (1) If the director determines that an imminent threat of 82754
harm exists at a licensed hospital and elects not to immediately 82755
seek injunctive relief under division (B) of this section, the 82756
director may give written notice of proposed action to the 82757
hospital. The notice shall specify all of the following: 82758

(a) The nature of the conditions giving rise to the imminent 82759
threat of harm; 82760

(b) The measures that the director determines the hospital 82761
must take to respond to the conditions; 82762

(c) The date on which the director intends to seek injunctive 82763
relief under division (B) of this section if the director 82764
determines that an imminent threat of harm remains at the 82765
hospital. 82766

(2) If the licensed hospital notifies the director, within 82767
the time specified pursuant to division (C) (1) (c) of this section, 82768
that it believes the conditions giving rise to the imminent threat 82769
of harm have been substantially corrected, the director shall 82770
conduct an inspection to determine whether an imminent threat of 82771
harm remains. If the director determines on the basis of the 82772
inspection that an imminent threat of harm remains, the director 82773
may petition under division (B) of this section for injunctive 82774
relief. 82775

(D) On finding that the imminent threat of harm for which injunctive relief was granted under division (B) of this section has been eliminated and that the hospital has demonstrated the capacity to prevent the imminent threat of harm from recurring, the court shall lift the injunctive relief. 82776
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If the imminent threat of harm cannot be eliminated practicably within a reasonable time, the court may order the hospital to close, transfer all patients to other hospitals or other appropriate care settings, or suspend a service. 82781
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(E) The director of health shall give notice of proposed action under this section to the following: 82785
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(1) The hospital's administrator; 82787

(2) The hospital's statutory agent. 82788

A notice shall be delivered by hand or certified mail. If mailed, the notice shall be addressed to the persons specified in this section, as indicated in the department of health's records. If hand delivered, the notice shall be delivered to persons who would reasonably appear to the average prudent person to have authority to accept them. 82789
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Sec. 3722.09. (A) The director of health may provide each licensed hospital with technical assistance in all of the following areas: 82795
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(1) Infectious diseases, including measures to prevent and control their spread; 82798
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(2) Quality improvement projects, including health equity and disparities; 82800
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(3) Population health initiatives; 82802

(4) Data analytics; 82803

(5) Workforce recruitment and development. 82804

(B) The director may engage with one or more quality improvement organizations to assist in providing technical assistance. The director may terminate the assistance of a quality improvement organization at any time. 82805
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(C) The director may use any fees and civil penalties collected under this chapter to fund the provision of technical assistance to licensed hospitals, including contracting with entities to provide training or technical assistance as determined necessary by the director. 82809
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Sec. 3722.10. Each hospital licensed under this chapter shall have a governing board to oversee the hospital's management, operation, and control. The governing board shall be responsible for overseeing the appointment, reappointment, and assignment of privileges to medical staff as described in section 3701.351 of the Revised Code. 82814
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Sec. 3722.11. (A) "Opioid" means opioid analgesic as defined in section 3719.01 of the Revised Code. 82820
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(B) Beginning on the date that is three years after the effective date of this section, each hospital licensed under this chapter that operates a maternity unit or newborn care nursery shall report to the director of health the number of newborns born to residents of this state in the unit or nursery during the preceding calendar quarter that were diagnosed as opioid dependent at birth. The reports shall be submitted not later than thirty days after the end of each quarter and shall not include any patient-identifying information. A third-party organization may report as described in this division on behalf of the hospital. 82822
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(C) The director shall establish standards and procedures for reporting the information required by this section, including reporting submitted by third-party organizations. The information 82832
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reported under this section shall not be used for law enforcement 82835
purposes or disclosed to law enforcement authorities. 82836

(D) The director shall compile the information submitted 82837
under this section and make a summary of that information 82838
available to the public not later than ninety days after the end 82839
of each calendar year. 82840

Sec. 3722.12. (A) Beginning on the date that is three years 82841
after the effective date of this section, each hospital shall 82842
report to the director of health the contagious, environmental, or 82843
infectious diseases, illnesses, or health conditions or unusual 82844
infectious agents or biological toxins for which it provides 82845
treatment to patients. A third-party organization may report as 82846
described in this division on behalf of the hospital. 82847

(B) The director shall adopt rules that do all of the 82848
following: 82849

(1) Specify the diseases, illnesses, conditions, infectious 82850
agents, and biological toxins to be reported under this section; 82851

(2) Specify the frequency with which a hospital shall report 82852
to the director under this section; 82853

(3) Prescribe the manner in which a hospital or third-party 82854
organization shall report to the director under this section. 82855

(C) Any information reported under this section shall be 82856
considered protected health information as described in section 82857
3701.17 of the Revised Code and shall be released only in 82858
accordance with that section. Information that does not identify 82859
an individual may be released in summary, statistical, or 82860
aggregate form. 82861

Sec. 3722.13. All initial license fees, renewal fees, fees 82862
for inspections conducted by the director of health and civil 82863

penalties collected under this chapter shall be deposited in the 82864
state treasury to the credit of the general operations fund 82865
created under section 3701.83 of the Revised Code. The moneys 82866
shall be used solely for purposes of administering and enforcing 82867
this chapter and the rules adopted under it. 82868

Sec. 3722.14. From the effective date of this section until 82869
the date that is three years after the effective date of this 82870
section, the requirements of this chapter apply only to a hospital 82871
that has obtained a license to operate issued under section 82872
3722.03 of the Revised Code. Beginning on the date that is three 82873
years after the effective date of this section, each hospital is 82874
subject to the requirements of this chapter. 82875

Sec. 3722.99. Beginning on the date that is three years from 82876
the effective date of this section, whoever violates division (B) 82877
of section 3722.02 of the Revised Code is guilty of a misdemeanor 82878
of the first degree and shall be liable for an additional penalty 82879
of one thousand dollars for each day of operation in violation of 82880
such division. 82881

Sec. 3727.70. As used in this section and sections 3727.71 to 82882
3727.79 of the Revised Code: 82883

(A) "Admission" means a patient's admission to a hospital on 82884
an inpatient basis by a health care professional ~~specified in~~ 82885
~~division (B) (1) of section 3727.06 of the Revised Code.~~ 82886

(B) "After-care" means assistance provided by a lay caregiver 82887
to a patient in the patient's residence after the patient's 82888
discharge and includes only the caregiving needs of the patient at 82889
the time of discharge. 82890

(C) "Discharge" means the discharge or release of a patient 82891
who has been admitted to a hospital on an inpatient basis from the 82892

hospital directly to the patient's residence. "Discharge" does not include the transfer of a patient to another facility or setting.

(D) "Discharging health care professional" means a health care professional who is authorized ~~by division (B) (1) of section 3727.06 of the Revised Code~~ to admit a patient to a hospital and who has assumed responsibility for directing the creation of the patient's discharge plan under section 3727.75 of the Revised Code.

(E) "Guardian" has the same meaning as in section 2133.01 of the Revised Code.

(F) "Lay caregiver" means an adult designated under section 3727.71 of the Revised Code to provide after-care to a patient.

(G) "Lay caregiver designation" means the designation of a lay caregiver for a patient as described in section 3727.71 of the Revised Code.

(H) (1) "Patient's residence" means either of the following:

(a) The dwelling that a patient or the patient's guardian considers to be the patient's home;

(b) The dwelling of a relative or other individual who has agreed to temporarily house the patient following discharge and who has communicated this fact to hospital staff.

(2) "Patient's residence" does not include any of the following:

(a) A hospital;

(b) A nursing home, residential care facility, county home, or district home, as defined in section 3721.01 of the Revised Code;

(c) A veterans' home operated under Chapter 5907. of the Revised Code;

(d) A residential facility, as defined in section 5119.34 of the Revised Code;	82922 82923
(e) A residential facility, as defined in section 5123.19 of the Revised Code;	82924 82925
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	82926 82927
(g) A freestanding inpatient rehabilitation facility licensed under section 3702.30 of the Revised Code;	82928 82929
(h) Another facility similar to one specified in this division.	82930 82931
Sec. 3781.112. (A) As used in this section, "secured facility" means any of the following:	82932 82933
(1) A maternity unit, newborn care nursery, or maternity home licensed under Chapter 3711. of the Revised Code;	82934 82935
(2) A pediatric intensive care unit subject to rules adopted by the director of health pursuant to section 3702.11 of the Revised Code;	82936 82937 82938
(3) A children's hospital, as defined in section 3727.01 <u>hospital licensed under Chapter 3722.</u> of the Revised Code;	82939 82940
(4) A hospital that is licensed under section 5119.33 of the Revised Code to receive mentally ill persons;	82941 82942
(5) The portion of a nursing home licensed under section 3721.02 of the Revised Code or in accordance with section 3721.09 of the Revised Code in which specialized care is provided to residents of the nursing home who have physical or mental conditions that require a resident to be restricted in the resident's freedom of movement for the health and safety of the resident, the staff attending the resident, or the general public.	82943 82944 82945 82946 82947 82948 82949
(B) A secured facility may take reasonable steps in	82950

accordance with rules the board of building standards adopts under 82951
division (A) of section 3781.10 of the Revised Code and in 82952
accordance with the state fire code the fire marshal adopts under 82953
section 3737.82 of the Revised Code, to deny egress to confine and 82954
protect patients or residents of the secured facility who are not 82955
capable of self-preservation. A secured facility that wishes to 82956
deny egress to those patients or residents may use delayed-egress 82957
doors and electronically coded doors to deny egress, on the 82958
condition that those doors are installed and used in accordance 82959
with rules the board of building standards adopts under division 82960
(A) of section 3781.10 of the Revised Code and in accordance with 82961
the state fire code the fire marshal adopts under section 3737.82 82962
of the Revised Code. A secured facility also may install 82963
controlled-egress locks, in compliance with rules the board of 82964
building standards adopts under division (A) of section 3781.10 of 82965
the Revised Code and in compliance with the state fire code the 82966
fire marshal adopts under section 3737.82 of the Revised Code, in 82967
areas of the secured facility where patients or residents who have 82968
physical or mental conditions that would endanger the patients or 82969
residents, the staff attending the patients or residents, or the 82970
general public if those patients or residents are not restricted 82971
in their freedom of movement. A secured facility that uses 82972
delayed-egress doors and electronically coded doors, 82973
controlled-egress locks, or both, shall do both of the following: 82974

(1) Provide continuous, twenty-four-hour custodial care to 82975
the patients or residents of the facility; 82976

(2) Establish a system to evacuate patients or residents in 82977
the event of fire or other emergency. 82978

Sec. 3901.40. No insurance company, health insuring 82979
corporation, or self-insurance plan authorized to do business in 82980
this state shall include or provide in its policies or subscriber 82981

agreements for benefit payments or reimbursement for services in 82982
any hospital which is not ~~certified or accredited as provided in~~ 82983
~~division (A) of section 3727.02~~ licensed under Chapter 3722. of 82984
the Revised Code. No hospital located in this state shall charge 82985
any insurance company, health insuring corporation, federal, 82986
state, or local government agency, or person for any services 82987
rendered unless the hospital is ~~certified or accredited as~~ 82988
~~provided in division (A) of section 3727.02~~ licensed under Chapter 82989
3722. of the Revised Code. "Hospital" as used in this section 82990
means only those institutions included within the definition of 82991
that term contained in section 3727.01 of the Revised Code, and 82992
the prohibitions in this section do not apply to facilities 82993
excluded from that definition. 82994

Sec. 3929.67. (A) A medical liability insurance policy that 82995
insures a physician or podiatrist, written by or on behalf of the 82996
medical liability underwriting association pursuant to sections 82997
3929.62 to 3929.70 of the Revised Code, may only be cancelled 82998
during the term of the policy for one of the following reasons: 82999

(1) Nonpayment of premiums; 83000

(2) The license of the insured to practice medicine and 83001
surgery, osteopathic medicine and surgery, or podiatric medicine 83002
and surgery has been suspended or revoked; 83003

(3) The insured's failure to meet minimum eligibility and 83004
underwriting standards; 83005

(4) The occurrence of a change in the individual risk that 83006
substantially increases any hazard insured against after the 83007
coverage has been issued or renewed, except to the extent that the 83008
medical liability underwriting association reasonably should have 83009
foreseen the change or contemplated the risk in writing the 83010
policy; 83011

(5) Discovery of fraud or material misrepresentation in the procurement of insurance or with respect to any claim submitted thereunder.

(B) A medical liability insurance policy that insures a hospital, written by or on behalf of the medical liability underwriting association pursuant to sections 3929.62 to 3929.70 of the Revised Code, may only be cancelled during the term of the policy for one of the following reasons:

(1) Nonpayment of premiums;

(2) The hospital is not ~~certified or accredited in accordance with~~ licensed under Chapter ~~3727~~ 3722. of the Revised Code;

(3) An injunction against the hospital has been granted under section ~~3727.05~~ 3722.08 of the Revised Code;

(4) The insured's failure to meet minimum eligibility and underwriting standards;

(5) The occurrence of a change in the individual risk that substantially increases any hazard insured against after the coverage has been issued or renewed, except to the extent that the medical liability underwriting association reasonably should have foreseen the change or contemplated the risk in writing the policy;

(6) Discovery of fraud or material misrepresentation in the procurement of insurance or with respect to any claim submitted thereunder.

Sec. 4723.431. (A) (1) An advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may practice only in accordance with a standard care arrangement entered into with each physician or podiatrist with whom the nurse collaborates. A copy of the standard care arrangement shall be retained on file by

the nurse's employer. Prior approval of the standard care arrangement by the board of nursing is not required, but the board may periodically review it for compliance with this section.

A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement with one or more collaborating physicians or podiatrists. If a collaborating physician or podiatrist enters into standard care arrangements with more than five nurses, the physician or podiatrist shall not collaborate at the same time with more than five nurses in the prescribing component of their practices.

Not later than thirty days after first engaging in the practice of nursing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, the nurse shall submit to the board the name and business address of each collaborating physician or podiatrist. Thereafter, the nurse shall notify the board of any additions or deletions to the nurse's collaborating physicians or podiatrists. Except as provided in division (D) of this section, the notice must be provided not later than thirty days after the change takes effect.

(2) All of the following conditions apply with respect to the practice of a collaborating physician or podiatrist with whom a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement:

(a) The physician or podiatrist must be authorized to practice in this state.

(b) Except as provided in division (A) (2) (c) of this section, the physician or podiatrist must be practicing in a specialty that is the same as or similar to the nurse's nursing specialty.

(c) If the nurse is a clinical nurse specialist who is

certified as a psychiatric-mental health CNS by the American 83072
nurses credentialing center or a certified nurse practitioner who 83073
is certified as a psychiatric-mental health NP by the American 83074
nurses credentialing center, the nurse may enter into a standard 83075
care arrangement with a physician but not a podiatrist and the 83076
collaborating physician must be practicing in one of the following 83077
specialties: 83078

(i) Psychiatry; 83079

(ii) Pediatrics; 83080

(iii) Primary care or family practice. 83081

(B) A standard care arrangement shall be in writing and shall 83082
contain all of the following: 83083

(1) Criteria for referral of a patient by the clinical nurse 83084
specialist, certified nurse-midwife, or certified nurse 83085
practitioner to a collaborating physician or podiatrist or another 83086
physician or podiatrist; 83087

(2) A process for the clinical nurse specialist, certified 83088
nurse-midwife, or certified nurse practitioner to obtain a 83089
consultation with a collaborating physician or podiatrist or 83090
another physician or podiatrist; 83091

(3) A plan for coverage in instances of emergency or planned 83092
absences of either the clinical nurse specialist, certified 83093
nurse-midwife, or certified nurse practitioner or a collaborating 83094
physician or podiatrist that provides the means whereby a 83095
physician or podiatrist is available for emergency care; 83096

(4) The process for resolution of disagreements regarding 83097
matters of patient management between the clinical nurse 83098
specialist, certified nurse-midwife, or certified nurse 83099
practitioner and a collaborating physician or podiatrist; 83100

(5) Any other criteria required by rule of the board adopted 83101

pursuant to section 4723.07 or 4723.50 of the Revised Code. 83102

(C) (1) A standard care arrangement entered into pursuant to 83103
this section may permit a clinical nurse specialist, certified 83104
nurse-midwife, or certified nurse practitioner to supervise 83105
services provided by a home health agency as defined in section 83106
3701.881 of the Revised Code. 83107

(2) A standard care arrangement entered into pursuant to this 83108
section may permit a clinical nurse specialist, certified 83109
nurse-midwife, or certified nurse practitioner to admit a patient 83110
to a hospital ~~in accordance with section 3727.06 of the Revised~~ 83111
~~Code.~~ 83112

(D) (1) Except as provided in division (D) (2) of this section, 83113
if a physician or podiatrist terminates the collaboration between 83114
the physician or podiatrist and a certified nurse-midwife, 83115
certified nurse practitioner, or clinical nurse specialist before 83116
their standard care arrangement expires, all of the following 83117
apply: 83118

(a) The physician or podiatrist must give the nurse written 83119
or electronic notice of the termination. 83120

(b) Once the nurse receives the termination notice, the nurse 83121
must notify the board of nursing of the termination as soon as 83122
practicable by submitting to the board a copy of the physician's 83123
or podiatrist's termination notice. 83124

(c) Notwithstanding the requirement of section 4723.43 of the 83125
Revised Code that the nurse practice in collaboration with a 83126
physician or podiatrist, the nurse may continue to practice under 83127
the existing standard care arrangement without a collaborating 83128
physician or podiatrist for not more than one hundred twenty days 83129
after submitting to the board a copy of the termination notice. 83130

(2) In the event that the collaboration between a physician 83131
or podiatrist and a certified nurse-midwife, certified nurse 83132

practitioner, or clinical nurse specialist terminates because of 83133
the physician's or podiatrist's death, the nurse must notify the 83134
board of the death as soon as practicable. The nurse may continue 83135
to practice under the existing standard care arrangement without a 83136
collaborating physician or podiatrist for not more than one 83137
hundred twenty days after notifying the board of the physician's 83138
or podiatrist's death. 83139

(E) Nothing in this section prohibits a hospital from hiring 83140
a clinical nurse specialist, certified nurse-midwife, or certified 83141
nurse practitioner as an employee and negotiating standard care 83142
arrangements on behalf of the employee as necessary to meet the 83143
requirements of this section. A standard care arrangement between 83144
the hospital's employee and the employee's collaborating physician 83145
is subject to approval by the medical staff and governing body of 83146
the hospital prior to implementation of the arrangement at the 83147
hospital. 83148

Sec. 4723.481. This section establishes standards and 83149
conditions regarding the authority of an advanced practice 83150
registered nurse who is designated as a clinical nurse specialist, 83151
certified nurse-midwife, or certified nurse practitioner to 83152
prescribe and personally furnish drugs and therapeutic devices 83153
under a license issued under section 4723.42 of the Revised Code. 83154

(A) Except as provided in division (F) of this section, a 83155
clinical nurse specialist, certified nurse-midwife, or certified 83156
nurse practitioner shall not prescribe or furnish any drug or 83157
therapeutic device that is listed on the exclusionary formulary 83158
established in rules adopted under section 4723.50 of the Revised 83159
Code. 83160

(B) The prescriptive authority of a clinical nurse 83161
specialist, certified nurse-midwife, or certified nurse 83162
practitioner shall not exceed the prescriptive authority of the 83163

collaborating physician or podiatrist, including the collaborating 83164
physician's authority to treat chronic pain with controlled 83165
substances and products containing tramadol as described in 83166
section 4731.052 of the Revised Code. 83167

(C) (1) Except as provided in division (C) (2) or (3) of this 83168
section, a clinical nurse specialist, certified nurse-midwife, or 83169
certified nurse practitioner may prescribe to a patient a schedule 83170
II controlled substance only if all of the following are the case: 83171

(a) The patient has a terminal condition, as defined in 83172
section 2133.01 of the Revised Code. 83173

(b) A physician initially prescribed the substance for the 83174
patient. 83175

(c) The prescription is for an amount that does not exceed 83176
the amount necessary for the patient's use in a single, 83177
seventy-two-hour period. 83178

(2) The restrictions on prescriptive authority in division 83179
(C) (1) of this section do not apply if a clinical nurse 83180
specialist, certified nurse-midwife, or certified nurse 83181
practitioner issues the prescription to the patient from any of 83182
the following locations: 83183

(a) A hospital ~~registered under section 3701.07~~ as defined in 83184
section 3722.01 of the Revised Code; 83185

(b) An entity owned or controlled, in whole or in part, by a 83186
hospital or by an entity that owns or controls, in whole or in 83187
part, one or more hospitals; 83188

(c) A health care facility operated by the department of 83189
mental health and addiction services or the department of 83190
developmental disabilities; 83191

(d) A nursing home licensed under section 3721.02 of the 83192
Revised Code or by a political subdivision certified under section 83193

3721.09 of the Revised Code;	83194
(e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	83195 83196 83197
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	83198 83199
(g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	83200 83201
(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	83202 83203
(i) A freestanding birthing center, as defined in section 3702.141 <u>3701.503</u> of the Revised Code;	83204 83205
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	83206 83207
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	83208 83209
(l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	83210 83211 83212 83213
(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site has a standard care arrangement and collaborates with at least one of the physician owners who practices primarily at that site;	83214 83215 83216 83217 83218 83219 83220 83221
(n) A residential care facility, as defined in section 3721.01 of the Revised Code.	83222 83223

(3) A clinical nurse specialist, certified nurse-midwife, or 83224
certified nurse practitioner shall not issue to a patient a 83225
prescription for a schedule II controlled substance from a 83226
convenience care clinic even if the clinic is owned or operated by 83227
an entity specified in division (C)(2) of this section. 83228

(D) A pharmacist who acts in good faith reliance on a 83229
prescription issued by a clinical nurse specialist, certified 83230
nurse-midwife, or certified nurse practitioner under division 83231
(C)(2) of this section is not liable for or subject to any of the 83232
following for relying on the prescription: damages in any civil 83233
action, prosecution in any criminal proceeding, or professional 83234
disciplinary action by the state board of pharmacy under Chapter 83235
4729. of the Revised Code. 83236

(E) A clinical nurse specialist, certified nurse-midwife, or 83237
certified nurse practitioner shall comply with section 3719.061 of 83238
the Revised Code if the nurse prescribes for a minor, as defined 83239
in that section, an opioid analgesic, as defined in section 83240
3719.01 of the Revised Code. 83241

(F) Until the board of nursing establishes a new formulary in 83242
rules adopted under section 4723.50 of the Revised Code, a 83243
clinical nurse specialist, certified nurse-midwife, or certified 83244
nurse practitioner who prescribes or furnishes any drug or 83245
therapeutic device shall do so in accordance with the formulary 83246
established by the board prior to ~~the effective date of this~~ 83247
~~amendment~~ April 6, 2017. 83248

Sec. 4730.411. (A) Except as provided in division (B) or (C) 83249
of this section, a physician assistant may prescribe to a patient 83250
a schedule II controlled substance only if all of the following 83251
are the case: 83252

(1) The patient is in a terminal condition, as defined in 83253
section 2133.01 of the Revised Code. 83254

(2) The physician assistant's supervising physician initially prescribed the substance for the patient.	83255 83256
(3) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, twenty-four-hour period.	83257 83258 83259
(B) The restrictions on prescriptive authority in division (A) of this section do not apply if a physician assistant issues the prescription to the patient from any of the following locations:	83260 83261 83262 83263
(1) A hospital registered under section 3701.07 <u>as defined in section 3722.01</u> of the Revised Code;	83264 83265
(2) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;	83266 83267 83268
(3) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;	83269 83270 83271
(4) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	83272 83273 83274
(5) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	83275 83276 83277
(6) A hospice care program, as defined in section 3712.01 of the Revised Code;	83278 83279
(7) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	83280 83281
(8) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	83282 83283
(9) A freestanding birthing center, as defined in section	83284

3702.141 <u>3701.503</u> of the Revised Code;	83285
(10) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	83286 83287
(11) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	83288 83289
(12) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	83290 83291 83292 83293
(13) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the physician assistant has entered into a supervisory agreement with at least one of the physician owners who practices primarily at that site.	83294 83295 83296 83297 83298 83299
(C) A physician assistant shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic even if the convenience care clinic is owned or operated by an entity specified in division (B) of this section.	83300 83301 83302 83303 83304
(D) A pharmacist who acts in good faith reliance on a prescription issued by a physician assistant under division (B) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code.	83305 83306 83307 83308 83309 83310 83311
Sec. 4731.31. (A) As used in this section:	83312
(1) "Rural hospital" means a hospital agency, as defined in section 140.01 of the Revised Code, that meets all of the	83313 83314

following criteria:	83315
(a) Is in compliance with section 3727.02 of the Revised Code	83316
and the registration requirement of division (A) of section	83317
3701.07 Chapter 3722. of the Revised Code;	83318
(b) Is located in a county that has a population of less than	83319
one hundred twenty-five thousand.	83320
(2) "Physician" means an individual authorized under Chapter	83321
4731. of the Revised Code to practice medicine and surgery,	83322
osteopathic medicine and surgery, or podiatric medicine and	83323
surgery.	83324
(B) Subject to division (C) of this section, a rural hospital	83325
or a health care facility that is owned or operated by a rural	83326
hospital may employ a physician. A hospital or facility that	83327
employs a physician in accordance with this section is not engaged	83328
in the practice of medicine and surgery, osteopathic medicine and	83329
surgery, or podiatric medicine and surgery in violation of section	83330
4731.41, 4731.43, or 4731.60 of the Revised Code.	83331
(C) No rural hospital or health care facility owned or	83332
operated by a rural hospital shall do either of the following:	83333
(1) Control the professional clinical judgment exercised	83334
within accepted and prevailing standards of practice of a	83335
physician employed pursuant to this section in rendering care,	83336
treatment, or professional advice to an individual patient;	83337
(2) Require that a physician be employed by the hospital or	83338
facility as a condition of granting the physician privileges to	83339
practice within the hospital or facility.	83340
Sec. 4761.01. As used in this chapter:	83341
(A) "Respiratory care" means rendering or offering to render	83342
to individuals, groups, organizations, or the public any service	83343
involving the evaluation of cardiopulmonary function, the	83344

treatment of cardiopulmonary impairment, the assessment of 83345
treatment effectiveness, and the care of patients with 83346
deficiencies and abnormalities associated with the cardiopulmonary 83347
system. The practice of respiratory care includes: 83348

(1) Obtaining, analyzing, testing, measuring, and monitoring 83349
blood and gas samples in the determination of cardiopulmonary 83350
parameters and related physiologic data, including flows, 83351
pressures, and volumes, and the use of equipment employed for this 83352
purpose; 83353

(2) Administering, monitoring, recording the results of, and 83354
instructing in the use of medical gases, aerosols, and 83355
bronchopulmonary hygiene techniques, including drainage, 83356
aspiration, and sampling, and applying, maintaining, and 83357
instructing in the use of artificial airways, ventilators, and 83358
other life support equipment employed in the treatment of 83359
cardiopulmonary impairment and provided in collaboration with 83360
other licensed health care professionals responsible for providing 83361
care; 83362

(3) Performing cardiopulmonary resuscitation and respiratory 83363
rehabilitation techniques; 83364

(4) Administering medications for the testing or treatment of 83365
cardiopulmonary impairment. 83366

(B) "Respiratory care professional" means a person who is 83367
licensed under this chapter to practice the full range of services 83368
described in division (A) of this section. 83369

(C) "Physician" means an individual authorized under Chapter 83370
4731. of the Revised Code to practice medicine and surgery or 83371
osteopathic medicine and surgery. 83372

(D) "Registered nurse" means an individual licensed under 83373
Chapter 4723. of the Revised Code to engage in the practice of 83374
nursing as a registered nurse. 83375

(E) "Hospital" ~~means a facility that meets the operating standards of section 3727.02~~ has the same meaning as in section 3722.01 of the Revised Code. 83376
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(F) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 83379
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(G) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code. 83381
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(H) "Physician assistant" means an individual who holds a valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code. 83383
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Section 130.11. That existing sections 111.15, 140.01, 3701.07, 3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 3711.10, 3711.12, 3711.14, 3711.30, 3727.70, 3781.112, 3901.40, 3929.67, 4723.431, 4723.481, 4730.411, 4731.31, and 4761.01 are hereby repealed. 83386
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Section 130.12. That sections 3702.11, 3702.12, 3702.13, 3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 3727.01, 3727.02, 3727.03, 3727.04, 3727.05, 3727.06, 3727.07, 3727.99, and 5703.95 of the Revised Code are hereby repealed. 83393
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Section 130.13. (A) The amendment and repeal of Revised Code sections by Sections 130.10, 130.11, and 130.12 of this act take effect on the date that is three years after the effective date of this section. 83397
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(B) The enactment of sections 3722.01, 3722.02, 3722.03, 3722.04, 3722.05, 3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 3722.13, 3722.14, and 3722.99 of the Revised Code by Section 130.10 of this act takes effect on the effective 83401
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date of this section. 83405

Section 130.14. (A) Not later than the date that is three 83406
years from the effective date of this section, each hospital shall 83407
comply with the requirements for initial licensure as established 83408
under Chapter 3722. of the Revised Code and rules adopted under it 83409
by the director of health. As each hospital is licensed, the 83410
director of health, or designee, shall assign the hospital to one 83411
of three licensure groups. The first group shall renew its license 83412
at the end of the first year. The second group shall renew its 83413
license at the end of the second year. The third group shall renew 83414
its license at the end of the third year. 83415

(B) (1) All initial licenses issued shall contain the renewal 83416
date according to division (A) of this section. Each hospital 83417
shall renew by the renewal date, meet the renewal application 83418
requirements established in rule, and pay the fee as set forth in 83419
division (B) (2) of this section. 83420

(2) Each hospital that renews its license in the first year 83421
shall pay a renewal fee that is one-third of the renewal fee 83422
established in rules adopted by the director of health. Each 83423
hospital that renews its license in the second year shall pay a 83424
renewal fee that is two-thirds of the renewal fee established in 83425
rules adopted by the director of health. Each hospital that renews 83426
its license in the third year shall pay the renewal fee as 83427
established in rules adopted by the director of health. 83428

(3) Each renewal license issued under this section shall be 83429
valid for three years such that each year thereafter one-third of 83430
hospitals will renew their licenses. 83431

(C) Renewal licenses issued under division (B) of this 83432
section shall be renewed following the renewal procedure set forth 83433
in rule, including payment of the renewal fee. 83434

Section 130.20. That sections 9.78, 9.79, and 4798.01 of the Revised Code be amended to read as follows:

Sec. 9.78. (A) As used in this section:

(1) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing authority to an individual by which the individual has or claims the privilege to engage in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction. "License" does not include a registration under section 101.72, 101.92, or 121.62 of the Revised Code.

(2) "Licensing authority" means both of the following:

(a) A board, commission, or other entity that issues licenses under Title XLVII or any other provision of the Revised Code to practice an occupation or profession;

(b) A political subdivision that issues a license or that charges a fee for an individual to practice an occupation or profession in that political subdivision.

(B) An individual who has been convicted of any criminal offense may request, at any time, that a licensing authority determine whether the individual's criminal conviction disqualifies the individual from obtaining a license issued or conferred by the licensing authority. An individual making such a request shall include details of the individual's criminal conviction and any payment required by the licensing authority. A licensing authority may charge a fee of not more than twenty-five dollars for each request made under this section, to reimburse the costs it incurs in making the determination.

Not later than thirty days after receiving a request under this section, the licensing authority shall inform the individual

whether, based on the criminal record information submitted, the individual is disqualified from receiving or holding the license about which the individual inquired. A licensing authority is not bound by a determination made under this section, if, on further investigation, the licensing authority determines that the individual's criminal convictions differ from the information presented in the determination request.

(C) A licensing authority shall make all of the following available to the public on the licensing authority's internet web site:

(1) A list of all criminal offenses of which conviction of that offense shall disqualify an individual from obtaining a license issued or conferred by the licensing authority;

(2) That a disqualification referenced in division (C)(1) of this section may be overcome if the individual applying for the license or, as applicable, the individual's employee, holds a certificate of qualification for employment issued under section 2953.25 of the Revised Code or a certificate of achievement and employability issued under section 2961.22 of the Revised Code;

(3) A reference to the certificate of qualification for employment web site maintained by the department of rehabilitation and correction.

(D) A licensing authority shall include on any form, policy, manual, or other material that lists criminal offenses, the conviction of which would disqualify an individual from obtaining a license issued or conferred by that licensing authority, a statement that a disqualification may be overcome by the individual applying for the license or, as applicable, by the individual's employee, holding a certificate of qualification for employment issued under section 2953.25 of the Revised Code or a certificate of achievement and employability issued under section

2961.22 of the Revised Code, including a reference to the 83496
certificate of qualification for employment web site maintained by 83497
the department of rehabilitation and correction. 83498

(E) Any predetermination form, nonconviction statement form, 83499
or other form used by a licensing authority to determine whether a 83500
conviction or adjudication record disqualifies an applicant from 83501
obtaining a particular license shall include a section requesting 83502
the applicant to provide information if they are a recipient of a 83503
certificate of qualification for employment under section 2953.25 83504
of the Revised Code or a certificate of achievement and 83505
employability under section 2961.22 of the Revised Code. 83506

Sec. 9.79. (A) As used in this section: 83507

(1) "License" means an authorization evidenced by a license, 83508
certificate, registration, permit, card, or other authority that 83509
is issued or conferred by a licensing authority to an individual 83510
by which the individual has or claims the privilege to engage in a 83511
profession, occupation, or occupational activity over which the 83512
licensing authority has jurisdiction. "License" does not include a 83513
registration under section 101.72, 101.92, or 121.62 of the 83514
Revised Code. 83515

(2) "Licensing authority" means a state agency that issues 83516
licenses under Title XLVII or any other provision of the Revised 83517
Code to practice an occupation or profession. 83518

(3) "Offense of violence" has the same meaning as in section 83519
2901.01 of the Revised Code. 83520

(4) "Sexually oriented offense" has the same meaning as in 83521
section 2950.01 of the Revised Code. 83522

(5) "State agency" has the same meaning as in section 1.60 of 83523
the Revised Code. 83524

(6) "Community control sanction" has the same meaning as in 83525

section 2929.01 of the Revised Code. 83526

(7) "Post-release control sanction" has the same meaning as 83527
in section 2967.01 of the Revised Code. 83528

(8) "Fiduciary duty" means a duty to act for someone else's 83529
benefit, while subordinating one's personal interest to that of 83530
the other person. 83531

(B) (1) Notwithstanding any provision of the Revised Code to 83532
the contrary, for each type of license issued or conferred by a 83533
licensing authority, the licensing authority shall establish 83534
within one hundred eighty days after the effective date of this 83535
section a list of specific criminal offenses for which a 83536
conviction, judicial finding of guilt, or plea of guilty may 83537
disqualify an individual from obtaining an initial license. The 83538
licensing authority shall make the list available to the public on 83539
the licensing authority's web site pursuant to division (C) of 83540
section 9.78 of the Revised Code. The licensing authority, in 83541
adopting the list, shall do both of the following: 83542

(a) Identify each disqualifying offense by name or by the 83543
Revised Code section number that creates the offense; 83544

(b) Include in the list only criminal offenses that are 83545
directly related to the duties and responsibilities of the 83546
licensed occupation. 83547

(2) The licensing authority may include in the list an 83548
existing or former municipal ordinance or law of this or any other 83549
state or the United States that is substantially equivalent to any 83550
section or offense included in the list adopted under division 83551
(B) (1) of this section. 83552

(C) (1) Except as provided in division (C) (2) or (D) of this 83553
section, a licensing authority shall not refuse to issue an 83554
initial license to an individual based on any of the following: 83555

(a) Solely or in part on a conviction of, judicial finding of guilt of, or plea of guilty to an offense; 83556
83557

(b) A criminal charge that does not result in a conviction, judicial finding of guilt, or plea of guilty; 83558
83559

(c) A nonspecific qualification such as "moral turpitude" or lack of "moral character"; 83560
83561

(d) A disqualifying offense included on the list adopted under division (B) of this section, if consideration of that offense occurs after the time periods permitted in division (D) of this section. 83562
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(2) If the individual was convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to a disqualifying offense included in the list adopted under division (B) of this section for the license for which the individual applied, the licensing authority may take the conviction, judicial finding of guilt, or plea of guilty into consideration in accordance with division (D) of this section. 83566
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(D)(1) A licensing authority that may, under this section, consider a conviction of, judicial finding of guilt of, or plea of guilty to an offense in determining whether to refuse to issue an initial license to an individual shall consider all of the following factors and shall use a preponderance of the evidence standard in evaluating those factors to determine whether the conviction, judicial finding of guilt, or plea of guilty disqualifies the individual from receiving the license: 83573
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(a) The nature and seriousness of the offense for which the individual was convicted, found guilty pursuant to a judicial finding, or pleaded guilty; 83581
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(b) The passage of time since the individual committed the offense; 83584
83585

(c) The relationship of the offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation;

(d) Any evidence of mitigating rehabilitation or treatment undertaken by the individual, including whether the individual has been issued a certificate of qualification for employment under section 2953.25 of the Revised Code or a certificate of achievement and employability under section 2961.22 of the Revised Code;

(e) Whether the denial of a license is reasonably necessary to ensure public safety.

(2) A licensing authority may take a disqualifying offense into account only during the following time periods:

(a) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that does not involve a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, whichever of the following is later, provided the individual was not convicted of, found guilty pursuant to a judicial finding of, and did not enter a plea of guilty to any other offense during the applicable period:

(i) Five years from the date of conviction, judicial finding of guilt, or plea of guilty;

(ii) Five years from the date of the release from incarceration;

(iii) The time period specified in division (D) (3) of this section.

(b) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that involves a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, whichever of the following is later,

provided the individual was not convicted of, found guilty 83616
pursuant to a judicial finding of, and did not enter a plea of 83617
guilty to any other offense during the applicable period: 83618

(i) Ten years from the date of conviction, judicial finding 83619
of guilt, or plea of guilty; 83620

(ii) Ten years from the date of the release from 83621
incarceration; 83622

(iii) The time period specified in division (D)(4) of this 83623
section. 83624

(c) For a conviction of, judicial finding of guilt of, or 83625
plea of guilty to a disqualifying offense that is an offense of 83626
violence or a sexually oriented offense, any time. 83627

(3) If an individual is subject to a community control 83628
sanction, parole, or post-release control sanction based on a 83629
conviction of, judicial finding of guilt of, or plea of guilty to 83630
a disqualifying offense that is not an offense of violence or a 83631
sexually oriented offense, a licensing authority may take the 83632
offense into account during the following time periods: 83633

(a) If the community control sanction, parole, or 83634
post-release control sanction was for a term of less than five 83635
years, the period of the community control sanction, parole, or 83636
post-release control sanction plus the number of years after the 83637
date of final discharge of the community control sanction, parole, 83638
or post-release control sanction necessary to equal five years; 83639

(b) If the community control sanction, parole, or 83640
post-release control sanction was for a term of five years or 83641
more, the period of the community control sanction, parole, or 83642
post-release control sanction. 83643

(4) If an individual is subject to a community control 83644
sanction, parole, or post-release control sanction based on a 83645

conviction of, judicial finding of guilt of, or plea of guilty to 83646
a disqualifying offense that involved a breach of fiduciary duty 83647
and that is not an offense of violence or a sexually oriented 83648
offense, a licensing authority may take the offense into account 83649
during the following time periods: 83650

(a) If the community control sanction, parole, or 83651
post-release control sanction was for a term of less than ten 83652
years, for the period of the community control sanction, parole, 83653
or post-release control sanction plus the number of years after 83654
the date of final discharge of the community control sanction, 83655
parole, or post-release control sanction necessary to equal ten 83656
years; 83657

(b) If the community control sanction, parole, or 83658
post-release control sanction was for a term of ten years or more, 83659
the period of the community control sanction, parole, or 83660
post-release control sanction. 83661

(E) If a licensing authority refuses to issue an initial 83662
license to an individual pursuant to division (D) of this section, 83663
the licensing authority shall notify the individual in writing of 83664
all of the following: 83665

(1) The grounds and reasons for the refusal, including an 83666
explanation of the licensing authority's application of the 83667
factors under division (D) of this section to the evidence the 83668
licensing authority used to reach the decision; 83669

(2) The individual's right to a hearing regarding the 83670
licensing authority's decision under section 119.06 of the Revised 83671
Code; 83672

(3) The earliest date the individual may reapply for a 83673
license; 83674

(4) Notice that evidence of rehabilitation may be considered 83675
on reapplication. 83676

(F) In an administrative hearing or civil action reviewing a licensing authority's refusal to issue an initial license under this section, the licensing authority has the burden of proof on the question of whether the individual's conviction of, judicial finding of guilt of, or plea of guilty to an offense directly relates to the licensed occupation.

(G) A licensing authority that is authorized by law to limit or otherwise place restrictions on a license may do so to comply with the terms and conditions of a community control sanction, post-release control sanction, or an intervention plan established in accordance with section 2951.041 of the Revised Code.

(H) Each licensing authority shall adopt any rules that it determines are necessary to implement this section.

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

(1) Any position for which appointment requires compliance with section 109.77 of the Revised Code or in which an individual may satisfy the requirements for appointment or election by complying with that section;

(2) Any position for which federal law requires disqualification from licensure or employment based on a conviction of, judicial finding of guilt of, or plea of guilty to an offense;

(3) Community-based long-term care services certificates and community-based long-term care services contracts or grants issued under section 173.381 of the Revised Code;

(4) Certifications of a provider to provide community-based long-term care services under section 173.391 of the Revised Code;

(5) Certificates of authority to a health insuring corporation issued under section 1751.05 of the Revised Code;

(6) Licenses to operate a home or residential care facility

issued under section 3721.07 of the Revised Code; 83707

(7) Certificates of authority to make contracts of indemnity 83708
issued under section 3931.10 of the Revised Code. 83709

(J) Nothing in this section prohibits a licensing authority 83710
from considering either of the following when making a 83711
determination whether to issue a license to an individual: 83712

(1) Past disciplinary action taken by the licensing authority 83713
against the individual; 83714

(2) Past disciplinary action taken against the individual by 83715
an authority in another state that issues a license that is 83716
substantially similar to the license for which the individual 83717
applies. 83718

(K) Notwithstanding any provision of the Revised Code to the 83719
contrary, if a licensing authority issues a license to an 83720
individual after considering a conviction of, judicial finding of 83721
guilt of, or plea of guilty to an offense under division (D) of 83722
this section, the licensing authority shall not refuse to renew 83723
the individual's license based on that conviction, judicial 83724
finding of guilt, or plea of guilty. 83725

Sec. 4798.01. (A) As used in this chapter: 83726

"Certification" means a voluntary program in which a private 83727
organization or the state grants nontransferable recognition to an 83728
individual who meets personal qualifications established by the 83729
private organization or state law. 83730

"Individual" means a natural person. 83731

"Lawful occupation" means a course of conduct, pursuit, or 83732
profession that includes the sale of goods or services that are 83733
not themselves illegal to sell irrespective of whether the 83734
individual selling the goods or services is subject to an 83735
occupational regulation. 83736

"Least restrictive regulation" means the public policy of 83737
relying on one of the following, listed from the least to the most 83738
restrictive, as a means of consumer protection: market 83739
competition; third-party or consumer-created ratings and reviews; 83740
private certification; specific private civil cause of action to 83741
remedy consumer harm; actions under Chapter 1345. of the Revised 83742
Code; regulation of the process of providing the specific goods or 83743
services to consumers; inspection; bonding or insurance; 83744
registration; government certification; specialty occupational 83745
license for medical reimbursement; and occupational license. 83746

"Occupational license" means nontransferable authorization in 83747
law that an individual must possess in order to perform a lawful 83748
occupation for compensation based on meeting personal 83749
qualifications established by statute, or by a rule authorized by 83750
statute. "Occupational license" does not include a commercial or 83751
other driver's license issued under the Revised Code. 83752

"Occupational licensing board" means any board, commission, 83753
committee, or council, or any other similar state public body, and 83754
any administrative department enumerated under section 121.02 of 83755
the Revised Code, and any agency, division, or office of state 83756
government, that issues an occupational license. "Occupational 83757
licensing board" does not include a committee or office created 83758
under section 101.34 of the Revised Code. 83759

"Occupational regulation" means a statute, policy, rule, 83760
adjudication order, practice, or other state law requiring an 83761
individual to possess certain personal qualifications to use an 83762
occupational title or work in a lawful occupation. "Occupational 83763
regulation" includes registration, certification, and occupational 83764
license. "Occupational regulation" excludes a business license, 83765
facility license, building permit, or zoning and land use 83766
regulation, except to the extent those laws regulate an 83767
individual's personal qualifications to perform a lawful 83768

occupation, and excludes sections of the Revised Code related to 83769
commercial or other driver's license. 83770

"Personal qualifications" mean criteria related to an 83771
individual's personal background and characteristics including 83772
completion of an approved educational program, satisfactory 83773
performance on an examination, work experience, other evidence of 83774
attainment of requisite skills or knowledge, moral standing, 83775
criminal history, and completion of continuing education. 83776

"Registration" means a requirement to give notice to the 83777
government that may include the individual's name and address, the 83778
individual's agent for service of process, the location of the 83779
activity to be performed, and a description of the service the 83780
individual provides. "Registration" does not include personal 83781
qualifications but may require a bond or insurance. 83782

"Specialty occupational license for medical reimbursement" is 83783
a nontransferable authorization in law for an individual to 83784
qualify for payment or reimbursement from a government agency, for 83785
providing identified medical services, based on meeting personal 83786
qualifications established in law, which may be recognized by a 83787
private company. 83788

(B) For purposes of this chapter: 83789

(1) The terms "certification" and "registration" are not 83790
synonymous with "occupational license." 83791

(2) The use of the words "certification" and "certified" in 83792
other statutes to mean requiring an individual to meet certain 83793
personal qualifications to work legally shall be interpreted for 83794
the purposes of this chapter as requiring an individual to meet 83795
the requirements of an "occupational license." 83796

(3) The use of the words "registration" and "registered" in 83797
other statutes to mean requiring an individual to meet certain 83798
personal qualifications to work legally shall be interpreted for 83799

the purposes of this chapter as requiring an individual to meet 83800
the requirements of an "occupational license." 83801

Section 130.21. That existing sections 9.78, 9.79, and 83802
4798.01 of the Revised Code are hereby repealed. 83803

Section 130.22. That the version of section 9.78 of the 83804
Revised Code that is scheduled to take effect October 9, 2021, be 83805
amended to read as follows: 83806

Sec. 9.78. (A) As used in this section: 83807

(1) "License" means an authorization evidenced by a license, 83808
certificate, registration, permit, card, or other authority that 83809
is issued or conferred by a licensing authority to an individual 83810
by which the individual has or claims the privilege to engage in a 83811
profession, occupation, or occupational activity over which the 83812
licensing authority has jurisdiction. "License" does not include a 83813
registration under section 101.72, 101.92, or 121.62 of the 83814
Revised Code. 83815

(2) "Licensing authority" means both of the following: 83816

(a) A board, commission, or other entity that issues licenses 83817
under Title XLVII or any other provision of the Revised Code to 83818
practice an occupation or profession; 83819

(b) A political subdivision that issues a license or that 83820
charges a fee for an individual to practice an occupation or 83821
profession in that political subdivision. 83822

(B) An individual who has been convicted of any criminal 83823
offense may request, at any time, that a licensing authority 83824
determine whether the individual's criminal conviction 83825
disqualifies the individual from obtaining a license issued or 83826
conferred by the licensing authority. An individual making such a 83827
request shall include details of the individual's criminal 83828

conviction and any payment required by the licensing authority. A 83829
licensing authority may charge a fee of not more than twenty-five 83830
dollars for each request made under this section, to reimburse the 83831
costs it incurs in making the determination. 83832

Not later than thirty days after receiving a request under 83833
this section, the licensing authority shall inform the individual 83834
whether, based on the criminal record information submitted, the 83835
individual is disqualified from receiving or holding the license 83836
about which the individual inquired. A licensing authority is not 83837
bound by a determination made under this section, if, on further 83838
investigation, the licensing authority determines that the 83839
individual's criminal convictions differ from the information 83840
presented in the determination request. 83841

(C) A licensing authority shall make all of the following 83842
available to the public on the licensing authority's internet web 83843
site: 83844

(1) A list of all criminal offenses of which conviction of 83845
that offense shall disqualify an individual from obtaining a 83846
license issued or conferred by the licensing authority; 83847

(2) That a disqualification referenced in division (C)(1) of 83848
this section may be overcome if the individual applying for the 83849
license or, as applicable, the individual's employee, holds a 83850
certificate of qualification for employment issued under section 83851
2953.25 of the Revised Code or a certificate of achievement and 83852
employability issued under section 2961.22 of the Revised Code; 83853

(3) A reference to the certificate of qualification for 83854
employment web site maintained by the department of rehabilitation 83855
and correction. 83856

(D) A licensing authority shall include on any form, policy, 83857
manual, or other material that lists criminal offenses, the 83858
conviction of which would disqualify an individual from obtaining 83859

a license issued or conferred by that licensing authority, a 83860
statement that a disqualification may be overcome by the 83861
individual applying for the license or, as applicable, by the 83862
individual's employee, holding a certificate of qualification for 83863
employment issued under section 2953.25 of the Revised Code or a 83864
certificate of achievement and employability issued under section 83865
2961.22 of the Revised Code, including a reference to the 83866
certificate of qualification for employment web site maintained by 83867
the department of rehabilitation and correction. 83868

(E) Any predetermination form, nonconviction statement form, 83869
or other form used by a licensing authority to determine whether a 83870
conviction or adjudication record disqualifies an applicant from 83871
obtaining a particular license shall include a section requesting 83872
the applicant to provide information if they are a recipient of a 83873
certificate of qualification for employment under section 2953.25 83874
of the Revised Code or a certificate of achievement and 83875
employability under section 2961.22 of the Revised Code. 83876

(F) (1) Each licensing authority described in division 83877
(A) (2) (a) of this section annually shall provide to the director 83878
of administrative services the following information for each 83879
license the licensing authority is authorized to issue: 83880

(a) The number of applications received for the license; 83881

(b) The number of those applications that resulted in a 83882
license being granted; 83883

(c) The number of those applications that resulted in a 83884
license being denied; 83885

(d) A list of criminal offenses reported by individuals who 83886
were granted a license; 83887

(e) A list of criminal offenses reported by individuals who 83888
were denied a license; 83889

(f) A list of all of the requests received by the licensing authority under division (B) of this section that includes the following information:	83890 83891 83892
(i) The number of requests for which the licensing authority determined that an individual's criminal conviction disqualified the individual from obtaining a license issued by the licensing authority;	83893 83894 83895 83896
(ii) The number of requests for which the licensing authority determined that an individual's criminal conviction did not disqualify the individual from obtaining a license issued by the licensing authority;	83897 83898 83899 83900
(iii) A list of the offenses reported by individuals described in division (F)(1)(f)(i) of this section;	83901 83902
(iv) A list of the offenses reported by individuals described in division (F)(1)(f)(ii) of this section.	83903 83904
(g) For each disqualifying offense included on the list adopted under division (B) of section 9.79 of the Revised Code, the number of individuals who were convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to the disqualifying offense who were issued a license.	83905 83906 83907 83908 83909
(h) For each disqualifying offense included on the list adopted under division (B) of section 9.79 of the Revised Code, the number of individuals who were convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to the disqualifying offense who were denied a license.	83910 83911 83912 83913 83914
(i) Any other information the director may require.	83915
(2) The first report of information required under division (F)(1) of this section shall be submitted to the director by June 30, 2021, and include the required information from January 1, 2016, to December 31, 2020, if available. Each year thereafter,	83916 83917 83918 83919

each licensing authority shall submit the required information 83920
from the past year by the thirtieth day of June. 83921

(3) The director shall compile the information submitted 83922
pursuant to division (F) (1) of this section and annually publish 83923
it in a searchable format on a web site created and maintained by 83924
the director. The director may adopt rules in accordance with 83925
Chapter 119. of the Revised Code as the director determines 83926
necessary to implement division (F) of this section. 83927

Section 130.23. That the existing version of section 9.78 of 83928
the Revised Code that is scheduled to take effect October 9, 2021, 83929
is hereby repealed. 83930

Section 130.24. That Sections 130.22 and 130.23 of this act 83931
take effect October 9, 2021. 83932

Section 130.25. That the versions of sections 101.721, 83933
101.921, and 121.621 of the Revised Code resulting from H.B. 263 83934
of the 133rd General Assembly that are scheduled to take effect 83935
October 9, 2021, are hereby repealed. 83936

Section 130.26. That Section 2 of H.B. 263 of the 133rd 83937
General Assembly be amended to read as follows: 83938

Sec. 2. That existing sections 9.78, ~~101.721, 101.921,~~ 83939
109.572, 121.22, ~~121.621,~~ 147.01, 147.011, 147.05, 169.16, 169.17, 83940
903.05, 921.23, 926.05, 935.06, 943.03, 943.031, 943.05, 956.03, 83941
956.15, 1119.05, 1119.08, 1315.04, 1315.101, 1315.23, 1321.04, 83942
1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 1322.21, 1322.24, 83943
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5123.169, 5123.1611, 5123.452, and 5502.011 of the Revised Code 83978
are hereby repealed. 83979

Section 130.27. That existing Section 2 of H.B. 263 of the 133rd General Assembly is hereby repealed.

Section 130.28. The repeal of the future versions of sections 101.721, 101.921, and 121.621 of the Revised Code in Section 130.25 of this act and the repeal of the future existing repeal of those sections in Sections 130.26 and 130.27 of this act removes the limitation on the continued existence of the versions of those sections in effect prior to H.B. 263 of the 133rd General Assembly. The versions of those sections are presented below, without amendment, to confirm their continued application:

Sec. 101.721. (A) No person shall be permitted to register as a legislative agent under division (A) or (B) of section 101.72 of the Revised Code if the person is convicted of or pleads guilty to committing on or after the effective date of this section any of the following offenses that is a felony:

(1) A violation of section 2921.02, 2921.03, 2921.05, 2921.41, 2921.42, or 2923.32 of the Revised Code;

(2) A violation of section 2913.42, 2921.04, 2921.11, 2921.12, 2921.31, or 2921.32 of the Revised Code if the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;

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

(4) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is

substantially equivalent to any violation listed in division 84009
(A) (2) of this section if the person committed the violation while 84010
the person was serving in a public office and the conduct 84011
constituting the violation was related to the duties of the 84012
person's public office or to the person's actions as a public 84013
official holding that public office; 84014

(5) A conspiracy to commit, attempt to commit, or complicity 84015
in committing any violation listed in division (A) (1) or described 84016
in division (A) (3) of this section; 84017

(6) A conspiracy to commit, attempt to commit, or complicity 84018
in committing any violation listed in division (A) (2) or described 84019
in division (A) (4) of this section if the person committed the 84020
violation while the person was serving in a public office and the 84021
conduct constituting the violation that was the subject of the 84022
conspiracy, that would have constituted the offense attempted, or 84023
constituting the violation in which the person was complicit was 84024
or would have been related to the duties of the person's public 84025
office or to the person's actions as a public official holding 84026
that public office. 84027

(B) If a legislative agent has registered with the joint 84028
legislative ethics committee under division (A) or (B) of section 84029
101.72 of the Revised Code and, on or after the effective date of 84030
this section and during the period during which the registration 84031
is valid, the legislative agent is convicted of or pleads guilty 84032
to any felony offense listed or described in division (A) (1), (2), 84033
(3), (4), (5), or (6) of this section in the circumstances 84034
specified in the particular division, the joint legislative ethics 84035
committee immediately upon becoming aware of the conviction or 84036
guilty plea shall terminate the registration of the person as a 84037
legislative agent, and, after the termination, the ban imposed 84038
under division (A) of this section applies to the person. 84039

(C) The ban imposed under division (A) of this section is a 84040

lifetime ban, and the offender is forever disqualified from 84041
registering as a legislative agent under section 101.72 of the 84042
Revised Code. 84043

(D) For purposes of divisions (A) and (B) of this section, a 84044
violation of section 2923.32 of the Revised Code or any other 84045
violation or offense that includes as an element a course of 84046
conduct or the occurrence of multiple acts is "committed on or 84047
after the effective date of this section" if the course of conduct 84048
continues, one or more of the multiple acts occurs, or the subject 84049
person's accountability for the course of conduct or for one or 84050
more of the multiple acts continues, on or after the effective 84051
date of this section. 84052

(E) As used in this section, "public office" means any 84053
elected federal, state, or local government office in this state. 84054

Sec. 101.921. (A) No person shall be permitted to register as 84055
a retirement system lobbyist under division (A) or (B) of section 84056
101.92 of the Revised Code if the person is convicted of or pleads 84057
guilty to committing on or after the effective date of this 84058
section any felony offense listed or described in divisions (A) (1) 84059
to (6) of section 101.721 of the Revised Code in the circumstances 84060
specified in the particular division. 84061

(B) If a retirement system lobbyist has registered with the 84062
joint legislative ethics committee under division (A) or (B) of 84063
section 101.92 of the Revised Code, and, on or after the effective 84064
date of this section and during the period during which the 84065
registration is valid, the retirement system lobbyist is convicted 84066
of or pleads guilty to any felony offense listed or described in 84067
divisions (A) (1) to (6) of section 101.721 of the Revised Code in 84068
the circumstances specified in the particular division, the joint 84069
legislative ethics committee immediately upon becoming aware of 84070
the conviction or guilty plea shall terminate the registration of 84071

the person as a retirement system lobbyist, and, after the 84072
termination, the ban imposed under division (A) of this section 84073
applies to the person. 84074

(C) The ban imposed under division (A) of this section is a 84075
lifetime ban, and the offender is forever disqualified from 84076
registering as a retirement system lobbyist under section 101.92 84077
of the Revised Code. 84078

(D) For purposes of divisions (A) and (B) of this section, a 84079
violation of section 2923.32 of the Revised Code or any other 84080
violation or offense that includes as an element a course of 84081
conduct or the occurrence of multiple acts is "committed on or 84082
after the effective date of this section" if the course of conduct 84083
continues, one or more of the multiple acts occurs, or the subject 84084
person's accountability for the course of conduct or for one or 84085
more of the multiple acts continues, on or after the effective 84086
date of this section. 84087

Sec. 121.621. (A) No person shall be permitted to register as 84088
an executive agency lobbyist under division (A) or (B) of section 84089
121.62 of the Revised Code if the person is convicted of or pleads 84090
guilty to committing on or after the effective date of this 84091
section any felony offense listed or described in divisions (A) (1) 84092
to (6) of section 101.721 of the Revised Code in the circumstances 84093
specified in the particular division. 84094

(B) If an executive agency lobbyist has registered with the 84095
joint legislative ethics committee under division (A) or (B) of 84096
section 121.62 of the Revised Code and, on or after the effective 84097
date of this section and during the period during which the 84098
registration is valid, the executive agency lobbyist is convicted 84099
of or pleads guilty to any felony offense listed or described in 84100
divisions (A) (1) to (6) of section 101.721 of the Revised Code in 84101
the circumstances specified in the particular division, the joint 84102

legislative ethics committee immediately upon becoming aware of 84103
the conviction or guilty plea shall terminate the registration of 84104
the person as an executive agency lobbyist, and, after the 84105
termination, the ban imposed under division (A) of this section 84106
applies to the person. 84107

(C) The ban imposed under divisions (A) and (B) of this 84108
section is a lifetime ban, and the offender is forever 84109
disqualified from registering as an executive agency lobbyist 84110
under section 121.62 of the Revised Code. 84111

(D) For purposes of divisions (A) and (B) of this section, a 84112
violation of section 2923.32 of the Revised Code or any other 84113
violation or offense that includes as an element a course of 84114
conduct or the occurrence of multiple acts is "committed on or 84115
after the effective date of this section" if the course of conduct 84116
continues, one or more of the multiple acts occurs, or the subject 84117
person's accountability for the course of conduct or for one or 84118
more of the multiple acts continues, on or after the effective 84119
date of this section. 84120

Section 201.10. Except as otherwise provided in this act, all 84121
appropriation items in this act are appropriated out of any moneys 84122
in the state treasury to the credit of the designated fund that 84123
are not otherwise appropriated. For all appropriations made in 84124
this act, the amounts in the first column are for fiscal year 2022 84125
and the amounts in the second column are for fiscal year 2023. 84126
84127

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 84128

Dedicated Purpose Fund Group 84129

4J80	889601	CPA Education	\$	525,000	\$	525,000	84130
		Assistance					
4K90	889609	Operating Expenses	\$	1,244,124	\$	1,291,139	84131

TOTAL DPF Dedicated Purpose Fund				84132	
Group	\$	1,769,124	\$	1,816,139	84133
TOTAL ALL BUDGET FUND GROUPS	\$	1,769,124	\$	1,816,139	84134

Section 205.10. ADJ ADJUTANT GENERAL 84136

General Revenue Fund				84137	
GRF 745401 Ohio Military Reserve	\$	9,500	\$	9,800	84138
GRF 745404 Air National Guard	\$	1,750,000	\$	1,811,250	84139
GRF 745407 National Guard	\$	174,000	\$	174,000	84140
Benefits					
GRF 745409 Central	\$	2,940,167	\$	3,025,550	84141
Administration					
GRF 745499 Army National Guard	\$	3,600,000	\$	3,726,000	84142
GRF 745503 Ohio Cyber Reserve	\$	750,000	\$	750,000	84143
GRF 745504 Ohio Cyber Range	\$	2,100,000	\$	2,100,000	84144
GRF 745505 State Active Duty	\$	50,000	\$	50,000	84145
TOTAL GRF General Revenue Fund	\$	11,373,667	\$	11,646,600	84146
Dedicated Purpose Fund Group				84147	
5340 745612 Property Operations	\$	900,000	\$	900,000	84148
Management					
5360 745605 Marksmanship	\$	115,000	\$	115,000	84149
Activities					
5360 745620 Camp Perry and	\$	874,055	\$	874,055	84150
Buckeye Inn					
Operations					
5370 745604 Ohio National Guard	\$	190,000	\$	190,000	84151
Facilities					
Maintenance					
5CV1 745632 Coronavirus Relief -	\$	1,000,000	\$	0	84152
ADJ					
5LY0 745626 Military Medal of	\$	5,000	\$	5,000	84153
Distinction					

5U80 745613	Community Match	\$	350,000	\$	350,000	84154
	Armories					
TOTAL DPF Dedicated Purpose Fund Group		\$	3,434,055	\$	2,434,055	84155
Federal Fund Group						84156
3420 745616	Army National Guard	\$	26,252,590	\$	26,636,202	84157
	Service Agreement					
3E80 745628	Air National Guard	\$	14,476,985	\$	14,881,509	84158
	Operations and Maintenance					
3R80 745603	Counter Drug	\$	15,000	\$	15,382	84159
	Operations					
TOTAL FED Federal Fund Group		\$	40,744,575	\$	41,533,093	84160
TOTAL ALL BUDGET FUND GROUPS		\$	55,552,297	\$	55,613,748	84161

Section 205.20. NATIONAL GUARD BENEFITS 84163

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs. 84164
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If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. The Adjutant General may subsequently seek Controlling Board approval to restore the appropriation in the appropriation item from which such a transfer was made. 84168
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For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be 84177
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paid to the beneficiary or beneficiaries designated on the 84180
member's Servicemembers' Group Life Insurance Policy. 84181

OHIO CYBER RESERVE 84182

The foregoing appropriation item 745503, Ohio Cyber Reserve, 84183
shall be used for purposes of providing support for the 84184
administration of the Ohio Cyber Reserve, a civilian cyber reserve 84185
force that is part of the Ohio organized militia, capable of being 84186
expanded and trained to educate and protect all levels of state 84187
government, critical infrastructure, and the citizens of this 84188
state from cyberattacks and incidences under sections 5922.01, 84189
5922.02, and 5922.08 of the Revised Code. 84190

OHIO CYBER RANGE 84191

The foregoing appropriation item 745504, Ohio Cyber Range, 84192
shall be used by the Adjutant General's Department to establish 84193
and maintain the cyber range for purposes of providing cyber 84194
training and education to K-12 students, higher education 84195
students, members of the Ohio National Guard, federal employees, 84196
and state and local government employees, and provide for 84197
emergency preparedness exercises and trainings. 84198

The Adjutant General's Department, in conjunction and 84199
collaboration with the Department of Administrative Services, the 84200
Department of Public Safety, the Department of Higher Education, 84201
and the Department of Education shall establish and maintain a 84202
cyber range. The Adjutant General's Department may work with 84203
federal agencies to assist in accomplishing this objective. The 84204
state agencies identified in this paragraph may procure any 84205
necessary goods and services including, but not limited to, 84206
contracted services, hardware, networking services, maintenance 84207
costs, and the training and management costs of a cyber range. 84208
These state agencies shall determine the amount of funds each 84209
agency will contribute from available funds and appropriations 84210

enacted herein in order to establish and maintain a cyber range.				84211
STATE ACTIVE DUTY				84212
The foregoing appropriation item 745505, State Active Duty,				84213
shall be used for the purpose of paying expenses related to state				84214
active duty of members of the Ohio organized militia, in				84215
accordance with a proclamation or order of the Governor. Expenses				84216
include, but are not limited to, cost of equipment, supplies, and				84217
services, as determined by the Adjutant General.				84218
Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES				84219
General Revenue Fund				84220
GRF	100412	Unemployment Insurance	\$ 1,550,000 \$ 1,560,000	84221
System Lease Rental				
Payments				
GRF	100413	EDCS Lease Rental	\$ 13,280,000 \$ 13,275,000	84222
Payments				
GRF	100414	MARCS Lease Rental	\$ 6,770,000 \$ 6,770,000	84223
Payments				
GRF	100415	OAKS Lease Rental	\$ 2,450,000 \$ 2,450,000	84224
Payments				
GRF	100416	STARS Lease Rental	\$ 5,000,000 \$ 5,000,000	84225
Payments				
GRF	100447	Administrative	\$ 88,000,000 \$ 85,000,000	84226
Buildings Lease Rental				
Bond Payments				
GRF	100456	State IT Services	\$ 1,413,165 \$ 1,424,551	84227
GRF	100459	Ohio Business Gateway	\$ 13,527,621 \$ 13,527,621	84228
GRF	100469	Aronoff Center	\$ 222,121 \$ 222,121	84229
Building Maintenance				
GRF	100501	MARCS Fee Offset	\$ 1,500,000 \$ 1,500,000	84230
GRF	130321	State Agency Support	\$ 24,623,264 \$ 25,349,994	84231
Services				

TOTAL GRF General Revenue Fund	\$	158,336,171	\$	156,079,287	84232
Dedicated Purpose Fund Group					84233
5CV1 100671 Coronavirus Relief - DAS	\$	6,000,000	\$	0	84234
5L70 100610 Professional Development	\$	1,650,000	\$	1,650,000	84235
5MV0 100662 Theater Equipment Maintenance	\$	50,000	\$	50,000	84236
5NM0 100663 911 Program	\$	586,070	\$	599,969	84237
5V60 100619 Employee Educational Development	\$	1,500,000	\$	1,600,000	84238
TOTAL DPF Dedicated Purpose Fund Group	\$	9,786,070	\$	3,899,969	84239
Internal Service Activity Fund Group					84240
1120 100616 DAS Administration	\$	13,253,998	\$	13,700,502	84241
1150 100632 Central Service Agency	\$	989,973	\$	1,013,812	84242
1170 100644 General Services Division - Operating	\$	25,686,811	\$	25,866,307	84243
1220 100637 Fleet Management	\$	26,492,047	\$	28,792,538	84244
1250 100622 Human Resources Division - Operating	\$	18,718,045	\$	19,178,890	84245
1250 100657 Benefits Communication	\$	615,521	\$	615,521	84246
1280 100620 Office of Collective Bargaining	\$	4,385,893	\$	4,385,893	84247
1300 100606 Risk Management Reserve	\$	17,904,121	\$	19,381,381	84248
1320 100631 DAS Building Management	\$	53,043,664	\$	53,323,205	84249
1330 100607 IT Services Delivery	\$	168,044,912	\$	173,182,510	84250
2100 100612 State Printing	\$	29,507,055	\$	28,719,641	84251
2290 100630 IT Governance	\$	30,073,302	\$	32,179,505	84252
2290 100640 Consolidated IT	\$	15,351,924	\$	15,351,924	84253

		Purchases				
4270	100602	Investment Recovery	\$	1,664,257	\$	1,679,401 84254
4N60	100617	Major IT Purchases	\$	2,800,000	\$	2,800,000 84255
5C20	100605	MARCS Administration	\$	29,045,797	\$	30,882,138 84256
5EB0	100635	OAKS Support	\$	58,738,136	\$	58,434,886 84257
		Organization				
5EB0	100656	OAKS Updates and	\$	6,064,809	\$	6,146,812 84258
		Developments				
5JQ0	100658	Professionals	\$	4,989,466	\$	5,111,024 84259
		Licensing System				
5KZ0	100659	Building Improvement	\$	1,675,000	\$	2,160,000 84260
5LJ0	100661	IT Development	\$	19,000,000	\$	16,500,000 84261
5PC0	100665	Enterprise	\$	10,038,838	\$	10,601,983 84262
		Applications				
5WU0	100672	Ohio Benefits	\$	154,119,471	\$	154,276,578 84263
TOTAL ISA		Internal Service Activity	\$			84264
Fund Group			\$	692,203,040	\$	704,284,451 84265
		Fiduciary Fund Group				84266
5UH0	100670	Enterprise	\$	1,150,000	\$	1,150,000 84267
		Transactions				
TOTAL FID		Fiduciary Fund Group	\$	1,150,000	\$	1,150,000 84268
		Federal Fund Group				84269
3AJ0	100623	Information Technology	\$	10,000	\$	10,000 84270
		Grants				
TOTAL FED		Federal Fund Group	\$	10,000	\$	10,000 84271
TOTAL ALL BUDGET FUND GROUPS			\$	861,485,281	\$	865,423,707 84272

Section 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL 84274
PAYMENTS 84275

The foregoing appropriation item 100412, Unemployment 84276
Insurance System Lease Rental Payments, shall be used to make 84277
payments during the period from July 1, 2021, through June 30, 84278

2023, pursuant to leases and agreements entered into under Chapter 84279
125. of the Revised Code, as supplemented by Section 701.40 of 84280
H.B. 529 of the 132nd General Assembly, with respect to financing 84281
the costs associated with the acquisition, development, 84282
implementation, and integration of the Unemployment Insurance 84283
System. 84284

EDCS LEASE RENTAL PAYMENTS 84285

The foregoing appropriation item 100413, EDCS Lease Rental 84286
Payments, shall be used to make payments during the period from 84287
July 1, 2021, through June 30, 2023, pursuant to leases and 84288
agreements entered into under Chapter 125. of the Revised Code, as 84289
supplemented by Section 701.10 of H.B. 529 of the 132nd General 84290
Assembly, as amended by Section 601.10 of H.B. 166 of the 133rd 84291
General Assembly, and other prior acts of the General Assembly, 84292
with respect to financing the costs associated with the 84293
acquisition, development, implementation, and integration of the 84294
Enterprise Data Center Solutions (EDCS) information technology 84295
initiative. 84296

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 84297

The foregoing appropriation item 100414, MARCS Lease Rental 84298
Payments, shall be used to make payments during the period from 84299
July 1, 2021, through June 30, 2023, pursuant to leases and 84300
agreements entered into under Chapter 125. of the Revised Code, as 84301
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 84302
General Assembly and other prior acts of the General Assembly, 84303
with respect to financing the costs associated with the 84304
acquisition, development, implementation, and integration of the 84305
Multi-Agency Radio Communications System (MARCS) upgrade. 84306

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 84307

The foregoing appropriation item 100415, OAKS Lease Rental 84308
Payments, shall be used to make payments during the period from 84309

July 1, 2021, through June 30, 2023, pursuant to leases and 84310
agreements entered into under Chapter 125. of the Revised Code, as 84311
supplemented by Section 701.10 of H.B. 529 of the 132nd General 84312
Assembly and other prior acts of the General Assembly, with 84313
respect to financing the costs associated with the acquisition, 84314
development, implementation, and integration of the Ohio 84315
Administrative Knowledge System (OAKS). 84316

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 84317
PAYMENTS 84318

The foregoing appropriation item 100416, STARS Lease Rental 84319
Payments, shall be used to make payments during the period from 84320
July 1, 2021, through June 30, 2023, pursuant to leases and 84321
agreements entered into under Chapter 125. of the Revised Code, as 84322
supplemented by Section 701.30 of H.B. 529 of the 132nd General 84323
Assembly and other prior acts of the General Assembly, with 84324
respect to financing the costs associated with the acquisition, 84325
development, implementation, and integration of the State Taxation 84326
Accounting and Revenue System (STARS). 84327

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 84328

The foregoing appropriation item 100447, Administrative 84329
Buildings Lease Rental Bond Payments, shall be used to meet all 84330
payments during the period from July 1, 2021, through June 30, 84331
2023, by the Department of Administrative Services pursuant to 84332
leases and agreements under Chapters 152. and 154. of the Revised 84333
Code. These appropriations are the source of funds pledged for 84334
bond service charges on related obligations issued under Chapters 84335
152. and 154. of the Revised Code. 84336

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 84337

The Director of Administrative Services, in consultation with 84338
the Multi-Agency Radio Communication System (MARCS) Steering 84339
Committee and the Director of Budget and Management, shall 84340

determine the share of debt service payments attributable to 84341
spending for MARCS components that are not specific to any one 84342
agency and that shall be charged to the Public Safety - Highway 84343
Purposes Fund (Fund 5TM0). Such share of debt service payments 84344
shall be calculated for MARCS capital disbursements made beginning 84345
July 1, 1997. Within thirty days of any payment made from 84346
appropriation item 100447, Administrative Buildings Lease Rental 84347
Bond Payments, the Director of Administrative Services shall 84348
certify to the Director of Budget and Management the amount of 84349
this share. On or before June 30 of each fiscal year, the Director 84350
of Budget and Management may transfer an amount up to the amount 84351
certified for that fiscal year to the General Revenue Fund from 84352
the Public Safety - Highway Purposes Fund (Fund 5TM0) established 84353
in section 4501.06 of the Revised Code. 84354

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 84355
FUND 84356

The foregoing appropriation item 130321, State Agency Support 84357
Services, may be used to provide funding for the cost of property 84358
appraisals or building studies that the Department of 84359
Administrative Services may be required to obtain for property 84360
that is being sold by the state or property under consideration to 84361
be renovated or purchased by the state. 84362

Notwithstanding section 125.28 of the Revised Code, the 84363
foregoing appropriation item 130321, State Agency Support 84364
Services, also may be used to pay the operating expenses of state 84365
facilities maintained by the Department of Administrative Services 84366
that are not billed to building tenants, or other costs associated 84367
with the Voinovich Center in Youngstown, Ohio. These expenses may 84368
include, but are not limited to, the costs for vacant space and 84369
space undergoing renovation, and the rent expenses of tenants that 84370
are relocated because of building renovations. These payments may 84371
be processed by the Department of Administrative Services through 84372

intrastate transfer vouchers and placed into the Building 84373
Management Fund (Fund 1320). 84374

At least once per year, the portion of appropriation item 84375
130321, State Agency Support Services, that is not used for the 84376
regular expenses of the appropriation item may be processed by the 84377
Department of Administrative Services through intrastate transfer 84378
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 84379

On July 1, 2022, or as soon as possible thereafter, the 84380
Director of Administrative Services may certify to the Director of 84381
Budget and Management an amount up to the unexpended, unencumbered 84382
balance of the foregoing appropriation item 130321, State Agency 84383
Support Services, at the end of fiscal year 2022 to be 84384
reappropriated to fiscal year 2023. The amount certified is hereby 84385
reappropriated to the same appropriation item for fiscal year 84386
2023. 84387

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 84388

The foregoing appropriation item 100610, Professional 84389
Development, shall be used to make payments from the Professional 84390
Development Fund (Fund 5L70) under section 124.182 of the Revised 84391
Code. If it is determined by the Director of Budget and Management 84392
that additional amounts are necessary, the amounts are hereby 84393
appropriated. 84394

911 PROGRAM 84395

The foregoing appropriation item 100663, 911 Program, shall 84396
be used by the Department of Administrative Services to pay the 84397
administrative, marketing, and educational costs of the Statewide 84398
Emergency Services Internet Protocol Network program. 84399

EMPLOYEE EDUCATIONAL DEVELOPMENT 84400

The foregoing appropriation item 100619, Employee Educational 84401
Development, shall be used to make payments from the Employee 84402

Educational Development Fund (Fund 5V60) under section 124.86 of 84403
the Revised Code. The fund shall be used to pay the costs of 84404
administering educational programs under existing collective 84405
bargaining agreements with District 1199, the Health Care and 84406
Social Service Union, Service Employees International Union; State 84407
Council of Professional Educators; Ohio Education Association and 84408
National Education Association; the Fraternal Order of Police 84409
State of Ohio, Unit 2 Association; and the Ohio State Troopers 84410
Association, Units 1 and 15. 84411

If it is determined by the Director of Budget and Management 84412
that additional amounts are necessary, the amounts are hereby 84413
appropriated. 84414

Section 207.40. GENERAL SERVICE CHARGES 84415

The Department of Administrative Services, with the approval 84416
of the Director of Budget and Management, shall establish charges 84417
for recovering the costs of administering the programs funded by 84418
the General Services Fund (Fund 1170) and the State Printing Fund 84419
(Fund 2100). 84420

COLLECTIVE BARGAINING ARBITRATION EXPENSES 84421

The Department of Administrative Services may seek 84422
reimbursement from state agencies for the actual costs and 84423
expenses the Department incurs in the collective bargaining 84424
arbitration process. The reimbursements shall be processed through 84425
intrastate transfer vouchers and credited to the Collective 84426
Bargaining Fund (Fund 1280). 84427

CONSOLIDATED IT PURCHASES 84428

The foregoing appropriation item 100640, Consolidated IT 84429
Purchases, shall be used by the Department of Administrative 84430
Services acting as the purchasing agent for one or more government 84431
entities under the authority of division (G) of section 125.18 of 84432

the Revised Code to make information technology purchases at a 84433
lower aggregate cost than each individual government entity could 84434
have obtained independently for that information technology 84435
purchase. 84436

INVESTMENT RECOVERY FUND 84437

Notwithstanding division (B) of section 125.14 of the Revised 84438
Code, cash balances in the Investment Recovery Fund (Fund 4270) 84439
may be used to support the operating expenses of the Federal 84440
Surplus Operating Program created in sections 125.84 to 125.90 of 84441
the Revised Code. 84442

MAJOR IT PURCHASES CHARGES 84443

Upon the request of the Director of Administrative Services, 84444
the Director of Budget and Management may transfer up to the 84445
amount collected for statewide indirect costs attributable to debt 84446
service paid for the enterprise data center solutions project from 84447
the General Revenue Fund to the Major Information Technology 84448
Purchases Fund (Fund 4N60). 84449

PROFESSIONS LICENSING SYSTEM 84450

The foregoing appropriation item, 100658, Ohio Professionals 84451
Licensing System, shall be used to purchase the equipment, 84452
products, and services necessary to update and maintain an 84453
automated licensing system for the professional licensing boards. 84454

The Department of Administrative Services shall establish 84455
charges for recovering the costs of ongoing maintenance of the 84456
system that are not otherwise recovered under section 125.18 of 84457
the Revised Code. The charges shall be billed to state agencies, 84458
boards, and commissions using the state's enterprise electronic 84459
licensing system and deposited via intrastate transfer vouchers to 84460
the credit of the Professions Licensing System Fund (Fund 5JQ0). 84461

Section 207.45. BUILDING IMPROVEMENT FUND 84462

The foregoing appropriation item 100659, Building Improvement, shall be used to make payments from the Building Improvement Fund (Fund 5KZ0) for major maintenance or improvements required in facilities maintained by the Department of Administrative Services. The Department of Administrative Services shall conduct or contract for regular assessments of these buildings and may maintain a cash balance in Fund 5KZ0 equal to the cost of the repairs and improvements that are recommended to occur within the next five years, with the following exception described below.

Upon request of the Director of Administrative Services, the Director of Budget and Management may permit a cash transfer from Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs of operating and maintaining facilities managed by the Department of Administrative Services that are not charged to tenants during the same fiscal year.

Should the cash balance in Fund 1320 be determined to be sufficient, the Director of Administrative Services may request that the Director of Budget and Management transfer cash from Fund 1320 to Fund 5KZ0 in an amount equal to the initial cash transfer made under this section plus applicable interest.

INFORMATION TECHNOLOGY DEVELOPMENT

The foregoing appropriation item 100661, IT Development, shall be used by the Department of Administrative Services to pay the costs of modernizing the state's information technology management and investment practices away from a limited, agency-specific focus in favor of a statewide methodology supporting development of enterprise solutions. This appropriation item may be used to pay the costs of enterprise information technology initiatives affecting state agencies or their customers.

Notwithstanding any provision of law to the contrary, the Department of Administrative Services, with the approval of the Director of Budget and Management, may charge state agencies an information technology development assessment based on state agencies' information technology expenditures or other methodology and may assess fees or charges to entities that are not state agencies to offset the cost of specific technology events or services. The revenue from these assessments, fees, or charges shall be deposited into the Information Technology Development Fund (Fund 5LJ0), which is hereby created.

STATE EEO FUND

Effective July 1, 2021, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 100649, Equal Opportunity Division - Operating, and reestablish them against appropriation item 100622, Human Resources Division - Operating. The reestablished encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 100649, Equal Opportunity Division - Operating, by July 1, 2021, shall be completed under appropriation item 100622, Human Resources Division - Operating, in the same manner, and with the same effect, as if completed with regard to appropriation item 100649, Equal Opportunity Division - Operating.

The Director of Budget and Management shall transfer the amount of cash in the State EEO Fund (Fund 1880) that was received from agencies for actual expenditures deposited to the credit of the State EEO Fund (Fund 1880) into the Human Resources Services Fund (Fund 1250). In order to facilitate this transfer, the Director of Administrative Services, on July 1, 2021, or as soon as possible thereafter, shall certify to the Director of Budget and Management the amount to be transferred.

ENTERPRISE APPLICATIONS

The foregoing appropriation item 100665, Enterprise Applications, shall be used for the operation and management of information technology applications that support state agencies' objectives. Charges billed to benefiting agencies shall be deposited to the credit of the Enterprise Applications Fund (Fund 5PC0).

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION

The Director of Administrative Services shall determine and implement strategies that benefit the enterprise by improving efficiency, reducing costs, or enhancing capacity of information technology (IT) services. Such improvements and efficiencies may result in the consolidation and transfer of such services. As determined to be necessary for successful implementation of this section and notwithstanding any provision of law to the contrary, the Director of Administrative Services may request the Director of Budget and Management to consolidate or transfer IT-specific budget authority between agencies or within an agency as necessary to implement enterprise IT cost containment strategies and related efficiencies. Once the Director of Budget and Management is satisfied that the proposed initiative is cost advantageous to the enterprise, the Director of Budget and Management may transfer appropriations, funds, and cash as needed to implement the proposed initiative. The establishment of any new fund or additional appropriation as a result of this section shall be subject to Controlling Board approval.

The Director of Budget and Management and the Director of Administrative Services may transfer any employees, assets, and liabilities, including, but not limited to, records, contracts, and agreements in order to facilitate the improvements determined in accordance with this section.

	Section 209.10.	AGE DEPARTMENT OF AGING				84555	
	General Revenue Fund					84556	
GRF	490321	Operating Expenses	\$	1,724,070	\$	1,745,504	84557
GRF	490410	Long-Term Care	\$	3,112,901	\$	3,112,901	84558
		Ombudsman					
GRF	490411	Senior Community	\$	8,798,995	\$	8,737,042	84559
		Services					
GRF	490414	Alzheimer's and Other	\$	2,495,245	\$	2,495,245	84560
		Dementia Respite					
GRF	490506	National Senior	\$	222,792	\$	222,792	84561
		Service Corps					
GRF	656423	Long-Term Care Budget	\$	5,154,308	\$	5,194,827	84562
		- State					
TOTAL GRF	General Revenue Fund		\$	21,508,311	\$	21,508,311	84563
	Dedicated Purpose Fund Group					84564	
4800	490606	Senior Community	\$	385,964	\$	380,761	84565
		Outreach and					
		Education					
4C40	490609	Regional Long-Term	\$	1,000,000	\$	1,000,000	84566
		Care Ombudsman					
		Program					
5BA0	490620	Ombudsman Support	\$	1,532,273	\$	1,532,919	84567
5K90	490613	Long-Term Care	\$	401,640	\$	1,427,072	84568
		Consumers Guide					
5MT0	490627	Board of Executives	\$	750,838	\$	761,056	84569
		of Long-Term Services					
		and Supports					
5T40	656625	Health Care Grants -	\$	200,000	\$	200,000	84570
		State					
5TI0	656624	Provider	\$	120,000	\$	120,000	84571
		Certification					

5W10 490616	Resident Services	\$	344,934	\$	345,050	84572
	Coordinator Program					
TOTAL DPF	Dedicated Purpose					84573
Fund Group		\$	4,735,649	\$	5,766,858	84574
Federal Fund Group						84575
3220 490618	Federal Aging Grants	\$	9,435,514	\$	8,860,830	84576
3C40 656623	Long Term Care Budget	\$	4,790,982	\$	4,839,274	84577
	- Federal					
3M40 490612	Federal Independence	\$	62,630,274	\$	57,726,103	84578
	Services					
TOTAL FED	Federal Fund Group	\$	76,856,770	\$	71,426,207	84579
TOTAL ALL	BUDGET FUND GROUPS	\$	103,100,730	\$	98,701,376	84580

Section 209.20. LONG-TERM CARE 84582

Pursuant to an interagency agreement, the Department of 84583
 Medicaid may designate the Department of Aging to perform 84584
 assessments under section 5165.04 of the Revised Code. The 84585
 Department of Aging shall provide long-term care consultations 84586
 under section 173.42 of the Revised Code to assist individuals in 84587
 planning for their long-term health care needs. 84588

The Department of Aging shall administer the Medicaid 84589
 waiver-funded PASSPORT Home Care Program, the Assisted Living 84590
 Program, and PACE as delegated by the Department of Medicaid in an 84591
 interagency agreement. 84592

PERFORMANCE-BASED REIMBURSEMENT 84593

In order to improve health outcomes among populations served 84594
 by PASSPORT administrative agencies, the Department of Aging, 84595
 through rules adopted in accordance with Chapter 119. of the 84596
 Revised Code, may design and utilize a payment method for PASSPORT 84597
 administrative agency operations that includes a 84598
 pay-for-performance incentive component that is earned by a 84599
 PASSPORT administrative agency when defined consumer and policy 84600

outcomes are achieved. Prior to filing with the Joint Committee on 84601
Agency Rule Review, as provided in section 119.03 of the Revised 84602
Code, a proposed rule related to a payment method that includes a 84603
pay-for-performance incentive component, the Department shall 84604
submit a report to the Joint Medicaid Oversight Committee 84605
outlining the payment method. 84606

Section 209.30. MYCARE OHIO 84607

The authority of the Office of the State Long-Term Care 84608
Ombudsman as described in sections 173.14 to 173.28 of the Revised 84609
Code extends to MyCare Ohio during the period of the federal 84610
financial alignment demonstration program. 84611

SENIOR COMMUNITY SERVICES 84612

Of the foregoing appropriation item 490411, Senior Community 84613
Services, \$75,000 in each fiscal year shall be provided to the 84614
Neighborhood Alliance for the Senior Nutrition Program. 84615

The remainder of appropriation item 490411, Senior Community 84616
Services, may be used for programs, services, and activities 84617
designated by the Department of Aging, including, but not limited 84618
to, home-delivered meals, congregate dining, transportation, 84619
personal care, respite, adult day services, home maintenance and 84620
chores, minor home modification, care coordination, evidence-based 84621
disease prevention and health promotion, and decision support 84622
systems. Funds may also be used to provide grants to community 84623
organizations to support and expand older adult programming. 84624
Services priority shall be given to low-income, high-need persons, 84625
and/or persons with a cognitive impairment who are sixty years of 84626
age or over. 84627

NATIONAL SENIOR SERVICE CORPS 84628

The foregoing appropriation item 490506, National Senior 84629
Service Corps, may be used by the Department of Aging to fund 84630

grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it.

Section 211.10. AGR DEPARTMENT OF AGRICULTURE

General Revenue Fund

GRF 700401	Animal Health Programs	\$	5,267,266	\$	5,388,181	84650
GRF 700403	Dairy Division	\$	1,292,929	\$	1,342,866	84651
GRF 700404	Ohio Proud	\$	102,734	\$	105,096	84652
GRF 700406	Consumer Protection Lab	\$	1,467,261	\$	1,389,965	84653
GRF 700407	Food Safety	\$	1,376,113	\$	1,408,710	84654
GRF 700409	Farmland Preservation	\$	500,000	\$	500,000	84655
GRF 700410	Plant Industry	\$	151,708	\$	155,449	84656
GRF 700412	Weights and Measures	\$	631,487	\$	631,487	84657
GRF 700415	Poultry Inspection	\$	832,288	\$	851,470	84658
GRF 700417	Soil and Water Phosphorus Program	\$	10,700,000	\$	10,700,000	84659

GRF 700418	Livestock Regulation Program	\$ 1,281,483	\$ 1,325,467	84660
GRF 700424	Livestock Testing and Inspections	\$ 119,843	\$ 122,240	84661
GRF 700426	Dangerous and Restricted Animals	\$ 618,447	\$ 631,310	84662
GRF 700427	High Volume Breeder Kennel Control	\$ 1,269,865	\$ 1,300,401	84663
GRF 700428	Soil and Water Division	\$ 3,658,683	\$ 3,658,683	84664
GRF 700499	Meat Inspection Program - State Share	\$ 6,485,605	\$ 6,672,501	84665
GRF 700501	County Agricultural Societies	\$ 379,673	\$ 379,673	84666
GRF 700509	Soil and Water District Support	\$ 11,810,000	\$ 11,810,000	84667
GRF 700511	Ride Inspection	\$ 900,000	\$ 600,000	84668
GRF 700674	Hemp Production	\$ 195,000	\$ 195,000	84669
TOTAL GRF	General Revenue Fund	\$ 49,040,385	\$ 49,168,499	84670
	Dedicated Purpose Fund Group			84671
4900 700651	License Plates - Sustainable Agriculture	\$ 17,500	\$ 17,500	84672
4940 700612	Agricultural Commodity Marketing Program	\$ 240,000	\$ 240,000	84673
4960 700626	Ohio Grape Industries	\$ 1,550,000	\$ 1,550,000	84674
4970 700627	Grain Warehouse Program	\$ 425,000	\$ 425,000	84675
4C90 700605	Commercial Feed and Seed	\$ 2,326,251	\$ 2,326,251	84676
4D20 700609	Auction Education	\$ 50,000	\$ 50,000	84677
4E40 700606	Utility Radiological	\$ 101,130	\$ 101,130	84678

		Safety				
4P70	700610	Food Safety	\$	1,071,208	\$	1,096,240 84679
		Inspection				
4R00	700636	Ohio Proud Marketing	\$	30,500	\$	30,500 84680
4R20	700637	Dairy Industry	\$	1,832,950	\$	1,832,950 84681
		Inspection				
4T60	700611	Poultry and Meat	\$	100,000	\$	100,000 84682
		Inspection				
5780	700620	Ride Inspection	\$	700,000	\$	1,200,000 84683
5B80	700629	Auctioneers	\$	361,450	\$	361,450 84684
5BV0	700660	Heidelberg Water	\$	275,000	\$	275,000 84685
		Quality Lab				
5BV0	700661	Soil and Water	\$	8,000,000	\$	8,000,000 84686
		Districts				
5CV1	700672	Coronavirus Relief -	\$	1,000,000	\$	0 84687
		Local Fairs				
5FC0	700648	Plant Pest Program	\$	1,554,599	\$	1,590,615 84688
5H20	700608	Metrology Lab and	\$	1,269,572	\$	1,289,718 84689
		Scale Certification				
5L80	700604	Livestock Management	\$	245,000	\$	245,000 84690
		Program				
5MA0	700657	Dangerous and	\$	10,000	\$	10,000 84691
		Restricted Animals				
5MR0	700658	High Volume Breeders	\$	460,000	\$	460,000 84692
		and Kennels				
5MS0	700659	Captive Deer	\$	18,000	\$	18,000 84693
5PL0	700662	Pet Store License	\$	30,000	\$	30,000 84694
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000 84695
5WJ0	700671	Hemp Program	\$	1,006,000	\$	1,006,000 84696
5YB0	700676	Farm Financial	\$	250,000	\$	250,000 84697
		Management Institute				
6520	700634	Animal, Consumer, and	\$	5,840,522	\$	5,962,715 84698
		ATL Labs				

6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	4,894,402	\$	4,894,402	84699
6H20	700670	H2Ohio	\$	49,300,000	\$	49,300,000	84700
TOTAL DPF Dedicated Purpose							84701
Fund Group			\$	83,474,084	\$	83,177,471	84702
Internal Service Activity Fund Group							84703
5DA0	700644	Laboratory Administration Support	\$	1,204,626	\$	1,204,626	84704
5GH0	700655	Administrative Support	\$	5,677,844	\$	5,813,996	84705
TOTAL ISA Internal Service Activity							84706
Fund Group			\$	6,882,470		7,018,622	84707
Capital Projects Fund Group							84708
7057	700632	Clean Ohio Agricultural Easement Operating	\$	610,000	\$	610,000	84709
TOTAL CPF Capital Projects Fund Group			\$	610,000	\$	610,000	84710
Federal Fund Group							84711
3260	700618	Meat Inspection Program - Federal Share	\$	5,194,424	\$	5,194,424	84712
3360	700617	Ohio Farm Loan - Revolving	\$	225,000	\$	225,000	84713
3820	700601	Federal Cooperative Contracts	\$	8,613,000	\$	8,617,000	84714
3AB0	700641	Agricultural Easement	\$	330,000	\$	330,000	84715
3J40	700607	Federal Administrative Programs	\$	1,237,587	\$	1,264,214	84716

3R20 700614	Federal Plant	\$	7,295,972	\$	7,295,972	84717
	Industry					
TOTAL FED	Federal Fund Group	\$	22,895,983	\$	22,926,610	84718
TOTAL ALL BUDGET	FUND GROUPS	\$	162,902,922	\$	162,901,202	84719

Section 211.20. SOIL AND WATER PHOSPHORUS PROGRAM 84721

The Department of Agriculture shall establish programs to 84722
assist in reducing total phosphorus and dissolved reactive 84723
phosphorus in the Western Lake Erie Basin. The programs shall give 84724
priority to those subwatersheds determined to be highest in total 84725
phosphorus and dissolved reactive phosphorus nutrient loading. 84726

The foregoing appropriation item 700417, Soil and Water 84727
Phosphorus Program, shall be used to support the programs 84728
described above, which may include but not be limited to, the 84729
following: (1) equipment for subsurface placement of nutrients 84730
into the soil; (2) equipment for nutrient placement based on 84731
geographic information system data; (3) soil testing; (4) 84732
implementation of variable rate technology; (5) equipment 84733
implementing manure transformation and manure conversion 84734
technologies; (6) tributary monitoring; (7) water management and 84735
edge-of-field drainage management; and (8) an agricultural 84736
phosphorus reduction revolving loan program. Not more than forty 84737
per cent of the foregoing appropriation item 700417, Soil and 84738
Water Phosphorus Program, shall be used for any single activity. 84739

DANGEROUS AND RESTRICTED WILD ANIMALS 84740

The foregoing appropriation item 700426, Dangerous and 84741
Restricted Animals, shall be used to administer the Dangerous and 84742
Restricted Wild Animal Permitting Program. 84743

COUNTY AGRICULTURAL SOCIETIES 84744

The foregoing appropriation item 700501, County Agricultural 84745
Societies, shall be used to reimburse county and independent 84746

agricultural societies for expenses related to Junior Fair 84747
activities. 84748

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE 84749
BASIN 84750

Of the foregoing appropriation item 700509, Soil and Water 84751
District Support, \$50,000 in each fiscal year shall be used to 84752
support the administrative expenses of the Indian Lake Watershed 84753
Project. 84754

Of the foregoing appropriation item 700509, Soil and Water 84755
District Support, \$350,000 in each fiscal year shall be used by 84756
the Department of Agriculture for a program to support soil and 84757
water conservation districts in the Western Lake Erie Basin in 84758
complying with provisions of Sub. S.B. 1 of the 131st General 84759
Assembly. The Department shall approve a soil and water district's 84760
application for funding under the program if the application 84761
demonstrates that funding will be used for, but not limited to, 84762
providing technical assistance, developing applicable nutrient or 84763
manure management plans, hiring and training of soil and water 84764
conservation district staff on best conservation practices, or 84765
other activities the Director determines appropriate to assist 84766
farmers in the Western Lake Erie Basin in complying with the 84767
provisions of Sub. S.B. 1 of the 131st General Assembly. 84768

Of the foregoing appropriation item 700509, Soil and Water 84769
District Support, \$3,500,000 in each fiscal year shall be used to 84770
support county soil and water conservation districts in the 84771
Western Lake Erie Basin for staffing costs and to assist in soil 84772
testing and nutrient management plan development, including manure 84773
transformation and manure conversion technologies, enhanced filter 84774
strips, water management, and other conservation support. 84775

SOIL AND WATER DISTRICTS 84776

In addition to state payments to soil and water conservation 84777

districts authorized by section 940.15 of the Revised Code, the 84778
Department of Agriculture may use appropriation item 700661, Soil 84779
and Water Districts, to pay any soil and water conservation 84780
district an annual amount not to exceed \$40,000 upon receipt of a 84781
request and justification from the district and approval by the 84782
Ohio Soil and Water Conservation Commission. The county auditor 84783
shall credit the payments to the special fund established under 84784
section 940.12 of the Revised Code for use by the local soil and 84785
water conservation district. The amounts received by each district 84786
shall be expended for the purposes of the district. 84787

CORONAVIRUS - LOCAL FAIRS 84788

The foregoing appropriation item 700672, Coronavirus Relief - 84789
Local Fairs, shall be used to support safety in connection with 84790
the Ohio State Fair in fiscal year 2022. 84791

FARM FINANCIAL MANAGEMENT INSTITUTE 84792

The foregoing appropriation item 700676, Farm Financial 84793
Management Institute, shall be allocated to the Ohio State 84794
University Extension's Farm Production, Policy, and Financial 84795
Management Institute. 84796

H2OHIO FUND 84797

On July 1, 2022, or as soon as possible thereafter, the 84798
Director of Agriculture may certify to the Director of Budget and 84799
Management an amount up to the unexpended, unencumbered balance of 84800
the foregoing appropriation item, 700670, H2Ohio, at the end of 84801
fiscal year 2022 to be reappropriated in fiscal year 2023. Upon 84802
Controlling Board approval, the amount certified is hereby 84803
reappropriated to the same appropriation item for fiscal year 84804
2023. 84805

Of the foregoing appropriation item 700670, H2Ohio, 84806
\$1,800,000 in fiscal year 2022 and \$2,200,000 in fiscal year 2023 84807
shall be used to match federal funding available to establish a 84808

water quality pilot program at Shallow Run located in Hardin 84809
 County in accordance to Section 3 of H.B. 7 of the 133rd General 84810
 Assembly. Funding under this appropriation item shall not be 84811
 expended until the Department of Agriculture reports to the 84812
 Controlling Board that federal funding for the pilot program has 84813
 been committed or obtained. 84814

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 84815

The foregoing appropriation item 700632, Clean Ohio 84816
 Agricultural Easement Operating, shall be used by the Department 84817
 of Agriculture in administering Clean Ohio Agricultural Easement 84818
 Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 84819
 5301.67 to 5301.70 of the Revised Code. 84820

CASH TRANSFER TO AUCTIONEERS FUND 84821

On or before December 31, 2021, upon the request of the 84822
 Director of Agriculture, and subject to the approval of the 84823
 Controlling Board, the Director of Budget and Management may 84824
 transfer up to \$300,000 in cash from the Auction Recovery Fund 84825
 (5U10) to the Auctioneers Fund (5B80). 84826

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 84827

Dedicated Purpose Fund Group 84828

4Z90 898602	Small Business	\$	209,000	\$	211,000	84829
	Ombudsman					
5700 898601	Operating Expenses	\$	774,811	\$	783,347	84830
5A00 898603	Small Business	\$	300,000	\$	300,000	84831
	Assistance					

TOTAL DPF Dedicated Purpose Fund \$ 1,283,811 \$ 1,294,347 84832
 Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,283,811 \$ 1,294,347 84833

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 84835

AUTHORITY TRUST ACCOUNT 84836

Notwithstanding any other provision of law to the contrary, 84837
the Air Quality Development Authority may reimburse the Air 84838
Quality Development Authority trust account established under 84839
section 3706.10 of the Revised Code from all operating funds of 84840
the agency for expenses pertaining to the administration and 84841
shared costs incurred by the Air Quality Development Authority in 84842
the execution of responsibilities as prescribed in Chapter 3706. 84843
of the Revised Code. The reimbursement shall be made by voucher. 84844

Section 215.10. ARC ARCHITECTS BOARDS 84845

Dedicated Purpose Fund Group 84846
4K90 891609 Operating \$ 633,410 \$ 644,408 84847
TOTAL DPF Dedicated Purpose Fund 84848
Group \$ 633,410 \$ 644,408 84849
TOTAL ALL BUDGET FUND GROUPS \$ 633,410 \$ 644,408 84850

Section 217.10. ART OHIO ARTS COUNCIL 84852

General Revenue Fund 84853
GRF 370321 Operating Expenses \$ 1,961,700 \$ 1,961,700 84854
GRF 370502 State Program \$ 18,038,300 \$ 18,038,300 84855
Subsidies
TOTAL GRF General Revenue Fund \$ 20,000,000 \$ 20,000,000 84856
Dedicated Purpose Fund Group 84857
4600 370602 Arts Council Program \$ 385,000 \$ 385,000 84858
Support
4B70 370603 Percent for Art \$ 165,000 \$ 165,000 84859
Acquisitions
TOTAL DPF Dedicated Purpose Fund \$ 550,000 \$ 550,000 84860
Group
Federal Fund Group 84861
3140 370601 Federal Support \$ 1,250,000 \$ 1,250,000 84862
TOTAL FED Federal Fund Group \$ 1,250,000 \$ 1,250,000 84863

TOTAL ALL BUDGET FUND GROUPS	\$	21,800,000	\$	21,800,000	84864
FEDERAL SUPPORT					84865
Notwithstanding any provision of law to the contrary, the					84866
foregoing appropriation item 370601, Federal Support, shall be					84867
used by the Ohio Arts Council for subsidies only, and not for its					84868
administrative costs, unless the Council is required to use a					84869
portion of the funds for administrative costs under conditions of					84870
the federal grant.					84871
Section 219.10. ATH ATHLETIC COMMISSION					84872
Dedicated Purpose Fund Group					84873
4K90 175609 Operating Expenses	\$	280,501	\$	275,423	84874
TOTAL DPF Dedicated Purpose Fund	\$	280,501	\$	275,423	84875
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	280,501	\$	275,423	84876
Section 221.10. AGO ATTORNEY GENERAL					84878
General Revenue Fund					84879
GRF 055321 Operating Expenses	\$	70,800,000	\$	71,630,000	84880
GRF 055405 Law-Related Education	\$	68,950	\$	68,950	84881
GRF 055406 BCIRS Lease Rental	\$	2,525,000	\$	2,520,000	84882
Payments					
GRF 055411 County Sheriffs' Pay	\$	1,024,983	\$	1,043,558	84883
Supplement					
GRF 055415 County Prosecutors'	\$	1,317,602	\$	1,340,208	84884
Pay Supplement					
GRF 055431 Drug Abuse Response	\$	1,500,000	\$	1,500,000	84885
Team Grants					
GRF 055432 Drug Testing	\$	964,100	\$	964,100	84886
Equipment					
GRF 055434 ICAC Task Force	\$	500,000	\$	500,000	84887
GRF 055440 Rapid DNA Pilot	\$	1,000,000	\$	400,000	84888

		Project				
GRF	055441	Victims of Crime	\$	2,500,000	\$	0 84889
GRF	055501	Rape Crisis Centers	\$	10,000,000	\$	7,300,000 84890
GRF	055502	School Safety	\$	12,000,000	\$	12,000,000 84891
Training Grants						
GRF	055504	Domestic Violence	\$	5,000,000	\$	2,500,000 84892
Programs						
GRF	055505	Pike County Capital	\$	300,000	\$	0 84893
Case						
GRF	055509	Law Enforcement	\$	15,000,000	\$	0 84894
Reimbursement						
Training Pilot						
Program						
TOTAL GRF	General Revenue Fund		\$	124,500,635	\$	101,766,816 84895
Dedicated Purpose Fund Group 84896						
1060	055612	Attorney General	\$	72,700,000	\$	72,700,000 84897
Operating						
4020	055616	Victims of Crime	\$	16,500,000	\$	16,500,000 84898
4170	055621	Domestic Violence	\$	25,000	\$	25,000 84899
Shelter						
4180	055615	Charitable	\$	8,286,000	\$	8,286,000 84900
Foundations						
4190	055623	Claims Section	\$	40,000,000	\$	42,000,000 84901
4210	055617	Police Officers'	\$	1,500,000	\$	1,500,000 84902
Training Academy Fee						
4L60	055606	DARE Programs	\$	2,900,000	\$	2,900,000 84903
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751 84904
4Z20	055609	BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000 84905
and Cost						
Reimbursement						
5900	055633	Peace Officer Private	\$	95,325	\$	95,325 84906
Security Training						
5A90	055618	Telemarketing Fraud	\$	10,000	\$	10,000 84907

		Enforcement					
5LR0	055655	Peace Officer	\$	4,700,000	\$	4,700,000	84908
		Training - Casino					
5TL0	055659	Organized Crime Law	\$	100,000	\$	100,000	84909
		Enforcement Trust					
6310	055637	Consumer Protection	\$	9,276,000	\$	9,276,000	84910
		Enforcement					
6590	055641	Solid and Hazardous	\$	328,728	\$	328,728	84911
		Waste Background					
		Investigations					
U087	055402	Tobacco Settlement	\$	2,650,000	\$	2,650,000	84912
		Oversight,					
		Administration, and					
		Enforcement					
TOTAL DPF Dedicated Purpose Fund							84913
Group			\$	161,084,804	\$	163,084,804	84914
Internal Service Activity Fund Group							84915
1950	055660	Workers' Compensation	\$	9,115,000	\$	9,115,000	84916
		Section					
TOTAL ISA Internal Service Activity							84917
Fund Group			\$	9,115,000	\$	9,115,000	
Holding Account Fund Group							84918
R004	055631	General Holding	\$	1,000,000	\$	1,000,000	84919
		Account					
R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000	84920
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000	84921
R042	055601	Organized Crime	\$	750,000	\$	750,000	84922
		Commission					
		Distributions					
R054	055650	Collection Payment	\$	4,500,000	\$	4,500,000	84923
		Redistribution					
TOTAL HLD Holding Account							84924

Fund Group		\$	8,250,000	\$	8,250,000	84925
Federal Fund Group						84926
3060 055620	Medicaid Fraud Control	\$	13,561,582	\$	13,561,582	84927
3830 055634	Crime Victims Assistance	\$	90,000,000	\$	90,000,000	84928
3E50 055638	Attorney General Pass-Through Funds	\$	4,020,999	\$	4,020,999	84929
3FV0 055656	Crime Victim Compensation	\$	5,000,000	\$	5,000,000	84930
3R60 055613	Attorney General Federal Funds	\$	3,500,000	\$	3,500,000	84931
TOTAL FED	Federal Fund Group	\$	116,082,581	\$	116,082,581	84932
TOTAL ALL BUDGET	FUND GROUPS	\$	419,033,020	\$	398,299,201	84933

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 84935
84936

Of the foregoing appropriation item 055321, Operating 84937
Expenses, \$600,000 in each fiscal year shall be used for the Ohio 84938
Center for the Future of Forensic Science at Bowling Green State 84939
University. The purpose of the Center shall be to foster forensic 84940
science research techniques (BCI Eminent Scholar) and to create 84941
professional training opportunities to students (BCI Scholars) in 84942
the forensic science fields. 84943

DOMESTIC VIOLENCE PROGRAM 84944

Of the foregoing appropriation item 055321, Operating 84945
Expenses, \$100,000 in each fiscal year may be used by the Attorney 84946
General for the purpose of providing funding to domestic violence 84947
programs as defined in section 109.46 of the Revised Code. 84948

NARCOTICS TASK FORCES 84949

Of the foregoing appropriation item 055321, Operating 84950

Expenses, up to \$500,000 in each fiscal year shall be used to 84951
support narcotics task forces funded by the Attorney General. 84952

BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE 84953
RENTAL PAYMENTS 84954

The foregoing appropriation item 055406, BCIRS Lease Rental 84955
Payments, shall be used for payments during the period from July 84956
1, 2021, through June 30, 2023, pursuant to leases and agreements 84957
entered into pursuant to Section 701.40 of S.B. 310 of the 131st 84958
General Assembly and other prior acts of the General Assembly, 84959
with respect to financing the costs associated with the 84960
acquisition, development, implementation, and integration of the 84961
BCIRS. 84962

COUNTY SHERIFFS' PAY SUPPLEMENT 84963

The foregoing appropriation item 055411, County Sheriffs' Pay 84964
Supplement, shall be used for the purpose of supplementing the 84965
annual compensation of county sheriffs as required by section 84966
325.06 of the Revised Code. 84967

At the request of the Attorney General, the Director of 84968
Budget and Management may transfer appropriation from 84969
appropriation item 055321, Operating Expenses, to appropriation 84970
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 84971
transferred shall be used to supplement the annual compensation of 84972
county sheriffs as required by section 325.06 of the Revised Code. 84973

COUNTY PROSECUTORS' PAY SUPPLEMENT 84974

The foregoing appropriation item 055415, County Prosecutors' 84975
Pay Supplement, shall be used for the purpose of supplementing the 84976
annual compensation of certain county prosecutors as required by 84977
section 325.111 of the Revised Code. 84978

At the request of the Attorney General, the Director of 84979
Budget and Management may transfer appropriation from 84980

appropriation item 055321, Operating Expenses, to appropriation 84981
item 055415, County Prosecutors' Pay Supplement. Any appropriation 84982
so transferred shall be used to supplement the annual compensation 84983
of county prosecutors as required by section 325.111 of the 84984
Revised Code. 84985

DRUG TESTING EQUIPMENT 84986

The foregoing appropriation item 055432, Drug Testing 84987
Equipment, shall be used to purchase drug testing equipment for 84988
the Bureau of Criminal Identification and Investigation. 84989

ICAC TASK FORCE 84990

The foregoing appropriation item 055434, ICAC Task Force, 84991
shall be used by the Attorney General in support of the Ohio 84992
Internet Crimes Against Children Task Force for the purposes 84993
described in section 195.02 of the Revised Code. 84994

RAPID DNA PILOT PROJECT 84995

The foregoing appropriation item 055440, Rapid DNA Pilot 84996
Project, shall be used to fund the necessary expenses incurred by 84997
the Bureau of Criminal Identification and Investigation to pilot 84998
rapid DNA technology with cooperating local law enforcement 84999
agencies. 85000

VICTIMS OF CRIME 85001

The foregoing appropriation item 055441, Victims of Crime, 85002
shall be allocated to the Crime Victim Compensation Program. Prior 85003
to using the funds from this appropriation item, the Attorney 85004
General shall, to the extent possible, first use funds related to 85005
the federal Victims of Crime Act. 85006

Section 221.30. BATTERED WOMEN'S SHELTER 85007

Of the foregoing appropriation item 055504, Domestic Violence 85008
Programs, \$50,000 in each fiscal year shall be distributed to the 85009

Battered Women's Shelter of Summit and Medina counties for the 85010
cost of operating the commercial kitchen located at its Market 85011
Street Facility, and \$50,000 in each fiscal year shall be 85012
distributed to the Battered Women's Shelter of Portage County. 85013

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM 85014

Of the foregoing appropriation item 055504, Domestic Violence 85015
Programs, \$300,000 in each fiscal year shall be distributed to the 85016
Battered Women's Shelter of Summit and Medina counties for 85017
expenses related to the creation and implementation of a pilot 85018
program called "Finding my Childhood Again." 85019

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 85020

The Attorney General shall maintain the Drug Abuse Response 85021
Team Grant Program for the purpose of replicating or expanding 85022
successful law enforcement programs that address the opioid 85023
epidemic similar to the Drug Abuse Response Team established by 85024
the Lucas County Sheriff's Department, and the Quick Response 85025
Teams established in Colerain Township's Department of Public 85026
Safety in Hamilton County and Summit County. Any grants awarded by 85027
this grant program may include requirements for private or 85028
nonprofit matching support. 85029

The foregoing appropriation item 055431, Drug Abuse Response 85030
Team Grants, shall be used by the Attorney General to fund grants 85031
to law enforcement or other government agencies; the primary 85032
purpose of the grants shall be to replicate or expand successful 85033
law enforcement programs that address the opioid epidemic similar 85034
to the Drug Abuse Response Team established by the Lucas County 85035
Sheriff's Department and the Quick Response Teams established in 85036
Colerain Township's Department of Public Safety in Hamilton County 85037
and Summit County. 85038

Each recipient of a grant under this program shall, within 85039
six months of the end date of the grant, submit a written report 85040

describing the outcomes that resulted from the grant to the 85041
Governor, the President of the Senate, the Speaker of the House of 85042
Representatives, the Minority Leader of the Senate, and the 85043
Minority Leader of the House of Representatives. 85044

SCHOOL SAFETY TRAINING GRANTS 85045

(A) The foregoing appropriation item 055502, School Safety 85046
Training Grants, shall be used by the Attorney General, in 85047
consultation with the Superintendent of Public Instruction and the 85048
Director of Mental Health and Addiction Services, solely to make 85049
grants to public and chartered nonpublic schools, educational 85050
service centers, local law enforcement agencies, and schools 85051
operated by county boards of developmental disabilities 85052
administering special education services programs pursuant to 85053
section 5126.05 of the Revised Code for school safety and school 85054
climate programs and training. 85055

(B) The use of the grants includes, but is not limited to, 85056
all of the following: 85057

(1) The support of school resource officer certification 85058
training; 85059

(2) Any type of active shooter and school safety training or 85060
equipment; 85061

(3) All grade level type educational resources; 85062

(4) Training to identify and assist students with mental 85063
health issues; 85064

(5) School supplies or equipment related to school safety or 85065
for implementing the school's safety plan; 85066

(6) Any other training related to school safety. 85067

(C) The schools, educational service centers, and county 85068
boards shall work or contract with the county sheriff's office or 85069
a local police department in whose jurisdiction they are located 85070

to develop the programs and training described in divisions 85071
(B) (1), (2), (3), (5), and (6) of this section. Any grant awarded 85072
directly to a local law enforcement agency shall not be used to 85073
fund a similar request made by a school located within the 85074
jurisdiction of the local law enforcement agency. 85075

(D) As used in this section, "public school" means any school 85076
operated by a school district board of education, any community 85077
school established under Chapter 3314. of the Revised Code, and 85078
any STEM school established under Chapter 3326. of the Revised 85079
Code. 85080

DOMESTIC VIOLENCE PROGRAMS 85081

The foregoing appropriation item 055504, Domestic Violence 85082
Programs, shall be used by the Attorney General for the purpose of 85083
funding domestic violence programs as defined in section 109.46 of 85084
the Revised Code. 85085

Of the foregoing appropriation item 055504, Domestic Violence 85086
Programs, \$25,000 in fiscal year 2022 shall be provided as grants 85087
to Ohio domestic violence shelters to buy transportation vouchers, 85088
ridesharing credits, or gas cards for eligible clients. The 85089
Attorney General shall adopt any rules necessary for the 85090
administration of the grant program. 85091

PIKE COUNTY CAPITAL CASE 85092

An amount equal to the unexpended, unencumbered balance of 85093
appropriation item 055505, Pike County Capital Case, at the end of 85094
fiscal year 2021 is hereby reappropriated to the same 85095
appropriation item for the same purpose in fiscal year 2022. 85096

LAW ENFORCEMENT REIMBURSEMENT TRAINING PILOT PROGRAM 85097

The foregoing appropriation item 055509, Law Enforcement 85098
Reimbursement Training Pilot Program, shall be used by the 85099
Attorney General, in accordance with division (A) of Section 85100

701.70 of this act, for state funding of the training of peace officers and troopers that is required under section 109.803 of the Revised Code. 85101
85102
85103

Of the foregoing appropriation item 055509, Law Enforcement Reimbursement Training Pilot Program, the Attorney General may use up to \$25,000 for administrative expenses associated with the program. 85104
85105
85106
85107

On July 1, 2022, or as soon as possible thereafter, the Attorney General shall certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 055509, Law Enforcement Reimbursement Training Pilot Program, at the end of fiscal year 2022 to be reappropriated for the same purpose in fiscal year 2023. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023. 85108
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WORKERS' COMPENSATION SECTION 85117

The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the fiscal year. 85118
85119
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85122

In addition, the Bureau of Workers' Compensation shall transfer payments for the support of the Workers' Compensation Fraud Unit. 85123
85124
85125

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission. 85126
85127
85128

GENERAL HOLDING ACCOUNT 85129

The foregoing appropriation item 055631, General Holding 85130

Account, shall be used to distribute moneys under the terms of 85131
relevant court orders or other settlements received in a variety 85132
of cases involving the Office of the Attorney General. If it is 85133
determined that additional amounts are necessary for this purpose, 85134
the amounts are hereby appropriated. 85135

ANTITRUST SETTLEMENTS 85136

The foregoing appropriation item 055632, Antitrust 85137
Settlements, shall be used to distribute moneys under the terms of 85138
relevant court orders or other out-of-court settlements in 85139
antitrust cases or antitrust matters involving the Office of the 85140
Attorney General. If it is determined that additional amounts are 85141
necessary for this purpose, the amounts are hereby appropriated. 85142

CONSUMER FRAUDS 85143

The foregoing appropriation item 055630, Consumer Frauds, 85144
shall be used for distribution of moneys from court-ordered 85145
judgments against sellers in actions brought by the Office of the 85146
Attorney General under sections 1334.08 and 4549.48 and division 85147
(B) of section 1345.07 of the Revised Code. These moneys shall be 85148
used to provide restitution to consumers victimized by the fraud 85149
that generated the court-ordered judgments. If it is determined 85150
that additional amounts are necessary for this purpose, the 85151
amounts are hereby appropriated. 85152

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 85153

The foregoing appropriation item 055601, Organized Crime 85154
Commission Distributions, shall be used by the Organized Crime 85155
Investigations Commission, as provided by section 177.011 of the 85156
Revised Code, to reimburse political subdivisions for the expenses 85157
the political subdivisions incur when their law enforcement 85158
officers participate in an organized crime task force. If it is 85159
determined that additional amounts are necessary for this purpose, 85160
the amounts are hereby appropriated. 85161

COLLECTION PAYMENT REDISTRIBUTION				85162
The foregoing appropriation item 055650, Collection Payment				85163
Redistribution, shall be used for the purpose of allocating the				85164
revenue where debtors mistakenly paid the client agencies instead				85165
of the Attorney General's Collections Enforcement Section. If it				85166
is determined that additional amounts are necessary for this				85167
purpose, the amounts are hereby appropriated.				85168
 Section 223.10. AUD AUDITOR OF STATE				85169
General Revenue Fund				85170
GRF	070401	Audit Management and Services	\$ 12,046,143 \$ 12,344,795	85171
GRF	070402	Performance Audits	\$ 1,950,971 \$ 1,977,596	85172
GRF	070403	Fiscal Watch/Emergency Technical Assistance	\$ 550,000 \$ 550,000	85173
GRF	070404	Fraud/Corruption Audits and Investigations	\$ 2,400,000 \$ 2,400,000	85174
GRF	070412	Local Government Audit Support	\$ 13,200,000 \$ 13,200,000	85175
TOTAL GRF General Revenue Fund			\$ 30,147,114 \$ 30,472,391	85176
Dedicated Purpose Fund Group				85177
1090	070601	Public Audit Expense - Intrastate	\$ 11,818,035 \$ 11,065,646	85178
4220	070602	Public Audit Expense - Local Government	\$ 33,931,168 \$ 32,983,559	85179
5840	070603	Training Program	\$ 200,000 \$ 200,000	85180
5JZ0	070606	LEAP Revolving Loans	\$ 125,000 \$ 125,000	85181
5VP0	070611	Local Government Audit Support Fund	\$ 12,215,435 \$ 13,905,599	85182
6750	070605	Uniform Accounting	\$ 4,142,777 \$ 5,705,108	85183

Network

TOTAL DPF Dedicated Purpose Fund				85184
Group	\$	62,432,415	\$	63,984,912
TOTAL ALL BUDGET FUND GROUPS	\$	92,579,529	\$	94,457,303

Section 223.20. AUDIT MANAGEMENT AND SERVICES 85188

The foregoing appropriation item 070401, Audit Management and Services, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments and state entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines. This appropriation item shall also be used to cover costs of the Local Government Services Section that are not charged to clients.

PERFORMANCE AUDITS 85197

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school districts, state agencies, and colleges and universities that are not recovered through charges to those entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT 85206

The foregoing appropriation item 070412, Local Government Audit Support, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT FUND 85213

The foregoing appropriation item 070611, Local Government 85214
Audit Support Fund, shall be used pursuant to section 117.131 of 85215
the Revised Code to offset costs of audits that would otherwise be 85216
charged to local public offices in the absence of the fund. 85217

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT 85218

General Revenue Fund 85219

GRF 042321	Operating Expenses	\$	4,128,353	\$	4,128,353	85220
TOTAL GRF	General Revenue Fund	\$	4,128,353	\$	4,128,353	85221

Dedicated Purpose Fund Group 85222

5CV1 042517	Ohio Humanities	\$	1,000,000	\$	0	85223
	Council					

5CV1 042621	COVID Response Costs	\$	18,000,000	\$	0	85224
	- Multiple Agencies					

TOTAL Dedicated Purpose Fund Group	\$	19,000,000	\$	0	85225
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Internal Service Activity Fund Group 85226

1050 042603	Financial Management	\$	16,500,000	\$	17,200,000	85227
1050 042620	Shared Services	\$	6,730,000	\$	7,050,000	85228

Operating

TOTAL ISA Internal Service Activity						85229
Fund Group	\$	23,230,000	\$	24,250,000	85230	

Fiduciary Fund Group 85231

5EH0 042604	Forgery Recovery	\$	30,000	\$	30,000	85232
TOTAL FID	Fiduciary Fund Group	\$	30,000	\$	30,000	85233

TOTAL ALL BUDGET FUND GROUPS	\$	46,388,353	\$	28,408,353	85234
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Section 229.20. AUDIT COSTS 85236

All centralized audit costs associated with either Single 85237
Audit Schedules or financial statements prepared in conformance 85238
with generally accepted accounting principles for the state shall 85239
be paid from the foregoing appropriation item 042603, Financial 85240
Management. 85241

Costs associated with the audit of the Auditor of State shall 85242
be paid from the foregoing appropriation item 042321, Operating 85243
Expenses. 85244

SHARED SERVICES CENTER 85245

The foregoing appropriation items 042321, Operating Expenses, 85246
and 042620, Shared Services Operating, shall be used by the 85247
Director of Budget and Management to support the Shared Services 85248
program pursuant to division (D) of section 126.21 of the Revised 85249
Code. 85250

The Director of Budget and Management shall include the 85251
recovery of costs to operate the Shared Services program in the 85252
accounting and budgeting services payroll rate and through direct 85253
charges using intrastate transfer vouchers billed to agencies for 85254
services rendered using a methodology determined by the Director 85255
of Budget and Management. Such cost recovery revenues shall be 85256
deposited to the credit of the Accounting and Budgeting Fund (Fund 85257
1050). 85258

INTERNAL AUDIT 85259

The Director of Budget and Management shall include the 85260
recovery of costs to operate the Internal Audit Program pursuant 85261
to section 126.45 of the Revised Code in the accounting and 85262
budgeting services payroll rate using a methodology determined by 85263
the Director of Budget and Management. Such cost recovery revenues 85264
shall be deposited to the credit of Fund 1050. 85265

FORGERY RECOVERY 85266

The foregoing appropriation item 042604, Forgery Recovery, 85267
shall be used to reissue warrants that have been certified as 85268
forgeries by the rightful recipient as determined by the Bureau of 85269
Criminal Identification and Investigation and the Treasurer of 85270
State. Upon receipt of funds to cover the reissuance of the 85271
warrant, the Director of Budget and Management shall reissue a 85272

state warrant of the same amount. Any additional amounts needed to reissue warrants backed by the receipt of funds are hereby appropriated.

OHIO HUMANITIES COUNCIL

The foregoing appropriation item 042517, Ohio Humanities Council, shall be used to support public humanities organizations and to preserve valuable cultural assets across the state. The Director of Budget and Management shall consult with the Ohio Humanities Council Board of Directors before distributing the funds from item 042517.

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

General Revenue Fund						85284
GRF 874100	Personal Services	\$	4,069,830	\$	4,069,830	85285
GRF 874320	Maintenance and Equipment	\$	1,552,833	\$	1,402,833	85286
TOTAL GRF	General Revenue Fund	\$	5,622,663	\$	5,472,663	85287
Dedicated Purpose Fund Group						85288
2080 874601	Underground Parking Garage Operations	\$	4,245,906	\$	4,245,906	85289
4G50 874603	Capitol Square Education Center and Arts	\$	6,000	\$	6,000	85290
TOTAL DPF	Dedicated Purpose Fund Group	\$	4,251,906	\$	4,251,906	85291 85292
Internal Service Activity Fund Group						85293
4S70 874602	Statehouse Gift Shop/Events	\$	800,000	\$	800,000	85294
TOTAL ISA	Internal Service Activity Fund Group	\$	800,000	\$	800,000	85295 85296
TOTAL ALL BUDGET FUND GROUPS		\$	10,674,569	\$	10,524,569	85297

PERSONAL SERVICES 85298

On July 1, 2021, or as soon as possible thereafter, the 85299
Executive Director of the Capitol Square Review and Advisory Board 85300
may certify to the Director of Budget and Management an amount up 85301
to the unexpended, unencumbered balance of the foregoing 85302
appropriation item 874100, Personal Services, at the end of fiscal 85303
year 2021 to be reappropriated to fiscal year 2022. The amount 85304
certified is hereby appropriated to the same appropriation item 85305
for fiscal year 2022. 85306

On July 1, 2022, or as soon as possible thereafter, the 85307
Executive Director of the Capital Square Review and Advisory Board 85308
may certify to the Director of Budget and Management an amount up 85309
to the unexpended, unencumbered balance of the foregoing 85310
appropriation item 874100, Personal Services, at the end of fiscal 85311
year 2022 to be reappropriated to fiscal year 2023. The amount 85312
certified is hereby appropriated to the same appropriation item 85313
for fiscal year 2023. 85314

MAINTENANCE AND EQUIPMENT 85315

Of the foregoing appropriation item 874320, Maintenance and 85316
Equipment, up to \$100,000 in fiscal year 2022 shall be used to 85317
perform a comprehensive security assessment of the Capitol Square 85318
Complex, which consists of the Statehouse, Senate Building, 85319
Underground Parking Garage, and related grounds. 85320

Of the foregoing appropriation item 874320, Maintenance and 85321
Equipment, up to \$50,000 in fiscal year 2022 shall be used to 85322
display inside the Statehouse borrowed or purchased United States, 85323
Ohio, or Ohio military flags that have historical significance to 85324
the state of Ohio. The use of these funds is subject to approval 85325
of the Capitol Square Review and Advisory Board. The Board shall 85326
consult with the Ohio History Connection regarding the display. 85327

On July 1, 2021, or as soon as possible thereafter, the 85328

Executive Director of the Capitol Square Review and Advisory Board 85329
may certify to the Director of Budget and Management an amount up 85330
to the unexpended, unencumbered balance of the foregoing 85331
appropriation item 874320, Maintenance and Equipment, at the end 85332
of fiscal year 2021 to be reappropriated to fiscal year 2022. The 85333
amount certified is hereby appropriated to the same appropriation 85334
item for fiscal year 2022. 85335

On July 1, 2022, or as soon as possible thereafter, the 85336
Executive Director of the Capitol Square Review and Advisory Board 85337
may certify to the Director of Budget and Management an amount up 85338
to the unexpended, unencumbered balance of the foregoing 85339
appropriation item 874320, Maintenance and Equipment, at the end 85340
of fiscal year 2022 to be reappropriated to fiscal year 2023. The 85341
amount certified is hereby appropriated to the same appropriation 85342
item for fiscal year 2023. 85343

UNDERGROUND PARKING GARAGE FUND 85344

Notwithstanding division (G) of section 105.41 of the Revised 85345
Code and any other provision to the contrary, moneys in the 85346
Underground Parking Garage Fund (Fund 2080) may be used for 85347
personnel and operating costs related to the operations of the 85348
Statehouse and the Statehouse Underground Parking Garage. 85349

HOUSE AND SENATE PARKING REIMBURSEMENT 85350

On July 1 of each fiscal year, or as soon as possible 85351
thereafter, the Director of Budget and Management shall transfer 85352
\$500,000 cash from the General Revenue Fund to the Underground 85353
Parking Garage Fund (Fund 2080). The amounts transferred under 85354
this section shall be used to reimburse the Capitol Square Review 85355
and Advisory Board for legislative parking costs. 85356

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND 85357
SCHOOLS 85358

Dedicated Purpose Fund Group				85359
4K90 233601 Operating Expenses	\$	513,000	\$ 513,000	85360
TOTAL DPF Dedicated Purpose Fund Group	\$	513,000	\$ 513,000	85361
TOTAL ALL BUDGET FUND GROUPS	\$	513,000	\$ 513,000	85362

Section 235.10. CAC CASINO CONTROL COMMISSION 85364

Dedicated Purpose Fund Group				85365
5HS0 955321 Operating Expenses	\$	13,401,718	\$ 13,492,672	85366
5NU0 955601 Casino Commission Enforcement	\$	250,000	\$ 250,000	85367
TOTAL DPF Dedicated Purpose Fund Group	\$	13,651,718	\$ 13,742,672	85368
TOTAL ALL BUDGET FUND GROUPS	\$	13,651,718	\$ 13,742,672	85369

Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 85371

Dedicated Purpose Fund Group				85372
4K90 930609 Operating Expenses	\$	833,131	\$ 850,305	85373
TOTAL DPF Dedicated Purpose Fund Group	\$	833,131	\$ 850,305	85374
TOTAL ALL BUDGET FUND GROUPS	\$	833,131	\$ 850,305	85375

Section 239.10. CHR STATE CHIROPRACTIC BOARD 85377

Dedicated Purpose Fund Group				85378
4K90 878609 Operating Expenses	\$	622,000	\$ 622,000	85379
TOTAL DPF Dedicated Purpose Fund Group	\$	622,000	\$ 622,000	85380
TOTAL ALL BUDGET FUND GROUPS	\$	622,000	\$ 622,000	85381

Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION 85383

General Revenue Fund				85384
GRF 876321 Operating Expenses	\$	6,118,897	\$ 6,538,548	85385

TOTAL GRF General Revenue Fund	\$	6,118,897	\$	6,538,548	85386
Dedicated Purpose Fund Group					85387
2170 876604 Operations Support	\$	3,000	\$	3,000	85388
TOTAL DPF Internal Service Activity					85389
Fund Group	\$	3,000	\$	3,000	85390
Federal Fund Group					85391
3340 876601 Federal Programs	\$	3,300,000	\$	3,036,884	85392
TOTAL FED Federal Special Revenue					85393
Fund Group	\$	3,300,000	\$	3,036,884	85394
TOTAL ALL BUDGET FUND GROUPS	\$	9,421,897	\$	9,578,432	85395
Section 243.10. COM DEPARTMENT OF COMMERCE					85397
Dedicated Purpose Fund Group					85398
4B20 800631 Real Estate Appraisal	\$	35,000	\$	35,000	85399
Recovery					
4H90 800608 Cemeteries	\$	313,466	\$	313,466	85400
4X20 800619 Financial Institutions	\$	2,080,213	\$	2,080,213	85401
5430 800602 Unclaimed	\$	11,491,192	\$	11,489,073	85402
Funds-Operating					
5430 800625 Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	85403
5440 800612 Banks	\$	10,138,048	\$	10,138,048	85404
5460 800610 Fire Marshal	\$	23,166,255	\$	23,451,914	85405
5460 800639 Fire Department Grants	\$	6,675,000	\$	6,275,000	85406
5470 800603 Real Estate	\$	69,655	\$	69,655	85407
Education/Research					
5480 800611 Real Estate Recovery	\$	50,000	\$	50,000	85408
5490 800614 Real Estate	\$	4,155,513	\$	4,227,780	85409
5500 800617 Securities	\$	7,234,782	\$	7,387,595	85410
5520 800604 Credit Union	\$	3,807,712	\$	3,807,712	85411
5530 800607 Consumer Finance	\$	5,517,185	\$	5,510,095	85412
5560 800615 Industrial Compliance	\$	30,929,000	\$	30,929,000	85413
5F10 800635 Small Government Fire	\$	600,000	\$	600,000	85414

Departments						
5FW0	800616	Financial Literacy	\$	150,000	\$ 150,000	85415
Education						
5GK0	800609	Securities Investor	\$	2,182,150	\$ 2,182,150	85416
Education/Enforcement						
5HV0	800641	Cigarette Enforcement	\$	27,324	\$ 27,324	85417
5LC0	800644	Liquor JobsOhio	\$	327,470	\$ 396,154	85418
Extraordinary Allowance						
5LNO	800645	Liquor Operating	\$	23,532,000	\$ 25,395,000	85419
Services						
5LP0	800646	Liquor Regulatory	\$	16,829,784	\$ 15,584,778	85420
Operating Expenses						
5SE0	800651	Cemetery Grant Program	\$	130,000	\$ 130,000	85421
5SJ0	800648	Volunteer Peace	\$	50,000	\$ 50,000	85422
Officers' Dependent Fund						
5SU0	800649	Manufactured Homes	\$	331,281	\$ 340,357	85423
Regulation						
5SY0	800650	Medical Marijuana	\$	5,121,000	\$ 5,121,000	85424
Control Program						
5VC0	800652	Real Estate Home	\$	96,320	\$ 100,813	85425
Inspector Operating						
5VD0	800653	Real Estate Home	\$	10,000	\$ 10,000	85426
Inspector Recovery						
5X60	800623	Video Service	\$	437,693	\$ 437,693	85427
5XK0	800657	Ohio Investor Recovery	\$	2,500,000	\$ 2,500,000	85428
6530	800629	UST Registration/Permit	\$	2,481,714	\$ 2,501,714	85429
Fee						
6A40	800630	Real Estate	\$	1,095,546	\$ 1,108,310	85430
Appraiser-Operating						
TOTAL DPF Dedicated Purpose						85431
Fund Group			\$	231,565,303	\$ 232,399,844	85432
Internal Service Activity Fund Group						85433

1630	800620	Division of Administration	\$	9,481,409	\$	9,296,249	85434
1630	800637	Information Technology	\$	10,990,749	\$	10,677,029	85435
TOTAL ISA Internal Service Activity							85436
Fund Group			\$	20,472,158	\$	19,973,278	85437
Federal Fund Group							85438
3480	800622	Underground Storage Tanks	\$	805,112	\$	805,112	85439
3480	800624	Leaking Underground Storage Tanks	\$	2,000,000	\$	2,000,000	85440
3HK0	800654	911 Grant Program	\$	3,302,976	\$	0	85441
TOTAL FED Federal Fund Group			\$	6,108,088	\$	2,805,112	85442
TOTAL ALL BUDGET FUND GROUPS			\$	258,145,549	\$	255,178,234	85443

Section 243.20. UNCLAIMED FUNDS PAYMENTS 85445

The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated. 85446
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DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 85453

The foregoing appropriation item 800631, Real Estate Appraiser Recovery, shall be used to pay settlements, judgments, and court orders under section 4763.16 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated. 85454
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The foregoing appropriation item 800611, Real Estate 85462

Recovery, shall be used to pay settlements, judgments, and court orders under section 4735.12 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated.

The foregoing appropriation item 800653, Real Estate Home Inspector Recovery, shall be used to pay settlements, judgments, and court orders under section 4764.21 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated.

FIRE DEPARTMENT GRANTS

(A) The foregoing appropriation item 800639, Fire Department Grants, shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the Revised Code, that is providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire

department or private fire company for fire protection services 85495
may jointly apply and be considered for a grant. If a joint 85496
applicant is awarded a grant, the State Fire Marshal shall, if 85497
feasible, proportionately award the grant and any equipment 85498
purchased with grant funds to each of the joint applicants based 85499
upon each applicant's contribution to and demonstrated need for 85500
fire protection services. For the purpose of this grant program, 85501
an eligible recipient or any firefighting entity that is 85502
contracted to serve an eligible recipient may only file, be listed 85503
as joint applicant, or be designated as a service provider on one 85504
grant application per fiscal year. 85505

If the grant awarded to joint applicants is an equipment 85506
grant and the equipment to be purchased cannot be readily 85507
distributed or possessed by multiple recipients, each of the joint 85508
applicants shall be awarded by the State Fire Marshal an ownership 85509
interest in the equipment so purchased in proportion to each 85510
applicant's contribution to and demonstrated need for fire 85511
protection services. The joint applicants shall then mutually 85512
agree on how the equipment is to be maintained, operated, stored, 85513
or disposed of. If, for any reason, the joint applicants cannot 85514
agree as to how jointly owned equipment is to be maintained, 85515
operated, stored, or disposed of or any of the joint applicants no 85516
longer maintain a contract with the same fire protection service 85517
provider as the other applicants, then the joint applicants shall, 85518
with the assistance of the State Fire Marshal, mutually agree as 85519
to how the jointly owned equipment is to be maintained, operated, 85520
stored, disposed of, or owned. If the joint applicants cannot 85521
agree how the grant equipment is to be maintained, operated, 85522
stored, disposed of, or owned, the State Fire Marshal may, in its 85523
discretion, require all of the equipment acquired by the joint 85524
applicants with grant funds to be returned to the State Fire 85525
Marshal. The State Fire Marshal may then award the returned 85526
equipment to any eligible recipients. For this paragraph only, an 85527

"equipment grant" also includes a MARCS Grant. 85528

(B) Except as otherwise provided in this section, the grants 85529
shall be used by recipients to purchase firefighting or rescue 85530
equipment or gear or similar items, to provide full or partial 85531
reimbursement for the documented costs of firefighter training, 85532
or, at the discretion of the State Fire Marshal, to cover fire 85533
department costs for providing fire protection services in that 85534
grant recipient's jurisdiction. 85535

(1) Of the foregoing appropriation item 800639, Fire 85536
Department Grants, up to \$1,000,000 per fiscal year may be used to 85537
pay for the State Fire Marshal's costs of providing firefighter I 85538
certification classes or other firefighter classes approved by the 85539
State Fire Marshal at no cost to selected students attending the 85540
Ohio Fire Academy or other class providers approved by the State 85541
Fire Marshal. The State Fire Marshal may establish the 85542
qualifications and selection processes for students to attend such 85543
classes by written policy, and such students shall be considered 85544
eligible recipients of fire department grants for the purposes of 85545
this portion of the grant program. 85546

(2) Of the foregoing appropriation item 800639, Fire 85547
Department Grants, up to \$3,500,000 in each fiscal year may be 85548
used for MARCS Grants. MARCS Grants may be used for the payment of 85549
user access fees by the eligible recipient to cover costs for 85550
accessing MARCS. 85551

For purposes of this section, a MARCS Grant is a grant for 85552
systems, equipment, or services that are a part of, integrated 85553
into, or otherwise interoperable with the Multi-Agency Radio 85554
Communication System (MARCS) operated by the state. 85555

MARCS Grant awards may be up to \$50,000 in each fiscal year 85556
per eligible recipient. Each eligible recipient may apply, as a 85557
separate entity or as a part of a joint application, for only one 85558

MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and that is adjacent to the applicant.

Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

(3) Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services shall be up to \$15,000 per fiscal year, or up to \$25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded. In addition to any grant funds awarded for rescue equipment or gear, or for fire department costs associated with the provision of fire protection services, an eligible entity may receive a grant for up to \$15,000 per fiscal year for full or partial reimbursement of the documented costs of firefighter training. For each fiscal year, the State Fire Marshal shall determine the total amounts to be allocated for each eligible purpose.

(C) The grants shall be administered by the State Fire Marshal in accordance with rules the State Fire Marshal adopts as part of the state fire code adopted pursuant to section 3737.82 of the Revised Code that are necessary for the administration and operation of the grant program. The rules may further define the entities eligible to receive grants and establish criteria for the awarding and expenditure of grant funds, including methods the State Fire Marshal may use to verify the proper use of grant funds or to obtain reimbursement for or the return of equipment for improperly used grant funds. To the extent consistent with this

section and until the rules are updated, the existing rules in the 85591
state fire code adopted pursuant to section 3737.82 of the Revised 85592
Code for fire department grants under this section apply to MARCS 85593
Grants. Any amounts in appropriation item 800639, Fire Department 85594
Grants, in excess of the amount allocated for these grants may be 85595
used for the administration of the grant program. 85596

(D) Of the foregoing appropriation item 800639, Fire 85597
Department Grants, \$250,000 in fiscal year 2022 shall be allocated 85598
to Northfield Center Township to support construction of a new 85599
fire station and safety center. 85600

(E) Of the foregoing appropriation 800639, Fire Department 85601
Grants, \$200,000 in each fiscal year shall be allocated to fire 85602
departments located in Trumbull County for equipment and training 85603
costs. 85604

(F) Of the foregoing appropriation item 800639, Fire 85605
Department Grants, \$150,000 in fiscal year 2022 shall be allocated 85606
to the Village of Lisbon Fire Department to purchase land for a 85607
new fire station. 85608

(G) Of the foregoing appropriation item 800639, Fire 85609
Department Grants, \$125,000 in each fiscal year shall be 85610
distributed to fire departments located in Lorain County for 85611
equipment and training costs, with priority given to grant 85612
applications from volunteer and part-time fire departments. 85613

(H) Of the foregoing appropriation item 800639, Fire 85614
Department Grants, \$50,000 in each fiscal year shall be 85615
distributed to fire departments located in Huron County for 85616
equipment and training costs, with priority given to grant 85617
applications from volunteer and part-time fire departments. 85618

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 85619
OPERATING FUND 85620

Upon the written request of the Director of Commerce, and 85621
subject to the approval of the Controlling Board, the Director of 85622
Budget and Management may transfer up to \$500,000 in cash from the 85623
Real Estate Education and Research Fund (Fund 5470) to the 85624
Division of Real Estate Operating Fund (Fund 5490) during the 85625
biennium ending June 30, 2023. 85626

If the Real Estate Recovery Fund (Fund 5480) cash balance 85627
exceeds \$250,000 during the biennium ending June 30, 2023, the 85628
Director of Budget and Management, upon the written request of the 85629
Director of Commerce and subject to the approval of the 85630
Controlling Board, may transfer cash from Fund 5480 to the 85631
Division of Real Estate Operating Fund (Fund 5490), such that the 85632
amount available in Fund 5480 is not less than \$250,000. 85633

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND 85634

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 85635
balance exceeds \$200,000 during the biennium ending June 30, 2023, 85636
the Director of Budget and Management, upon the written request of 85637
the Director of Commerce and subject to the approval of the 85638
Controlling Board, may transfer cash from Fund 4B20 to the Real 85639
Estate Appraiser Operating Fund (Fund 6A40), such that the amount 85640
available in Fund 4B20 is not less than \$200,000. 85641

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 85642
REVOLVING LOAN FUND 85643

Upon the written request of the Director of Commerce, and 85644
subject to the approval of the Controlling Board, the Director of 85645
Budget and Management may transfer up to \$600,000 in cash from the 85646
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 85647
Department Services Revolving Loan Fund (Fund 5F10) during the 85648
biennium ending June 30, 2023. 85649

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE 85650
HOME INSPECTOR RECOVERY FUND 85651

During the biennium beginning July 1, 2021, and ending June 30, 2023, upon written request from the Director of Commerce, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer up to \$500,000 in cash from the Division of Securities Fund (Fund 5500) as follows: up to \$400,000 in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to \$100,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed sufficient to sustain operations, the Director of Budget and Management, in consultation with the Director of Commerce, shall establish a repayment schedule to fully repay the cash transferred from Fund 5500 to Fund 5VC0 and Fund 5VD0.

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND

Upon the written request of the Director of Commerce, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer up to \$2,500,000 in each fiscal year from the Division of Securities Operating Fund (Fund 5500) to the Ohio Investor Recovery Fund (Fund 5XK0) during the biennium ending June 30, 2023.

Of the foregoing appropriation item 800657, Ohio Investor Recovery, up to \$2,500,000 in each fiscal year shall be used by the Department of Commerce to provide restitution assistance to victims who: (1) are identified in a final administrative order issued by the Division of Securities or a final court order in a civil or criminal proceeding initiated by the Division as a purchaser damaged by a sale or contract for sale made in violation of Chapter 1707. of the Revised Code; and (2) have not received the full amount of any restitution ordered in a final order before the application for restitution assistance is due.

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL

Dedicated Purpose Fund Group

5F50 053601 Operating Expenses	\$	5,641,043	\$	5,641,043	85683
TOTAL DPF Dedicated Purpose Fund	\$	5,641,043	\$	5,641,043	85684
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	5,641,043	\$	5,641,043	85685

Section 247.10. CEB CONTROLLING BOARD 85687

Internal Service Activity Fund Group					85688
5KM0 911614 Controlling Board	\$	7,500,000	\$	7,500,000	85689
Emergency					
Purposes/Contingencies					
TOTAL ISA Internal Service Activity	\$	7,500,000	\$	7,500,000	85690
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	7,500,000	\$	7,500,000	85691

Section 247.20. FEDERAL SHARE 85693

In transferring appropriations to or from appropriation items 85694
that have federal shares identified in this act, the Controlling 85695
Board shall add or subtract corresponding amounts of federal 85696
matching funds at the percentages indicated by the state and 85697
federal division of the appropriations in this act. Such changes 85698
are hereby appropriated. 85699

DISASTER SERVICES 85700

The Disaster Services Fund (Fund 5E20) shall be used by the 85701
Controlling Board, pursuant to requests submitted by state 85702
agencies, to transfer cash used for the payment of state agency 85703
disaster relief program expenses for disasters that have a written 85704
Governor's authorization, if the Director of Budget and Management 85705
determines that sufficient funds exist. 85706

Pursuant to requests submitted by the Department of Public 85707
Safety, the Controlling Board may approve cash transfers from Fund 85708
5E20 to any fund used by the Department of Public Safety to 85709
provide for assistance to political subdivisions made necessary by 85710

natural disasters or emergencies. These cash transfers may be 85711
 requested and approved prior to the occurrence of any specific 85712
 natural disasters or emergencies in order to facilitate the 85713
 provision of timely assistance. The Emergency Management Agency of 85714
 the Department of Public Safety shall use the cash to fund the 85715
 State Disaster Relief Program for disasters that qualify for the 85716
 program by written authorization of the Governor, and the State 85717
 Individual Assistance Program for disasters that been declared by 85718
 the federal Small Business Administration and that qualify for the 85719
 program by written authorization from the Governor. The Ohio 85720
 Emergency Management Agency shall publish and make available 85721
 application packets outlining procedures for the State Disaster 85722
 Relief Program and the State Individual Assistance Program. 85723

Section 249.10. COS COSMETOLOGY AND BARBER BOARD 85724

Dedicated Purpose Fund Group 85725
 4K90 879609 Operating Expenses \$ 5,416,852 \$ 5,716,944 85726
 TOTAL DPF Dedicated Purpose Fund \$ 5,416,852 \$ 5,716,944 85727
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 5,416,852 \$ 5,716,944 85728

Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 85730

AND FAMILY THERAPIST BOARD 85731
 Dedicated Purpose Fund Group 85732
 4K90 899609 Operating Expenses \$ 1,845,658 \$ 1,907,553 85733
 TOTAL DPF Dedicated Purpose Fund \$ 1,845,658 \$ 1,907,553 85734
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 1,845,658 \$ 1,907,553 85735

Section 253.10. CLA COURT OF CLAIMS 85737

General Revenue Fund 85738
 GRF 015321 Operating Expenses \$ 2,668,140 \$ 2,730,329 85739

GRF 015403	Public Records	\$	931,645	\$	957,137	85740
	Adjudication					
TOTAL GRF	General Revenue Fund	\$	3,599,785	\$	3,687,466	85741
	Dedicated Purpose Fund Group					85742
5K20 015603	CLA Victims of Crime	\$	507,867	\$	521,755	85743
5TE0 015604	Public Records	\$	1,200	\$	1,200	85744
TOTAL DPF	Dedicated Purpose Fund	\$	509,067	\$	522,955	85745
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	4,108,852	\$	4,210,421	85746

Section 255.10. DEN STATE DENTAL BOARD 85748

	Dedicated Purpose Fund Group					85749
4K90 880609	Operating Expenses	\$	1,700,000	\$	1,750,000	85750
TOTAL DPF	Dedicated Purpose Fund	\$	1,700,000	\$	1,750,000	85751
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	1,700,000	\$	1,750,000	85752

Section 257.10. BDP BOARD OF DEPOSIT 85754

	Dedicated Purpose Fund Group					85755
4M20 974601	Board of Deposit	\$	1,688,400	\$	1,688,400	85756
TOTAL DPF	Dedicated Purpose Fund	\$	1,688,400	\$	1,688,400	85757
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	1,688,400	\$	1,688,400	85758

BOARD OF DEPOSIT EXPENSE FUND 85759

Upon receiving certification of expenses from the Treasurer 85760
of State, the Director of Budget and Management shall transfer 85761
cash from the Investment Earnings Redistribution Fund (Fund 6080) 85762
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 85763
shall be used pursuant to section 135.02 of the Revised Code to 85764
pay for any and all necessary expenses of the Board of Deposit or 85765
for banking charges and fees required for the operation of the 85766
State of Ohio Regular Account. 85767

		Section 259.10. DEV DEPARTMENT OF DEVELOPMENT				85768	
		General Revenue Fund				85769	
GRF	195402	Coal Research and Development Program	\$	175,000	\$	175,000	85770
GRF	195405	Minority Business Development	\$	5,919,141	\$	5,919,141	85771
GRF	195415	Business Development Services	\$	3,905,000	\$	3,905,000	85772
GRF	195426	Redevelopment Assistance	\$	1,000,000	\$	1,000,000	85773
GRF	195453	Technology Programs and Grants	\$	800,000	\$	800,000	85774
GRF	195454	Small Business and Export Assistance	\$	3,500,000	\$	3,500,000	85775
GRF	195455	Appalachia Assistance	\$	6,500,000	\$	6,500,000	85776
GRF	195497	CDBG Operating Match	\$	1,250,000	\$	1,250,000	85777
GRF	195499	BSD Federal Programs Match	\$	13,200,000	\$	13,200,000	85778
GRF	195501	iBELIEVE	\$	200,000	\$	200,000	85779
GRF	195503	Local Development Projects	\$	22,210,000	\$	16,950,000	85780
GRF	195537	Ohio-Israel Agricultural Initiative	\$	250,000	\$	250,000	85781
GRF	195553	Industry Sector Partnerships	\$	7,500,000	\$	2,500,000	85782
GRF	195566	Main Street Job Recovery Program	\$	250,000	\$	250,000	85783
GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$	7,300,000	\$	8,500,000	85784

GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$	69,000,000	\$	76,000,000	85785
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	4,605,000	\$	4,605,000	85786
TOTAL GRF		General Revenue Fund	\$	147,564,141	\$	145,504,141	85787
		Dedicated Purpose Fund Group					85788
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905	85789
4510	195649	Business Assistance Programs	\$	3,000,000	\$	3,000,000	85790
4F20	195639	State Special Projects	\$	1,000,000	\$	1,000,000	85791
4F20	195699	Utility Community Assistance	\$	750,000	\$	750,000	85792
4W10	195646	Minority Business Enterprise Loan	\$	5,000,000	\$	5,000,000	85793
5HR0	195606	TechCred Program	\$	33,300,000	\$	25,000,000	85794
5JR0	195635	Tax Incentives Operating	\$	800,000	\$	800,000	85795
5KP0	195645	Historic Rehabilitation Operating	\$	1,000,000	\$	1,000,000	85796
5M40	195659	Low Income Energy Assistance (USF)	\$	325,000,000	\$	325,000,000	85797
5M50	195660	Advanced Energy Loan Programs	\$	8,500,000	\$	8,500,000	85798
5MH0	195644	SiteOhio Administration	\$	2,500	\$	2,500	85799

5MJ0	195683	TourismOhio Administration	\$	10,000,000	\$	10,000,000	85800
5UL0	195627	Brownfields Revolving Loan Program	\$	2,500,000	\$	2,500,000	85801
5UY0	195496	Sports Events Grants	\$	10,000,000	\$	0	85802
5W60	195691	International Trade Cooperative Projects	\$	50,000	\$	50,000	85803
5XH0	195632	Women Owned Business Loans	\$	5,000,000	\$	5,000,000	85804
5XH0	195694	Micro-Enterprise Loans	\$	5,000,000	\$	5,000,000	85805
5XM0	195544	Entertainment Venues	\$	20,000,000	\$	0	85806
5XM0	195677	Bar and Restaurant Assistance	\$	100,000,000	\$	0	85807
5XM0	195685	Lodging Industry Grants	\$	25,000,000	\$	0	85808
5XM0	195697	New Business Relief Grant	\$	10,000,000	\$	0	85809
5XX0	195408	Meat Processing Investment Program	\$	10,000,000	\$	0	85810
5YC0	195569	Community Improvements	\$	1,000,000	\$	0	85811
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	85812
6460	195638	Low- and Moderate- Income Housing Programs	\$	55,250,000	\$	55,250,000	85813
TOTAL DPF Group		Dedicated Purpose Fund Group	\$	632,259,967	\$	447,959,967	85814
		Internal Service Activity Fund Group					85815
1350	195684	Development Services Operations	\$	12,000,000	\$	12,000,000	85816
6850	195636	Development Services Reimbursable Expenditures	\$	125,000	\$	125,000	85817

TOTAL ISA Internal Service Activity	\$	12,125,000	\$	12,125,000	85818
Fund Group					
Facilities Establishment Fund Group					85819
4Z60 195647 Rural Industrial Park	\$	15,000,000	\$	15,000,000	85820
Loan					
5S90 195628 Capital Access Loan	\$	2,500,000	\$	2,500,000	85821
Program					
7009 195664 Innovation Ohio	\$	4,800,000	\$	4,800,000	85822
7010 195665 Research and	\$	5,000,000	\$	5,000,000	85823
Development					
7037 195615 Facilities	\$	152,000,000	\$	50,000,000	85824
Establishment					
TOTAL FCE Facilities Establishment	\$	1,427,130,489	\$	1,138,770,489	85825
Fund Group					
Bond Research and Development Fund Group					85826
7011 195686 Third Frontier Tax	\$	750,000	\$	750,000	85827
Exempt - Operating					
7011 195687 Third Frontier	\$	10,000,000	\$	10,000,000	85828
Research and					
Development Projects					
7014 195620 Third Frontier	\$	1,710,000	\$	1,710,000	85829
Taxable - Operating					
7014 195692 Research and	\$	50,000,000	\$	50,000,000	85830
Development Taxable					
Bond Projects					
TOTAL BRD Bond Research and	\$	62,460,000	\$	62,460,000	85831
Development Fund Group					
Federal Fund Group					85832
3080 195602 Appalachian Regional	\$	5,500,000	\$	5,500,000	85833
Commission					
3080 195603 Housing Assistance	\$	12,000,000	\$	12,000,000	85834
Programs					

3080	195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381	85835
3080	195618	Energy Grants	\$	4,000,000	\$	4,000,000	85836
3080	195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000	85837
3080	195672	Manufacturing Extension Partnership	\$	6,300,000	\$	6,300,000	85838
3080	195675	Procurement Technical Assistance	\$	1,000,000	\$	1,000,000	85839
3080	195696	State Trade and Export Promotion	\$	1,000,000	\$	1,000,000	85840
3350	195610	Energy Programs	\$	350,000	\$	350,000	85841
3AE0	195643	Workforce Development Initiatives	\$	2,000,000	\$	2,000,000	85842
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	8,000,000	\$	8,000,000	85843
3K80	195613	Community Development Block Grant	\$	60,000,000	\$	60,000,000	85844
3K90	195611	Home Energy Assistance Block Grant	\$	165,000,000	\$	165,000,000	85845
3K90	195614	HEAP Weatherization	\$	40,000,000	\$	40,000,000	85846
3L00	195612	Community Services Block Grant	\$	28,000,000	\$	28,000,000	85847
3V10	195601	HOME Program	\$	35,000,000	\$	35,000,000	85848
TOTAL FED		Federal Fund Group	\$	393,421,381	\$	393,421,381	85849
TOTAL ALL BUDGET FUND GROUPS			\$	1,427,130,489	\$	1,138,770,489	85850

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 85852

The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of 85853
85854

the Community Services Division in support of the Ohio Coal 85855
Development Office. 85856

MINORITY BUSINESS DEVELOPMENT 85857

The foregoing appropriation item 195405, Minority Business 85858
Development, shall be used to support the activities of the 85859
Minority Business Development Division, including providing grants 85860
to local nonprofit organizations to support economic development 85861
activities that promote minority business development, in 85862
conjunction with local organizations funded through appropriation 85863
item 195454, Small Business and Export Assistance. 85864

BUSINESS DEVELOPMENT SERVICES 85865

The foregoing appropriation item 195415, Business Development 85866
Services, shall be used for the operating expenses of the Office 85867
of Strategic Business Investments and the regional economic 85868
development offices. 85869

Of the foregoing appropriation item 195415, Business 85870
Development Services, \$1,800,000 in each fiscal year shall be 85871
allocated to Development Projects, Inc., for economic development 85872
programs and the creation of new jobs to leverage and support 85873
mission gains at Department of Defense and related facilities in 85874
Ohio by working with future base realignment and closure 85875
activities and ongoing Department of Defense efficiency and 85876
partnership initiatives, assisting efforts to secure Department of 85877
Defense support contracts for Ohio companies, assessing and 85878
supporting regional job training and workforce development needs 85879
generated by the Department of Defense and the Ohio aerospace 85880
industry, promoting technology transfer to Ohio businesses, and 85881
for expanding job training and economic development programs in 85882
human performance and cyber security related initiatives. 85883

REDEVELOPMENT ASSISTANCE 85884

The foregoing appropriation item 195426, Redevelopment 85885

Assistance, shall be used to fund the costs of administering the 85886
energy, redevelopment, and other revitalization programs that may 85887
be implemented, and may be used to match federal grant funding. 85888

TECHNOLOGY PROGRAMS AND GRANTS 85889

The foregoing appropriation item 195453, Technology Programs 85890
and Grants, shall be used for operating expenses incurred in 85891
administering the Ohio Third Frontier Programs and other 85892
technology focused programs that may be implemented. 85893

SMALL BUSINESS AND EXPORT ASSISTANCE 85894

The foregoing appropriation item 195454, Small Business and 85895
Export Assistance, may be used to provide a range of business 85896
assistance, including grants to local organizations to support 85897
economic development activities that promote small business 85898
development, entrepreneurship, and exports of Ohio's goods and 85899
services, in conjunction with local organizations funded through 85900
appropriation item 195405, Minority Business Development. The 85901
foregoing appropriation item shall also be used as matching funds 85902
for grants from the United States Small Business Administration 85903
and other federal agencies, pursuant to Pub. L. No. 96-302 as 85904
amended by Pub. L. No. 98-395, and regulations and policy 85905
guidelines for the programs pursuant thereto. 85906

APPALACHIA ASSISTANCE 85907

The foregoing GRF appropriation item 195455, Appalachia 85908
Assistance, may be used for the administrative costs of planning 85909
and liaison activities for the Governor's Office of Appalachia, to 85910
provide financial assistance to projects in Ohio's Appalachian 85911
counties, to support four local development districts, and to pay 85912
dues for the Appalachian Regional Commission. These funds may be 85913
used to match federal funds from the Appalachian Regional 85914
Commission. Programs funded through the appropriation item shall 85915
be identified and recommended by the local development districts 85916

and approved by the Governor's Office of Appalachia. The 85917
Department of Development shall conduct compliance and regulatory 85918
review of the programs recommended by the local development 85919
districts. Moneys allocated under the appropriation item may be 85920
used to fund projects including, but not limited to, those 85921
designated by the local development districts as community 85922
investment and rapid response projects. 85923

Of the foregoing appropriation item 195455, Appalachia 85924
Assistance, in each fiscal year, \$170,000 shall be allocated to 85925
the Ohio Valley Regional Development Commission, \$170,000 shall be 85926
allocated to the Ohio Mid-Eastern Government Association, \$170,000 85927
shall be allocated to the Buckeye Hills-Hocking Valley Regional 85928
Development District, and \$170,000 shall be allocated to the 85929
Eastgate Regional Council of Governments. Local development 85930
districts receiving funding under this section shall use the funds 85931
for the implementation and administration of programs and duties 85932
under section 107.21 of the Revised Code. 85933

CDBG OPERATING MATCH 85934

The foregoing appropriation item 195497, CDBG Operating 85935
Match, shall be used as matching funds for grants from the United 85936
States Department of Housing and Urban Development pursuant to the 85937
Housing and Community Development Act of 1974 and regulations and 85938
policy guidelines for the programs pursuant thereto. 85939

BSD FEDERAL PROGRAMS MATCH 85940

The foregoing appropriation item 195499, BSD Federal Programs 85941
Match, shall be used as matching funds for grants from the U.S. 85942
Department of Commerce, National Institute of Standards and 85943
Technology Manufacturing Extension Partnership Program and Defense 85944
Logistics Agency Procurement Technical Assistance Program, and 85945
other federal agencies, pursuant to Pub. L. No. 96-302 as amended 85946
by Pub. L. No. 98-395, and regulations and policy guidelines for 85947

the programs pursuant thereto. The appropriation item shall also 85948
be used for operating expenses of the Business Services Division. 85949

iBELIEVE 85950

The foregoing appropriation item 195501, iBELIEVE, shall be 85951
allocated to the iBELIEVE Foundation to provide opportunities for 85952
Appalachian youth to develop twenty-first century skills, 85953
including leadership, communication, and problem-solving for 85954
college access and retention. 85955

LOCAL DEVELOPMENT PROJECTS 85956

Of the foregoing appropriation item 195503, Local Development 85957
Projects, \$7,500,000 in fiscal year 2022 and \$10,000,000 in fiscal 85958
year 2023 shall be allocated to the Foundation for Appalachian 85959
Ohio. 85960

Of the foregoing appropriation item 195503, Local Development 85961
Projects, up to \$4,000,000 in each fiscal year shall be allocated 85962
for the GRIT program, to be administered by the Governor's Office 85963
of Appalachia and the Department of Development. The program shall 85964
create jobs in economically distressed and at-risk areas within 11 85965
counties in the service territory of the Ohio Valley Regional 85966
Development Commission. This portion of the foregoing 85967
appropriation item shall be used to establish virtual workforce 85968
development centers and place un- and under-employed adults into 85969
jobs, in collaboration with private businesses and public sector 85970
partners. Of this portion of the foregoing appropriation item, up 85971
to \$1,250,000 in each fiscal year may be used for youth assessment 85972
and career development activities, up to \$1,150,000 in each fiscal 85973
year may be used to support the development of virtual workforce 85974
centers, up to \$800,000 in each fiscal year may be used for 85975
assessments, and up to \$800,000 in each fiscal year may be used 85976
for operating costs. 85977

Of the foregoing appropriation item 195503, Local Development 85978

Projects, \$4,000,000 in fiscal year 2022 shall be used to support 85979
the Cleveland Water Alliance Sustainable Water Technologies 85980
Initiative. 85981

Of the foregoing appropriation item 195503, Local Development 85982
Projects, up to \$2,250,000 in fiscal year 2022 shall be used in 85983
coordination with the Department of Health to support stable 85984
housing initiatives for pregnant mothers and to improve maternal 85985
and infant health outcomes. 85986

Of the foregoing appropriation item 195503, Local Development 85987
Projects, \$1,000,000 in fiscal year 2022 shall be allocated to 85988
Mahoning Valley Campus of Care. 85989

Of the foregoing appropriation item 195503, Local Development 85990
Projects, \$900,000 in fiscal year 2022 and \$600,000 in fiscal year 85991
2023 shall be allocated to the SkillUp Coalition for rapid 85992
reskilling initiatives in Ohio's Appalachian counties. 85993

Of the foregoing appropriation item 195503, Local Development 85994
Projects, \$500,000 in each fiscal year shall be allocated to the 85995
Lucas County Land Reutilization Corporation for the Lucas County 85996
Commercial Site Clean-Up Pilot Program to demolish vacant 85997
commercial or industrial buildings located in Lucas County. The 85998
state funding shall be matched on a 1:1 basis by funding from any 85999
of the following entities: City of Toledo, Lucas County, 86000
Toledo-Lucas County Port Authority, Lucas County Land 86001
Reutilization Corporation, the municipality, village or township 86002
where the project is located, or any private entities or nonprofit 86003
organizations. The program shall prioritize the demolition of 86004
blighted or nuisance commercial or industrial buildings at 86005
locations that are depressing the value of surrounding properties 86006
and locations that have the greatest potential for new 86007
construction or development. 86008

Of the foregoing appropriation item 195503, Local Development 86009

Projects, \$1,000,000 in each fiscal year shall be used for the 86010
Center for Advanced Manufacturing and Logistics to provide 86011
workforce development, supply chain management, automation, 86012
research and development, and entrepreneurship to foster 86013
manufacturing and logistic industry jobs and company creation. 86014

Of the foregoing appropriation item 195503, Local Development 86015
Projects, \$300,000 in each fiscal year shall be used to support 86016
the Camp James A. Garfield Joint Military Training Center and the 86017
Youngstown Air Reserve Station. 86018

Of the foregoing appropriation item 195503, Local Development 86019
Projects, \$300,000 in each fiscal year shall be allocated to 86020
Cleveland Neighborhood Progress for the Cleveland Chain Reaction 86021
Project. 86022

Of the foregoing appropriation item 195503, Local Development 86023
Projects, \$150,000 in each fiscal year shall be allocated to the 86024
Stark County Minority Business Association to work in partnership 86025
with the Canton Regional Chamber of Commerce to support a 86026
demonstration pilot project. 86027

Of the foregoing appropriation item 195503, Local Development 86028
Projects, \$150,000 in fiscal year 2022 shall be allocated to the 86029
City of East Liverpool to acquire, demolish, or rehabilitate 86030
abandoned houses and conduct property cleanup activities. 86031

Of the foregoing appropriation item 195503, Local Development 86032
Projects, \$100,000 in each fiscal year shall be granted to the 86033
Lincoln Community Center located in Troy. 86034

Of the foregoing appropriation item 195503, Local Development 86035
Projects, \$60,000 in fiscal year 2022 shall be allocated to the 86036
city of East Liverpool to create a Downtown Plan. 86037

OHIO-ISRAEL AGRICULTURAL INITIATIVE 86038

The foregoing appropriation item 195537, Ohio-Israel 86039

Agricultural Initiative, shall be used for the Ohio-Israel 86040
Agricultural Initiative. The appropriation shall not be used for 86041
travel and entertainment expenses incurred under the initiative. 86042

SECTOR PARTNERSHIP NETWORKS 86043

The foregoing appropriation item 195553, Industry Sector 86044
Partnerships, shall be used for the grant program described in 86045
section 122.179 of the Revised Code. 86046

Notwithstanding section 122.179 of the Revised Code, of the 86047
foregoing appropriation item 195553, Industry Sector Partnerships, 86048
up to \$5,000,000 in fiscal year 2022 shall be allocated to the 86049
National Additive Manufacturing Innovation Institute, in 86050
partnership with Eastern Gateway Community College, to create 86051
workforce initiatives for each of the following populations: (1) 86052
fifth through twelfth grade students, (2) adult workers, and (3) 86053
minority and economically disadvantaged individuals. 86054

Notwithstanding section 122.179 of the Revised Code, of the 86055
foregoing appropriation item 195553, Industry Sector Partnerships, 86056
\$46,250 in each fiscal year shall be allocated to Jewish 86057
Vocational Service of Cincinnati to support workforce development 86058
costs involved with assisting in employment services for the 86059
financially indigent. 86060

On July 1, 2022, or as soon as possible thereafter, the 86061
Director of Development shall certify to the Director of Budget 86062
and Management the unexpended, unencumbered balance of the fiscal 86063
year 2022 appropriation to the foregoing appropriation item. The 86064
certified amount is hereby reappropriated to the foregoing 86065
appropriation item in fiscal year 2023. 86066

MAIN STREET JOB RECOVERY PROGRAM 86067

The foregoing appropriation item 195566, Main Street Job 86068
Recovery Program, shall be used by the Department of Development 86069
or in coordination with a statewide community development 86070

organization to provide grants to nonprofit organizations to 86071
create permanent business development and employment opportunities 86072
targeted to low- and moderate-income individuals or individuals of 86073
the reentry population. Grants shall be awarded by the Department 86074
based on the following criteria: (1) number of businesses created 86075
and expanded, (2) number of jobs created for low- and 86076
moderate-income individuals, and (3) the amount of funds leveraged 86077
as a result of the program. 86078

Not later than June 30 of each year during the FY 2022-FY 86079
2023 biennium, the Department of Development shall submit a 86080
written report describing the outcomes of the Main Street Job 86081
Recovery Program to the President of the Senate, the Speaker of 86082
the House of Representatives, the Minority Leader of the Senate, 86083
the Minority Leader of the House of Representatives, and the Ohio 86084
Legislative Service Commission. 86085

Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL 86086
OBLIGATION BOND DEBT SERVICE 86087

The foregoing appropriation line item 195901, Coal Research 86088
and Development General Obligation Bond Debt Service, shall be 86089
used to pay all debt service and related financing costs during 86090
the period July 1, 2021, through June 30, 2023, on obligations 86091
issued under sections 151.01 and 151.07 of the Revised Code. 86092

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 86093
BOND DEBT SERVICE 86094

The foregoing appropriation item 195905, Third Frontier 86095
Research and Development General Obligation Bond Debt Service, 86096
shall be used to pay all debt service and related financing costs 86097
during the period from July 1, 2021, through June 30, 2023, on 86098
obligations issued under sections 151.01 and 151.10 of the Revised 86099
Code. 86100

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 86101
SERVICE 86102

The foregoing appropriation item 195912, Job Ready Site 86103
Development General Obligation Bond Debt Service, shall be used to 86104
pay all debt service and related financing costs during the period 86105
from July 1, 2021, through June 30, 2023, on obligations issued 86106
under sections 151.01 and 151.11 of the Revised Code. 86107

Section 259.30. MINORITY BUSINESS BONDING FUND 86108

Notwithstanding Chapters 122., 169., and 175. of the Revised 86109
Code, the Director of Development may, upon the recommendation of 86110
the Minority Development Financing Advisory Board, pledge up to 86111
\$10,000,000 in the biennium ending June 30, 2023, of unclaimed 86112
funds administered by the Director of Commerce and allocated to 86113
the Minority Business Bonding Program under section 169.05 of the 86114
Revised Code. 86115

If needed for the payment of losses arising from the Minority 86116
Business Bonding Program, the Director of Budget and Management 86117
may, at the request of the Director of Development, request that 86118
the Director of Commerce transfer unclaimed funds that have been 86119
reported by holders of unclaimed funds under section 169.05 of the 86120
Revised Code to the Minority Bonding Fund (Fund 4490). The 86121
transfer of unclaimed funds shall only occur after proceeds of the 86122
initial transfer of \$2,700,000 by the Controlling Board to the 86123
Minority Business Bonding Program have been used for that purpose. 86124
If expenditures are required for payment of losses arising from 86125
the Minority Business Bonding Program, such expenditures shall be 86126
made from appropriation item 195658, Minority Business Bonding 86127
Contingency in the Minority Business Bonding Fund, and such 86128
amounts are hereby appropriated. 86129

BUSINESS ASSISTANCE PROGRAMS 86130

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of loan incentives within the Office of Strategic Business Investments.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited may also be used to match federal funding and to support programs of the Community Service Division and Business Services Division.

MINORITY BUSINESS ENTERPRISE LOAN

The foregoing appropriation item 195646, Minority Business Enterprise Loan, shall be used for awards under the Minority Business Enterprise Loan Program and to cover operating expenses of the Minority Business Development Division. All repayments from the Minority Development Financing Advisory Board Loan Program shall be deposited in the state treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).

ADVANCED ENERGY LOAN PROGRAMS

The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers. The appropriation item may be used to match federal grant funding and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted by the Director of Development.

SPORTS EVENTS GRANTS

The foregoing appropriation item 195496, Sports Events Grants, shall be used for grants as described in sections 122.12 and 122.121 of the Revised Code.

On July 1, 2022, or as soon as possible thereafter, the Director of Development shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of appropriation item 195496, Sports Events Grants, to be reappropriated in fiscal year 2023. The amount certified is hereby reappropriated to the appropriation item in fiscal year 2023 for the same purpose.

MBD FINANCIAL ASSISTANCE FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management may transfer \$20,000,000 cash from the State Small Business Credit Initiative Fund (Fund 3FJ0) to the MBD Financial Assistance Fund (Fund 5XH0), which is hereby created in the state treasury. All repayments from loans using Fund 5XH0 shall be credited to the fund.

MINORITY BUSINESS MICROLOAN

The foregoing appropriation item 195694, Micro-Enterprise Loan, shall be used to operate the Minority Business Microloan Program.

WOMEN-OWNED BUSINESS LOAN

The foregoing appropriation item 195632, Women-Owned Business Loan, shall be used to operate the Women-Owned Business Loan Program.

ENTERTAINMENT VENUES

The foregoing appropriation item 195544, Entertainment Venues, shall be used by the Department of Development to provide grants to entertainment venues impacted by the COVID-19 pandemic. Grants shall be awarded in amounts of \$10,000, \$20,000, and

\$30,000. Awards shall be based on factors such as demonstrated	86191
loss of revenue due to canceled events or performances.	86192
BAR AND RESTAURANT ASSISTANCE	86193
The foregoing appropriation item 195677, Bar and Restaurant	86194
Assistance, shall be used by the Department of Development to	86195
provide grants to bars and restaurants that have been impacted by	86196
the COVID-19 pandemic. Grants shall be awarded in amounts of	86197
\$10,000, \$20,000, and \$30,000 and shall be awarded based on	86198
factors such as demonstrated loss of revenue and the number of	86199
employees eligible bars and restaurants employ.	86200
LODGING INDUSTRY GRANTS	86201
The foregoing appropriation item 195685, Lodging Industry	86202
Grants, shall be used by the Department of Development to provide	86203
grants for lodging industry businesses impacted by the COVID-19	86204
pandemic. Grants shall be awarded in amounts of \$10,000, \$20,000,	86205
and \$30,000 and shall be awarded based on factors such as a	86206
demonstrated loss of revenue and occupancy rates.	86207
NEW BUSINESS RELIEF GRANT	86208
The foregoing appropriation item 195697, New Business Relief	86209
Grant, shall be used by the Department of Development to provide	86210
relief grants of \$10,000 for new businesses in this state opening	86211
after January 1, 2020.	86212
MEAT PROCESSING INVESTMENT PROGRAM	86213
The foregoing appropriation item 195408, Meat Processing	86214
Investment Program, shall be used to make grants to meat	86215
processing plants in accordance with Section 701.90 of this act.	86216
COMMUNITY IMPROVEMENTS	86217
The foregoing appropriation item 195569, Community	86218
Improvements, shall be allocated to the City of Zanesville to	86219
support the financing of road slip repairs.	86220

VOLUME CAP ADMINISTRATION 86221

The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.

Section 259.40. SUPPORTIVE SERVICES FUND 86228

On July 1 of each year in the biennium ending June 30, 2023, or as soon as possible thereafter, respectively, the Director of Budget and Management may transfer up to \$2,000,000 from the State Special Projects Fund (Fund 4F20) to the Supportive Services Fund (Fund 1350).

DEVELOPMENT SERVICES OPERATIONS 86234

The Director of Development may assess offices of the department for the cost of central service operations. An assessment shall contain the characteristics of administrative ease and uniform application. A division's payments shall be credited to the Supportive Services Fund (Fund 1350) using an intrastate transfer voucher.

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 86241

The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the department. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).

Section 259.50. CAPITAL ACCESS LOAN PROGRAM 86249

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Capital Access Loan Program funds shall be used in accordance with section 122.603 of the Revised Code to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.

The Director of Budget and Management may transfer an amount not to exceed \$2,000,000 cash in each fiscal year between the Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.

INNOVATION OHIO

The foregoing appropriation item 195664, Innovation Ohio, shall be used to provide for Innovation Ohio purposes, including loan guarantees and loans under Chapter 166. and particularly sections 166.12 to 166.16 of the Revised Code.

RESEARCH AND DEVELOPMENT

The foregoing appropriation item 195665, Research and Development, shall be used to provide for research and development purposes, including loans, under Chapter 166. and particularly sections 166.17 to 166.21 of the Revised Code.

FACILITIES ESTABLISHMENT

The foregoing appropriation item 195615, Facilities Establishment, shall be used for the purposes of the Facilities Establishment Fund (Fund 7037) under Chapter 166. of the Revised Code.

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND

Notwithstanding Chapter 166. of the Revised Code, on July 1, 2021, or as soon as possible thereafter, the Director of Budget

and Management shall transfer \$20,000,000 cash from the Facilities Establishment Fund (Fund 7037) to the Rural Industrial Park Loan Fund (Fund 4Z60). The cash transfer is subject to Controlling Board approval under section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$3,500,000 in cash in each fiscal year may be transferred from the Facilities Establishment Fund (Fund 7037) to the Business Assistance Fund (Fund 4510), subject to Controlling Board approval.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$5,000,000 in cash in each fiscal year from Fund 7037 to the Minority Business Enterprise Loan Fund (Fund 4W10), subject to Controlling Board approval.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$2,000,000 in cash in each fiscal year from Fund 7037 to the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.

Section 259.60. THIRD FRONTIER OPERATING COSTS

The foregoing appropriation items 195686, Third Frontier Tax Exempt - Operating, and 195620, Third Frontier Taxable - Operating, shall be used for operating expenses incurred in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from appropriation item 195686 shall be limited to the administration of projects funded from the Third Frontier Research & Development Fund (Fund 7011) and operating expenses paid from appropriation item 195620 shall be limited to the administration of projects funded from the Third Frontier Research & Development Taxable Bond Project Fund (Fund 7014).

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 86311
PROJECTS 86312

The foregoing appropriation items 195687, Third Frontier 86313
Research & Development Projects, and 195692, Research & 86314
Development Taxable Bond Projects, shall be used to fund selected 86315
projects which may include internship programs. Eligible costs are 86316
those costs of research and development projects to which the 86317
proceeds of Fund 7011 and Fund 7014 are to be applied. 86318

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 86319

The Director of Budget and Management may approve written 86320
requests from the Director of Development for the transfer of 86321
appropriations between appropriation items 195687, Third Frontier 86322
Research & Development Projects, and 195692, Research & 86323
Development Taxable Bond Projects, based upon awards recommended 86324
by the Third Frontier Commission. 86325

In fiscal year 2023, the Director of Development may request 86326
that the Director of Budget and Management reappropriate any 86327
unexpended, unencumbered balances of the prior fiscal year's 86328
appropriation to the foregoing appropriation items 195687, Third 86329
Frontier Research & Development Projects, and 195692, Research & 86330
Development Taxable Bond Projects, for fiscal year 2023. The 86331
Director of Budget and Management may request additional 86332
information necessary for evaluating these requests, and the 86333
Director of Development shall provide the requested information to 86334
the Director of Budget and Management. Based on the information 86335
provided by the Director of Development, the Director of Budget 86336
and Management shall determine the amounts to be reappropriated, 86337
and those amounts are hereby reappropriated for fiscal year 2023. 86338

Section 259.70. HEAP WEATHERIZATION 86339

Up to twenty-five per cent of the federal funds deposited to 86340

the credit of the Home Energy Assistance Block Grant Fund (Fund 86341
3K90) may be expended from appropriation item 195614, HEAP 86342
Weatherization, to provide home weatherization services in the 86343
state as determined by the Director of Development. 86344

Section 259.80. OHIO INCUMBENT WORKFORCE JOB TRAINING FUND 86345

The foregoing appropriation item 195606, TechCred Program, 86346
shall be used for the TechCred Program under section 122.178 of 86347
the Revised Code. 86348

On July 1, 2021, or as soon as possible thereafter, the 86349
Director of Development, in consultation with the Treasurer of 86350
State, shall certify to the Director of Budget and Management the 86351
amount of bond proceeds collected under Chapter 3366. of the 86352
Revised Code in the semiannual period beginning January 1, 2021, 86353
and ending June 30, 2021. The Director of Budget and Management 86354
shall transfer an amount of cash equal to the certified amount 86355
from the fund designated by the Treasurer of State to receive the 86356
bond proceeds collected under Chapter 3366. of the Revised Code to 86357
the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0). 86358

Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 86359

General Revenue Fund 86360

GRF	320411	Special Olympics	\$	100,000	\$	100,000	86361
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GRF	320412	Protective Services	\$	2,450,000	\$	2,600,000	86362
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GRF	320415	Developmental	\$	27,000,000	\$	27,000,000	86363
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Disabilities

Facilities Lease

Rental Bond Payments

GRF	322421	Part C Early	\$	23,326,431	\$	23,326,431	86364
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Intervention

GRF	322422	Multi System Youth	\$	2,500,000	\$	4,000,000	86365
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GRF	322508	Employment First	\$	2,700,000	\$	2,700,000	86366
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		Initiative				
GRF	322509	Community Supports and Rental Assistance	\$ 1,800,000	\$ 700,000		86367
GRF	322510	Best Buddies Ohio	\$ 50,000	\$ 50,000		86368
GRF	653321	Medicaid Program Support - State	\$ 7,000,000	\$ 7,000,000		86369
GRF	653407	Medicaid Services	\$ 655,397,881	\$ 745,826,590		86370
TOTAL GRF		General Revenue Fund	\$ 722,324,312	\$ 813,303,021		86371
Dedicated Purpose Fund Group						86372
2210	322620	Supplement Service Trust	\$ 500,000	\$ 500,000		86373
4890	653632	Developmental Centers Direct Care Services	\$ 7,000,000	\$ 7,000,000		86374
5DK0	322629	Capital Replacement Facilities	\$ 750,000	\$ 750,000		86375
5EV0	653627	Medicaid Program Support	\$ 2,500,000	\$ 2,500,000		86376
5GE0	320606	Central Office Operating Expenses	\$ 20,500,000	\$ 20,500,000		86377
5GE0	653606	ICF/IID and Waiver Match	\$ 60,100,000	\$ 60,100,000		86378
5H00	322619	Medicaid Repayment	\$ 900,000	\$ 900,000		86379
5S20	653622	Medicaid Administration & Oversight	\$ 29,000,000	\$ 30,000,000		86380
5Z10	653624	County Board Waiver Match	\$ 420,000,000	\$ 482,000,000		86381
TOTAL DPF		Dedicated Purpose Fund Group	\$ 541,250,000	\$ 604,250,000		86382
Internal Service Activity Fund Group						86383
1520	653609	DC and Residential Facilities Operating	\$ 11,000,000	\$ 12,000,000		86384

Services

TOTAL ISA Internal Service Activity	\$	11,000,000	\$	12,000,000	86385
Fund Group					
Federal Fund Group					86386
3250 322612 Community Social	\$	26,997,635	\$	26,997,635	86387
Service Programs					
3A40 653654 Medicaid Services	\$	2,235,086,668	\$	2,269,126,558	86388
3A40 653655 Medicaid Support	\$	73,000,000	\$	76,000,000	86389
3A50 320613 Developmental	\$	3,200,000	\$	3,200,000	86390
Disabilities Council					
TOTAL FED Federal Fund Group	\$	2,338,284,303	\$	2,375,324,193	86391
TOTAL ALL BUDGET FUND GROUPS	\$	3,612,858,615	\$	3,804,877,214	86392

Section 261.20. SPECIAL OLYMPICS 86394

The foregoing appropriation item 320411, Special Olympics, 86395
shall be distributed to the Special Olympics of Ohio. 86396

Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES 86397

LEASE-RENTAL BOND PAYMENTS 86398

The foregoing appropriation item 320415, Developmental 86399
Disabilities Facilities Lease Rental Bond Payments, shall be used 86400
to meet all payments during the period from July 1, 2021, through 86401
June 30, 2023, by the Department of Developmental Disabilities 86402
pursuant to leases and agreements made under section 154.20 of the 86403
Revised Code. These appropriations are the source of funds pledged 86404
for bond service charges on related obligations issued under 86405
Chapter 154. of the Revised Code. 86406

Section 261.35. PART C EARLY INTERVENTION 86407

Of the foregoing appropriation item 322421, Part C Early 86408
Intervention, \$1,000,000 in each fiscal year shall be used to 86409
contract with the Cleveland Sight Center, the Cincinnati 86410

Association for the Blind and Visually Impaired, and the Sight 86411
Center of Northwest Ohio to provide early intervention special 86412
instruction services and family support to children under the age 86413
of three years old with blindness or low vision. 86414

Section 261.40. MULTI-SYSTEM YOUTH 86415

Of the foregoing appropriation item 322422, Multi-System 86416
Youth, a portion may be used to provide a subsidy to eligible 86417
county boards of developmental disabilities for the provision of 86418
respite services and other services and supports for youth with 86419
complex or multi-system needs to enable them to remain in their 86420
homes with their families or in their communities. The Director of 86421
Developmental Disabilities shall establish the total amount 86422
available for the subsidy, a formula for distributing the subsidy 86423
to eligible county boards, and the eligibility requirements county 86424
boards must satisfy to receive the subsidy. 86425

Section 261.50. EMPLOYMENT FIRST INITIATIVE 86426

The foregoing appropriation item 322508, Employment First 86427
Initiative, shall be used to increase employment opportunities for 86428
individuals with developmental disabilities through the Employment 86429
First Initiative in accordance with section 5123.022 of the 86430
Revised Code. 86431

Of the foregoing appropriation item, 322508, Employment First 86432
Initiative, the Director of Developmental Disabilities shall 86433
transfer, in each fiscal year, to the Opportunities for Ohioans 86434
with Disabilities Agency an amount agreed upon by the Director of 86435
Developmental Disabilities and the Executive Director of the 86436
Opportunities for Ohioans with Disabilities Agency. The transfer 86437
shall be made via an intrastate transfer voucher. The transferred 86438
funds shall be used to support the Employment First Initiative. 86439
The Opportunities for Ohioans with Disabilities Agency shall use 86440

the funds transferred as state matching funds to obtain available 86441
federal grant dollars for vocational rehabilitation services. Any 86442
federal match dollars received by the Opportunities for Ohioans 86443
with Disabilities Agency shall be used for the initiative. The 86444
Director of Developmental Disabilities and the Executive Director 86445
of the Opportunities for Ohioans with Disabilities Agency shall 86446
enter into an interagency agreement in accordance with section 86447
3304.181 of the Revised Code that will specify the 86448
responsibilities of each agency under the initiative. Under the 86449
interagency agreement, the Opportunities for Ohioans with 86450
Disabilities Agency shall retain responsibility for eligibility 86451
determination, order of selection, plan approval, plan amendment, 86452
and release of vendor payments. 86453

The remainder of appropriation item 322508, Employment First 86454
Initiative, shall be used to develop a long-term, sustainable 86455
system that places individuals with developmental disabilities in 86456
community employment, as defined in section 5123.022 of the 86457
Revised Code. 86458

Section 261.60. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 86459

The foregoing appropriation item 322509, Community Supports 86460
and Rental Assistance, may be used by the Director of 86461
Developmental Disabilities to provide funding to county boards of 86462
developmental disabilities for rental assistance to individuals 86463
with developmental disabilities receiving home and community-based 86464
services as defined in section 5123.01 of the Revised Code 86465
pursuant to section 5124.60 of the Revised Code or section 5124.69 86466
of the Revised Code and individuals with developmental 86467
disabilities who enroll in a Medicaid waiver component providing 86468
home and community-based services after receiving preadmission 86469
counseling pursuant to section 5124.68 of the Revised Code. The 86470
Director shall establish the methodology for determining the 86471

amount and distribution of such funding. 86472

Section 261.65. BEST BUDDIES OHIO 86473

The foregoing appropriation item 322510, Best Buddies Ohio, 86474
shall be provided to the Best Buddies Ohio program to support the 86475
delivery and expansion of inclusion services throughout Ohio 86476
colleges and communities. 86477

Section 261.70. MEDICAID SERVICES 86478

(A) As used in this section: 86479

(1) "Home and community-based services" has the same meaning 86480
as in section 5123.01 of the Revised Code. 86481

(2) "ICF/IID services" has the same meaning as in section 86482
5124.01 of the Revised Code. 86483

(B) Except as provided in section 5123.0416 of the Revised 86484
Code, the purposes for which the foregoing appropriation item 86485
653407, Medicaid Services, shall be used include the following: 86486

(1) Home and community-based services; 86487

(2) Implementation of the requirements of the agreement 86488
settling the consent decree in Sermak v. Manuel, Case No. 86489
C-2-80-220, United States District Court for the Southern District 86490
of Ohio, Eastern Division; 86491

(3) Implementation of the requirements of the agreement 86492
settling the consent decree in Martin v. Strickland, Case No. 86493
89-CV-00362, United States District Court for the Southern 86494
District of Ohio, Eastern Division; 86495

(4) ICF/IID services; and 86496

(5) Other programs as identified by the Director of 86497
Developmental Disabilities. 86498

Section 261.80. OPERATING AND SERVICES 86499

Of the foregoing appropriation item 320606, Operating and 86500
Services, \$100,000 in each fiscal year shall be provided to the 86501
Ohio Center for Autism and Low Incidence to establish a lifespan 86502
autism hub to support families and professionals. 86503

Section 261.90. COMMUNITY SOCIAL SERVICE PROGRAMS 86504

A portion of the foregoing appropriation item 322612, 86505
Community Social Service Programs, may be used by the Early 86506
Intervention Services Advisory Council for the following purposes: 86507

(A) In addition to other necessary and allowed uses of funds 86508
and in accordance with 20 U.S.C. 1441(d), the Early Intervention 86509
Services Advisory Council established pursuant to section 86510
5123.0422 of the Revised Code, may, in its discretion, use 86511
budgeted funds to do all of the following: 86512

(1) Conduct forums and hearings; 86513

(2) Reimburse council members for reasonable and necessary 86514
expenses, including child care expenses for parent 86515
representatives, for attending council meetings and performing 86516
council duties; 86517

(3) Pay compensation to a council member if the member is not 86518
employed or must forfeit wages from other employment when 86519
performing official council business; 86520

(4) Hire staff; 86521

(5) Obtain the services of professional, technical, and 86522
clerical personnel as necessary to carry out the performance of 86523
its lawful functions. 86524

(B) Except as provided in division (A) of this section, 86525
council members shall serve without compensation or reimbursement. 86526

Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES 86527

As used in this section, "home and community-based services" 86528
has the same meaning as in section 5123.01 of the Revised Code. 86529

The Director of Developmental Disabilities shall establish a 86530
methodology to be used in fiscal year 2022 and fiscal year 2023 to 86531
estimate the quarterly amount each county board of developmental 86532
disabilities is to pay of the nonfederal share of home and 86533
community-based services that section 5126.0510 of the Revised 86534
Code requires county boards to pay. Each quarter, the Director 86535
shall submit to a county board written notice of the amount the 86536
county board is to pay for that quarter. The notice shall specify 86537
when the payment is due. 86538

Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 86539

If a county board of developmental disabilities does not 86540
fully pay any amount owed to the Department of Developmental 86541
Disabilities by the due date established by the Department, the 86542
Director of Developmental Disabilities may withhold the amount the 86543
county board did not pay from any amounts due to the county board. 86544
The Director may use any appropriation item or fund used by the 86545
Department to transfer cash to any other fund used by the 86546
Department in an amount equal to the amount owed the Department 86547
that the county board did not pay. Transfers under this section 86548
shall be made using an intrastate transfer voucher. 86549

Section 261.120. ODODD INNOVATIVE PILOT PROJECTS 86550

(A) In fiscal year 2022 and fiscal year 2023, the Director of 86551
Developmental Disabilities may authorize the continuation or 86552
implementation of one or more innovative pilot projects that, in 86553
the judgment of the Director, are likely to assist in promoting 86554
the objectives of Chapter 5123. or 5126. of the Revised Code. 86555

Subject to division (B) of this section and notwithstanding any provision of Chapters 5123. and 5126. of the Revised Code and any rule adopted under either chapter, a pilot project authorized by the Director may be continued or implemented in a manner inconsistent with one or more provisions of either chapter or one or more rules adopted under either chapter. Before authorizing a pilot program, the Director shall consult with entities interested in the issue of developmental disabilities, including the Ohio Provider Resource Association, Ohio Association of County Boards of Developmental Disabilities, Ohio Health Care Association/Ohio Centers for Intellectual Disabilities, the Values and Faith Alliance, and ARC of Ohio.

(B) The Director may not authorize a pilot project to be implemented in a manner that would cause the state to be out of compliance with any requirements for a program funded in whole or in part with federal funds.

Section 261.130. NONFEDERAL SHARE OF ICF/IID SERVICES

(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.

(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:

(1) Medicaid covers the ICF/IID services.

(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:

(a) The Medicaid recipient is eligible for the ICF/IID services.

(b) The Medicaid recipient does not occupy a bed in the

ICF/IID that used to be included in the Medicaid-certified 86586
capacity of another ICF/IID certified by the Director of Health 86587
before June 1, 2003. 86588

(3) The ICF/IID services are provided by an ICF/IID whose 86589
Medicaid certification by the Director of Health was initiated or 86590
supported by a county board of developmental disabilities. 86591

(4) The provider of the ICF/IID services has a valid Medicaid 86592
provider agreement for the services for the time that the services 86593
are provided. 86594

(C) When required by division (B) of this section to pay the 86595
nonfederal share of a claim, the Director of Developmental 86596
Disabilities shall use the following funds to pay the claim: 86597

(1) Funds available from appropriation item 653407, Medicaid 86598
Services, that the Director allocates to the county board that 86599
initiated or supported the Medicaid certification of the ICF/IID 86600
that provided the ICF/IID services for which the claim is made; 86601

(2) If the amount of funds used pursuant to division (C) (1) 86602
of this section is insufficient to pay the claim in full, an 86603
amount of funds that are needed to make up the difference and 86604
available from amounts the Director allocates to other county 86605
boards from appropriation item 653407, Medicaid Services. 86606

Section 261.140. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 86607
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 86608

(A) As used in this section: 86609

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 86610
that converted some or all of its beds to providing home and 86611
community-based services under the IO Waiver pursuant to section 86612
5124.60 of the Revised Code. 86613

(2) "Developmental center" and "ICF/IID" have the same 86614
meanings as in section 5124.01 of the Revised Code. 86615

(3) "IO Waiver" means the Medicaid waiver component, as 86616
defined in section 5166.01 of the Revised Code, known as 86617
Individual Options. 86618

(4) "Medicaid provider" has the same meaning as in section 86619
5164.01 of the Revised Code. 86620

(5) "Public hospital" has the same meaning as in section 86621
5122.01 of the Revised Code. 86622

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 86623
whom all of the following apply: 86624

(a) The enrollee resided in a developmental center, converted 86625
facility, or public hospital immediately before enrolling in the 86626
IO Wavier. 86627

(b) The enrollee did not receive before July 1, 2011, routine 86628
homemaker/personal care services from the Medicaid provider that 86629
is to be paid the Medicaid rate authorized by this section for 86630
providing such services to the enrollee during the period 86631
specified in division (C) of this section. 86632

(c) The Director of Developmental Disabilities has determined 86633
that the enrollee's special circumstances (including the 86634
enrollee's diagnosis, service needs, or length of stay at the 86635
developmental center, converted facility, or public hospital) 86636
warrants paying the Medicaid rate authorized by this section. 86637

(B) The total Medicaid payment rate for each fifteen minutes 86638
of routine homemaker/personal care services that a Medicaid 86639
provider provides to a qualifying IO enrollee during the period 86640
specified in division (C) of this section shall be fifty-two cents 86641
higher than the Medicaid payment rate in effect on the day the 86642
services are provided for each fifteen minutes of routine 86643
homemaker/personal care services that a Medicaid provider provides 86644
to an IO enrollee who is not a qualifying IO enrollee. 86645

(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2021, and ending July 1, 2023, provides routine homemaker/personal care services to a qualifying IO enrollee.

(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rate determined in accordance with this section for routine homemaker/personal care services provided to qualifying IO enrollees.

Section 261.150. FISCAL YEAR 2022 and 2023 ICF/IID MEDICAID RATES FOR PEER GROUPS 1, 2, 3, 4, AND 5

(A) As used in this section:

(1) "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1," "peer group 2," "peer group 3," "peer group 4," "peer group 5," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.

(2) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

(B) (1) This section applies to each ICF/IID that is in peer group 1, peer group 2, peer group 3, peer group 4, or peer group 5 and to which any of the following, as applicable to a fiscal year, applies:

(a) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2022, any of the following is the case:

(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2021, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2022.

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2022, the existing operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2022.

(iii) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2022.

(b) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2023, any of the following is the case:

(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2022, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2023.

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2023, the existing operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2023.

(iii) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2023.

(2) Notwithstanding Chapter 5124. of the Revised Code, the Department of Developmental Disabilities shall follow this section in determining the rate to be paid for ICF/IID services provided during fiscal years 2022 and 2023 by ICFs/IID subject to this section.

(C) (1) For fiscal year 2022, the Department shall pay the following rates for ICF/IID services:

(a) For each ICF/IID described in division (B) (1) (a) (i) of

this section, the total per Medicaid day rate in effect for the 86706
ICF/IID on June 30, 2021, increased by two per cent; 86707

(b) For each ICF/IID described in division (B)(1)(a)(ii) of 86708
this section, the total per Medicaid day rate in effect for the 86709
ICF/IID on the day immediately preceding the effective date of the 86710
change of operator; 86711

(c) For each ICF/IID described in division (B)(1)(a)(iii) of 86712
this section, a total per Medicaid day rate of \$357.89. 86713

(2) If the mean total per Medicaid day rate for all ICFs/IID 86714
to which the section applies, as determined under division 86715
(B)(1)(b) of this section, as of July 1, 2022, and weighted by May 86716
Medicaid days from calendar year 2022, is greater than \$365.05, 86717
the Department shall adjust, for fiscal year 2023, the total per 86718
Medicaid day rate for each ICF/IID to which this section applies 86719
by the percentage by which the mean total per Medicaid day rate is 86720
greater than \$365.05. 86721

(D) If the United States Centers for Medicare and Medicaid 86722
Services requires that the franchise permit fee be reduced or 86723
eliminated, the Department shall reduce the amount it pays ICF/IID 86724
providers under this section as necessary to reflect the loss to 86725
the state of the revenue and federal financial participation 86726
generated from the franchise permit fee. 86727

(E) Of the foregoing appropriation items 653407, Medicaid 86728
Services, 653606, ICF/IID and Waiver Match, and 653654, Medicaid 86729
Services, portions shall be used to pay the Medicaid payment rates 86730
determined in accordance with this section for ICF/IID services 86731
provided during fiscal years 2022 and 2023. 86732

Section 261.160. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 86733
TECHNOLOGY FIRST INITIATIVE 86734

Of the foregoing appropriation item 322509, Community 86735

Supports and Rental Assistance, up to \$1,100,000 in fiscal year 86736
2022 may be used to increase access and utilization of innovative 86737
technology for individuals with developmental disabilities in 86738
accordance with the Technology First Initiative established in 86739
section 5123.025 of the Revised Code. Not less than \$100,000 in 86740
fiscal year 2022 from this earmark shall be distributed to 86741
Creative Housing, Inc. to be used to provide or increase access to 86742
technology for individuals with developmental disabilities. An 86743
amount equal to the unexpended, unencumbered balance of this 86744
earmark at the end of fiscal year 2022 is hereby reappropriated to 86745
appropriation item 322509, Community Supports and Rental 86746
Assistance, for the same purpose for fiscal year 2023. 86747

Section 261.170. PAYMENT RATE FOR DD-ADMINISTERED WAIVER 86748
SERVICES 86749

(A) As used in this section: 86750

(1) "Adult day services" means nonresidential services 86751
including adult day support, career planning, group employment 86752
support, individual employment support, nonmedical transportation, 86753
and vocational habilitation. 86754

(2) "DD-administered waiver" means a Medicaid waiver 86755
component, as defined in section 5166.01 of the Revised Code, that 86756
is administered by the Department of Developmental Disabilities. 86757

(3) "Residential services" means the following services: 86758

(a) Homemaker/personal care services; 86759

(b) Informal, community, or residential respite services; 86760

(c) On-site/on-call services; 86761

(d) Shared living services; 86762

(e) Transportation services. 86763

(B) For fiscal year 2022, the Medicaid payment rate for adult 86764

day services and residential services provided under a 86765
DD-administered waiver shall equal the rates for the services in 86766
effect on June 30, 2021, increased by two per cent. 86767

(C) For fiscal year 2023, the Medicaid payment rate for adult 86768
day services and residential services provided under a 86769
DD-administered waiver shall equal the rates for the services in 86770
effect on June 30, 2022, increased by two per cent. 86771

Section 261.180. DD-ADMINISTERED WAIVER SLOTS 86772

(A) As used in this section, "DD-administered waiver" means a 86773
Medicaid waiver component, as defined in section 5166.01 of the 86774
Revised Code, that is administered by the Department of 86775
Developmental Disabilities. 86776

(B) During fiscal year 2022 and fiscal year 2023, the 86777
Department of Developmental Disabilities shall not use the funds 86778
appropriated in appropriation items 653407, Medicaid Services, 86779
653654, Medicaid Services, 653606, ICF/IID and Waiver Match, or 86780
653624, County Board Waiver Match, to reserve a portion of the 86781
total number of DD-administered waivers in a fiscal year to give 86782
preference to people living in intermediate care facilities for 86783
individuals with intellectual disabilities and shall instead 86784
permit the funds to be used for any DD-administered waiver. 86785

Section 261.190. PROTECTION AND ADVOCACY TRANSPARENCY 86786
AMENDMENT 86787

The enactment of section 5123.603 of the Revised Code by this 86788
act shall be known as the "Protection and Advocacy Transparency 86789
Amendment." 86790

Section 265.10. EDU DEPARTMENT OF EDUCATION 86791
General Revenue Fund 86792

GRF 200321	Operating Expenses	\$	14,383,592	\$	14,686,404	86793
GRF 200408	Early Childhood Education	\$	68,116,789	\$	68,116,789	86794
GRF 200420	Information Technology Development and Support	\$	3,680,482	\$	3,680,482	86795
GRF 200422	School Management Assistance	\$	2,337,711	\$	2,337,711	86796
GRF 200424	Policy Analysis	\$	450,950	\$	450,950	86797
GRF 200426	Ohio Educational Computer Network	\$	15,107,422	\$	15,107,422	86798
GRF 200427	Academic Standards	\$	3,883,525	\$	3,883,525	86799
GRF 200437	Student Assessment	\$	56,282,168	\$	56,282,168	86800
GRF 200439	Accountability/Report Cards	\$	7,168,977	\$	7,197,050	86801
GRF 200442	Child Care Licensing	\$	2,127,153	\$	2,127,153	86802
GRF 200446	Education Management Information System	\$	8,174,415	\$	8,174,415	86803
GRF 200448	Educator Preparation	\$	3,207,740	\$	3,207,740	86804
GRF 200455	Community Schools and Choice Programs	\$	3,412,546	\$	3,412,546	86805
GRF 200457	STEM Initiatives	\$	320,000	\$	0	86806
GRF 200465	Education Technology Resources	\$	4,881,854	\$	4,881,854	86807
GRF 200502	Pupil Transportation	\$	536,660,589	\$	541,660,589	86808
GRF 200505	School Lunch Match	\$	8,963,500	\$	8,963,500	86809
GRF 200511	Auxiliary Services	\$	156,744,175	\$	158,591,274	86810
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	70,813,735	\$	71,647,683	86811
GRF 200540	Special Education Enhancements	\$	180,850,000	\$	185,850,000	86812
GRF 200545	Career-Technical	\$	9,890,892	\$	9,890,892	86813

		Education Enhancements				
GRF 200550	Foundation Funding -		\$ 6,961,998,712	\$ 7,106,098,712		86814
	All Students					
GRF 200566	Literacy Improvement		\$ 1,552,172	\$ 1,552,172		86815
GRF 200572	Adult Education		\$ 9,752,210	\$ 9,752,210		86816
	Programs					
GRF 200574	Half-Mill Maintenance		\$ 17,464,102	\$ 15,238,834		86817
	Equalization					
GRF 200576	Adaptive Sports		\$ 250,000	\$ 250,000		86818
	Program					
GRF 200597	Program and Project		\$ 3,800,000	\$ 3,800,000		86819
	Support					
GRF 657401	Medicaid in Schools		\$ 297,978	\$ 297,978		86820
TOTAL GRF	General Revenue Fund		\$ 8,152,573,389	\$ 8,307,140,053		86821
	Dedicated Purpose Fund Group					86822
4520 200638	Charges and		\$ 1,000,000	\$ 1,000,000		86823
	Reimbursements					
4L20 200681	Teacher Certification		\$ 14,000,000	\$ 14,000,000		86824
	and Licensure					
5980 200659	Auxiliary Services		\$ 1,300,000	\$ 1,300,000		86825
	Reimbursement					
5H30 200687	School District		\$ 2,000,000	\$ 2,000,000		86826
	Solvency Assistance					
5KX0 200691	Ohio School		\$ 1,250,000	\$ 1,250,000		86827
	Sponsorship Program					
5MM0 200677	Child Nutrition		\$ 550,000	\$ 550,000		86828
	Refunds					
5U20 200685	National Education		\$ 175,000	\$ 175,000		86829
	Statistics					
5VS0 200604	Foundation Funding -		\$ 661,000,000	\$ 842,000,000		86830
	All Students					
6200 200615	Educational		\$ 600,000	\$ 600,000		86831
	Improvement Grants					

TOTAL DPF Dedicated Purpose Fund Group	\$	681,875,000	\$	862,875,000	86832
Internal Service Activity Fund Group					86833
1380 200606 Information Technology Development and Support	\$	8,289,074	\$	8,537,746	86834
4R70 200695 Indirect Operational Support	\$	7,856,766	\$	7,856,766	86835
4V70 200633 Interagency Program Support	\$	5,000,000	\$	5,000,000	86836
TOTAL ISA Internal Service Activity Fund Group	\$	21,145,840	\$	21,394,512	86837
State Lottery Fund Group					86838
7017 200612 Foundation Funding - All Students	\$	1,243,700,000	\$	1,222,000,000	86839
7017 200614 Accelerate Great Schools	\$	1,500,000	\$	1,500,000	86840
7017 200631 Quality Community Schools Support	\$	54,000,000	\$	54,000,000	86841
7017 200684 Community School Facilities	\$	62,500,000	\$	62,500,000	86842
TOTAL SLF State Lottery Fund Group	\$	1,361,700,000	\$	1,340,000,000	86843
Federal Fund Group					86844
3670 200607 School Food Services	\$	12,254,397	\$	12,611,321	86845
3700 200624 Education of Exceptional Children	\$	2,000,000	\$	2,000,000	86846
3AF0 657601 Schools Medicaid Administrative Claims	\$	295,500	\$	295,500	86847
3AN0 200671 School Improvement Grants	\$	17,000,000	\$	0	86848
3C50 200661 Early Childhood	\$	14,000,000	\$	14,000,000	86849

		Education				
3EH0	200620	Migrant Education	\$	2,700,000	\$	2,700,000 86850
3EJ0	200622	Homeless Children	\$	3,600,000	\$	3,600,000 86851
		Education				
3FE0	200669	Striving Readers	\$	2,000,000	\$	0 86852
3GE0	200674	Summer Food Service	\$	60,000,000	\$	30,000,000 86853
		Program				
3GG0	200676	Fresh Fruit and	\$	5,145,074	\$	5,145,074 86854
		Vegetable Program				
3HF0	200649	Federal Education	\$	7,056,327	\$	7,056,327 86855
		Grants				
3HI0	200634	Student Support and	\$	40,042,720	\$	40,042,720 86856
		Academic Enrichment				
3HL0	200678	Comprehensive	\$	14,630,000	\$	14,630,000 86857
		Literacy State				
		Development Program				
3HS0	200640	Federal Coronavirus	\$	50,000,000	\$	75,000,000 86858
		School Relief				
3L60	200617	Federal School Lunch	\$	430,837,000	\$	430,837,000 86859
3L70	200618	Federal School	\$	163,350,081	\$	163,350,081 86860
		Breakfast				
3L80	200619	Child/Adult Food	\$	113,328,580	\$	113,328,580 86861
		Programs				
3L90	200621	Career-Technical	\$	46,000,000	\$	46,000,000 86862
		Education Basic Grant				
3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000 86863
3M20	200680	Individuals with	\$	490,000,000	\$	500,000,000 86864
		Disabilities				
		Education Act				
3T40	200613	Public Charter	\$	4,500,000	\$	4,500,000 86865
		Schools				
3Y20	200688	21st Century	\$	43,000,000	\$	43,000,000 86866
		Community Learning				

		Centers				
3Y60	200635	Improving Teacher	\$	77,000,000	\$	77,000,000 86867
		Quality				
3Y70	200689	English Language	\$	11,000,000	\$	11,000,000 86868
		Acquisition				
3Y80	200639	Rural and Low Income	\$	3,600,000	\$	3,600,000 86869
		Technical Assistance				
3Z20	200690	State Assessments	\$	12,000,000	\$	12,000,000 86870
3Z30	200645	Consolidated Federal	\$	10,900,000	\$	10,900,000 86871
		Grant Administration				
TOTAL FED	Federal Fund Group		\$	2,236,239,679	\$	2,222,596,603 86872
TOTAL ALL BUDGET FUND GROUPS			\$	12,453,533,908	\$	12,754,006,168 86873

Section 265.20. OPERATING EXPENSES 86875

A portion of the foregoing appropriation item 200321, 86876
 Operating Expenses, shall be used by the Department of Education 86877
 to provide matching funds related to career-technical education 86878
 under 20 U.S.C. 2321. 86879

EARLY CHILDHOOD EDUCATION 86880

The Department of Education shall distribute the foregoing 86881
 appropriation item 200408, Early Childhood Education, to pay the 86882
 costs of early childhood education programs. The Department shall 86883
 distribute such funds directly to qualifying providers. 86884

(A) As used in this section: 86885

(1) "Provider" means a city, local, exempted village, or 86886
 joint vocational school district; an educational service center; a 86887
 community school established under Chapter 3314. of the Revised 86888
 Code that is sponsored by an exemplary sponsor; notwithstanding 86889
 anything to the contrary in Chapter 3326. of the Revised Code, a 86890
 STEM school that is established under that chapter; a chartered 86891
 nonpublic school; an early childhood education child care provider 86892
 licensed under Chapter 5104. of the Revised Code; or a combination 86893

of entities described in this paragraph. 86894

(2) In the case of a city, local, or exempted village school 86895
district or early childhood education child care provider licensed 86896
under Chapter 5104. of the Revised Code, "new eligible provider" 86897
means a provider that did not receive state funding for Early 86898
Childhood Education in the previous fiscal year or demonstrates a 86899
need for early childhood programs as defined in division (D) of 86900
this section. 86901

(3) In the case of a community school, "new eligible 86902
provider" means either of the following: 86903

(a) A community school established under Chapter 3314. of the 86904
Revised Code that is sponsored by a sponsor rated "exemplary" in 86905
accordance with section 3314.016 of the Revised Code that offers a 86906
child care program in accordance with sections 3301.50 to 3301.59 86907
of the Revised Code that did not receive state funding for Early 86908
Childhood Education in the previous fiscal year; 86909

(b) A community school established under Chapter 3314. of the 86910
Revised Code that satisfies all of the following criteria: 86911

(i) It has received, on its most recent report card, either 86912
of the following: 86913

(I) If the school offers any of grade levels four through 86914
twelve, a grade of "C" or better for the overall value-added 86915
progress dimension under division (C) (1) (e) of section 3302.03 of 86916
the Revised Code and for the performance index score under 86917
division (C) (1) (b) of section 3302.03 of the Revised Code; 86918

(II) If the school does not offer a grade level higher than 86919
three, a grade of "C" or better for making progress in improving 86920
literacy in grades kindergarten through three under division 86921
(C) (1) (g) of section 3302.03 of the Revised Code. 86922

(ii) It offers a child care program in accordance with 86923

sections 3301.50 to 3301.59 of the Revised Code. 86924

(iii) It did not receive state funding for Early Childhood 86925
Education in the previous fiscal year. 86926

(4) (a) "Eligible child" means a child who is at least four 86927
years of age, is not of the age to be eligible for kindergarten, 86928
and whose family earns not more than two hundred per cent of the 86929
federal poverty guidelines as defined in division (A) (3) of 86930
section 5101.46 of the Revised Code. Children with an 86931
Individualized Education Program and where the Early Childhood 86932
Education program is the least restrictive environment may be 86933
enrolled on their fourth birthday. 86934

(b) If, on the first day of October of each fiscal year, a 86935
provider has remaining award funds after enrolling eligible 86936
children under division (A) (4) (a) of this section, the provider 86937
may seek approval from the Department to consider a child who is 86938
at least three years of age, is not of age to be eligible for 86939
kindergarten, and whose family earns not more than two hundred per 86940
cent of the federal poverty guidelines as an eligible child. Upon 86941
approval from the Department, the provider may use the remaining 86942
award funds to serve such three-year-old children as eligible 86943
children. 86944

(5) "Early learning program standards" means early learning 86945
program standards for school readiness developed by the Department 86946
to assess the operation of early learning and development 86947
programs. 86948

(6) "Early learning and development programs" has the same 86949
meaning as in section 5104.29 of the Revised Code. 86950

(B) In each fiscal year, up to two per cent of the total 86951
appropriation may be used by the Department for program support 86952
and technical assistance. The Department shall distribute the 86953
remainder of the appropriation in each fiscal year to serve 86954

eligible children. 86955

(C) The Department shall provide an annual report to the 86956
Governor, the Speaker of the House of Representatives, and the 86957
President of the Senate and post the report to the Department's 86958
web site, regarding early childhood education programs operated 86959
under this section and the early learning program standards. 86960

(D) After setting aside the amounts to make payments due from 86961
the previous fiscal year, in fiscal year 2022, the Department 86962
shall distribute funds first to recipients of funds for early 86963
childhood education programs under Section 265.20 of H.B. 166 of 86964
the 133rd General Assembly in the previous fiscal year and the 86965
balance to new eligible providers of early childhood education 86966
programs or to existing providers to serve more eligible children 86967
pursuant to division (E) of this section or for purposes of 86968
program expansion, improvement, or special projects to promote 86969
quality and innovation. 86970

After setting aside the amounts to make payments due from the 86971
previous fiscal year, in fiscal year 2023, the Department shall 86972
distribute funds first to providers of early childhood education 86973
programs under this section in the previous fiscal year and the 86974
balance to new eligible providers or to existing providers to 86975
serve more eligible children as outlined under division (E) of 86976
this section or for purposes of program expansion, improvement, or 86977
special projects to promote quality and innovation. 86978

(E) (1) The Department shall distribute any new or remaining 86979
funding to existing providers of early childhood education 86980
programs or any new eligible providers in an effort to invest in 86981
high quality early childhood programs where there is a need as 86982
determined by the Department. The Department shall distribute the 86983
new or remaining funds to existing providers of early childhood 86984
education programs or any new eligible providers to serve 86985
additional eligible children based on community economic 86986

disadvantage, limited access to high quality preschool or 86987
childcare services, and demonstration of high quality preschool 86988
services as determined by the Department using new metrics 86989
developed pursuant to Ohio's Race to the Top-Early Learning 86990
Challenge Grant, awarded to the Department in December 2011. 86991

(2) Awards under divisions (D) and (E) of this section shall 86992
be distributed on a per-pupil basis, and in accordance with 86993
division (I) of this section. The Department may adjust the 86994
per-pupil amount so that the per-pupil amount multiplied by the 86995
number of eligible children enrolled and receiving services on the 86996
first day of December or the business day closest to that date 86997
equals the amount allocated under this section. 86998

(F) Costs for developing and administering an early childhood 86999
education program may not exceed fifteen per cent of the total 87000
approved costs of the program. 87001

All providers shall maintain such fiscal control and 87002
accounting procedures as may be necessary to ensure the 87003
disbursement of, and accounting for, these funds. The control of 87004
funds provided in this program, and title to property obtained, 87005
shall be under the authority of the approved provider for purposes 87006
provided in the program unless, as described in division (K) of 87007
this section, the program waives its right for funding or a 87008
program's funding is eliminated or reduced due to its inability to 87009
meet financial or early learning program standards. The approved 87010
provider shall administer and use such property and funds for the 87011
purposes specified. 87012

(G) The Department may examine a provider's financial and 87013
program records. If the financial practices of the program are not 87014
in accordance with standard accounting principles or do not meet 87015
financial standards outlined under division (F) of this section, 87016
or if the program fails to substantially meet the early learning 87017
program standards, or exhibits below average performance as 87018

measured against the standards, the early childhood education 87019
program shall propose and implement a corrective action plan that 87020
has been approved by the Department. The approved corrective 87021
action plan shall be signed by the chief executive officer and the 87022
executive of the official governing body of the provider. The 87023
corrective action plan shall include a schedule for monitoring by 87024
the Department. Such monitoring may include monthly reports, 87025
inspections, a timeline for correction of deficiencies, and 87026
technical assistance to be provided by the Department or obtained 87027
by the early childhood education program. The Department may 87028
withhold funding pending corrective action. If an early childhood 87029
education program fails to satisfactorily complete a corrective 87030
action plan, the Department may deny expansion funding to the 87031
program or withdraw all or part of the funding to the program and 87032
establish a new eligible provider through a selection process 87033
established by the Department. 87034

(H) Per-pupil funding for programs subject to this section 87035
shall be sufficient to provide eligible children with services for 87036
a standard early childhood schedule which shall be defined in this 87037
section as a minimum of twelve and one-half hours per school week 87038
as defined in section 3313.62 of the Revised Code for the minimum 87039
school year as defined in sections 3313.48, 3313.481, and 3313.482 87040
of the Revised Code. Nothing in this section shall be construed to 87041
prohibit program providers from utilizing other funds to serve 87042
eligible children in programs that exceed the twelve and one-half 87043
hours per week or that exceed the minimum school year. For any 87044
provider for which a standard early childhood education schedule 87045
creates a hardship or for which the provider shows evidence that 87046
the provider is working in collaboration with a preschool special 87047
education program, the provider may submit a waiver to the 87048
Department requesting an alternate schedule. If the Department 87049
approves a waiver for an alternate schedule that provides services 87050
for less time than the standard early childhood education 87051

schedule, the Department may reduce the provider's annual 87052
allocation proportionately. Under no circumstances shall an annual 87053
allocation be increased because of the approval of an alternate 87054
schedule. 87055

(I) Each provider shall develop a sliding fee scale based on 87056
family incomes and shall charge families who earn more than two 87057
hundred per cent of the federal poverty guidelines, as defined in 87058
division (A) (3) of section 5101.46 of the Revised Code, for the 87059
early childhood education program. 87060

The Department shall conduct an annual survey of each 87061
provider to determine whether the provider charges families 87062
tuition or fees, the amount families are charged relative to 87063
family income levels, and the number of families and students 87064
charged tuition and fees for the early childhood program. 87065

(J) If an early childhood education program voluntarily 87066
waives its right for funding, or has its funding eliminated for 87067
not meeting financial standards or the early learning program 87068
standards, the provider shall transfer control of title to 87069
property, equipment, and remaining supplies obtained through the 87070
program to providers designated by the Department and return any 87071
unexpended funds to the Department along with any reports 87072
prescribed by the Department. The funding made available from a 87073
program that waives its right for funding or has its funding 87074
eliminated or reduced may be used by the Department for new grant 87075
awards or expansion grants. The Department may award new grants or 87076
expansion grants to eligible providers who apply. The eligible 87077
providers who apply must do so in accordance with the selection 87078
process established by the Department. 87079

(K) Eligible expenditures for the Early Childhood Education 87080
Program shall be claimed each fiscal year to help meet the state's 87081
TANF maintenance of effort requirement. The Superintendent of 87082
Public Instruction and the Director of Job and Family Services 87083

shall enter into an interagency agreement to carry out the 87084
requirements under this division, which shall include developing 87085
reporting guidelines for these expenditures. 87086

(L) (1) The Department of Education and the Department of Job 87087
and Family Services shall continue to work toward establishing the 87088
following in common between early childhood education programs and 87089
publicly funded child care: 87090

(a) An application; 87091

(b) Program eligibility; 87092

(c) Funding; 87093

(d) An attendance policy; 87094

(e) An attendance tracking system. 87095

(2) In accordance with section 5104.34 of the Revised Code, 87096
eligible families may receive publicly funded child care beyond 87097
the standard early childhood schedule defined in division (I) of 87098
this section. 87099

(3) All providers, agencies, and school districts 87100
participating in the early childhood education program or 87101
providing care to eligible families beyond the standard early 87102
childhood schedule shall follow the common policies established 87103
under this division. 87104

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 87105
SUPPORT 87106

The foregoing appropriation item 200420, Information 87107
Technology Development and Support, shall be used to support the 87108
development and implementation of information technology solutions 87109
designed to improve the performance and services of the Department 87110
of Education. Funds may be used for personnel, maintenance, and 87111
equipment costs related to the development and implementation of 87112

these technical system projects. Implementation of these systems 87113
shall allow the Department to provide greater levels of assistance 87114
to school districts and to provide more timely information to the 87115
public, including school districts, administrators, and 87116
legislators. Funds may also be used to support data-driven 87117
decision-making and differentiated instruction, as well as to 87118
communicate academic content standards and curriculum models to 87119
schools through web-based applications. 87120

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE 87121

The foregoing appropriation item 200422, School Management 87122
Assistance, shall be used by the Department of Education to 87123
provide fiscal technical assistance and inservice education for 87124
school district management personnel and to administer, monitor, 87125
and implement the fiscal caution, fiscal watch, and fiscal 87126
emergency provisions under Chapter 3316. of the Revised Code. 87127

Section 265.60. POLICY ANALYSIS 87128

The foregoing appropriation item 200424, Policy Analysis, 87129
shall be used by the Department of Education to support a system 87130
of administrative and statistical education information to be used 87131
for policy analysis. Staff supported by this appropriation shall 87132
administer the development of reports, analyses, and briefings 87133
regarding current trends in education practice, efficient and 87134
effective use of resources, and evaluation of programs to improve 87135
education results. A portion of these funds shall be used to 87136
maintain a longitudinal database to support the assessment of the 87137
impact of policies and programs on Ohio's education and workforce 87138
development systems. The research efforts supported by this 87139
appropriation item shall be used to supply information and 87140
analysis of data to and in consultation with the General Assembly 87141
and other state policymakers, including the Office of Budget and 87142

Management and the Legislative Service Commission. 87143

A portion of the foregoing appropriation item, 200424, Policy 87144
Analysis, may be used by the Department to support the development 87145
and implementation of an evidence-based clearinghouse to support 87146
school improvement strategies as part of the Every Student 87147
Succeeds Act. 87148

The Department may use funding from this appropriation item 87149
to purchase or contract for the development of software systems or 87150
contract for policy studies that will assist in the provision and 87151
analysis of policy-related information. Funding from this 87152
appropriation item also may be used to monitor and enhance quality 87153
assurance for research-based policy analysis and program 87154
evaluation to enhance the effective use of education information 87155
to inform education policymakers. 87156

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK 87157

The foregoing appropriation item 200426, Ohio Educational 87158
Computer Network, shall be used by the Department of Education to 87159
maintain a system of information technology throughout Ohio and to 87160
provide technical assistance for such a system. 87161

Of the foregoing appropriation item 200426, Ohio Educational 87162
Computer Network, up to \$9,686,658 in each fiscal year shall be 87163
used by the Department to support connection of all public school 87164
buildings and participating chartered nonpublic schools to the 87165
state's education network, to each other, and to the Internet. In 87166
each fiscal year, the Department shall use these funds to assist 87167
information technology centers or school districts with the 87168
operational costs associated with this connectivity. The 87169
Department shall develop a formula and guidelines for the 87170
distribution of these funds to information technology centers or 87171
individual school districts. As used in this section, "public 87172
school building" means a school building of any city, local, 87173

exempted village, or joint vocational school district, any 87174
community school established under Chapter 3314. of the Revised 87175
Code, any college preparatory boarding school established under 87176
Chapter 3328. of the Revised Code, any STEM school established 87177
under Chapter 3326. of the Revised Code, any educational service 87178
center building used for instructional purposes, the Ohio School 87179
for the Deaf and the Ohio School for the Blind, high schools 87180
chartered by the Ohio Department of Youth Services, or high 87181
schools operated by Ohio Department of Rehabilitation and 87182
Corrections' Ohio Central School System. 87183

Of the foregoing appropriation item 200426, Ohio Educational 87184
Computer Network, up to \$4,843,329 in each fiscal year shall be 87185
used, through a formula and guidelines devised by the Department, 87186
to support the activities of designated information technology 87187
centers, as defined by State Board of Education rules, to provide 87188
school districts and chartered nonpublic schools with 87189
computer-based student and teacher instructional and 87190
administrative information services, including approved 87191
computerized financial accounting, to ensure the effective 87192
operation of local automated administrative and instructional 87193
systems, and to monitor and support the quality of data submitted 87194
to the Department. 87195

The remainder of appropriation item 200426, Ohio Educational 87196
Computer Network, shall be used to support the work of the 87197
development, maintenance, and operation of a network of uniform 87198
and compatible computer-based information systems as well as the 87199
teacher student linkage/roster verification process and systems to 87200
support electronic sharing of student records and transcripts 87201
between entities. This technical assistance shall include, but not 87202
be restricted to, development and maintenance of adequate computer 87203
software systems to support network activities. In order to 87204
improve the efficiency of network activities, the Department and 87205

information technology centers may jointly purchase equipment, 87206
materials, and services from funds provided under this 87207
appropriation for use by the network and, when considered 87208
practical by the Department, may utilize the services of 87209
appropriate state purchasing agencies. 87210

Section 265.80. ACADEMIC STANDARDS 87211

The foregoing appropriation item 200427, Academic Standards, 87212
shall be used by the Department of Education to develop and 87213
communicate to school districts academic content standards and 87214
curriculum models and to develop professional development programs 87215
and other tools on the new content standards and model curriculum. 87216
The Department shall use a portion of these funds in partnership 87217
with educational service centers, consistent with requirements of 87218
section 3312.01 of the Revised Code, in the development and 87219
delivery of professional development programs supported under this 87220
section. 87221

Section 265.90. STUDENT ASSESSMENT 87222

Of the foregoing appropriation item 200437, Student 87223
Assessment, up to \$2,760,000 in each fiscal year may be used to 87224
support the state's early learning assessment work and the 87225
assessments required under section 3301.0715 of the Revised Code. 87226

Of the foregoing appropriation item 200437, Student 87227
Assessment, up to \$543,168 in each fiscal year shall be used to 87228
reimburse a portion of the costs associated with Advanced 87229
Placement and College-Level Examination Program tests for 87230
low-income students. 87231

The remainder of appropriation item 200437, Student 87232
Assessment, shall be used to develop, field test, print, 87233
distribute, score, report results, and support other associated 87234
costs for the tests required under sections 3301.0710, 3301.0711, 87235

and 3301.0712 of the Revised Code and for similar purposes as 87236
required by section 3301.27 of the Revised Code. The funds may 87237
also be used to update and develop diagnostic assessments 87238
administered under sections 3301.079, 3301.0715, and 3313.608 of 87239
the Revised Code. 87240

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 87241
ASSESSMENT 87242

In fiscal year 2022 and fiscal year 2023, if the 87243
Superintendent of Public Instruction determines that additional 87244
funds are needed to fully fund the requirements of sections 87245
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 87246
and this act for assessments of student performance, the 87247
Superintendent may recommend to the Director of Budget and 87248
Management the reallocation of unexpended and unencumbered General 87249
Revenue Fund appropriations within the Department of Education to 87250
appropriation item 200437, Student Assessment. If the Director 87251
determines that such a reallocation is required, the Director may 87252
transfer unexpended and unencumbered appropriations within the 87253
Department of Education as necessary to appropriation item 200437, 87254
Student Assessment. 87255

Section 265.100. ACCOUNTABILITY/REPORT CARDS 87256

Of the foregoing appropriation item 200439, 87257
Accountability/Report Cards, a portion in each fiscal year shall 87258
be used to train district and regional specialists and district 87259
educators in the use of the value-added progress dimension and in 87260
the use of data as it relates to improving student achievement. 87261
This training may include teacher and administrator professional 87262
development in the use of data to improve instruction and student 87263
learning, and teacher and administrator training in understanding 87264
teacher value-added reports and how they can be used as a 87265
component in measuring teacher and administrator effectiveness. A 87266

portion of this funding shall be provided to educational service 87267
centers to support training and professional development under 87268
this section consistent with section 3312.01 of the Revised Code. 87269

The remainder of appropriation item 200439, 87270
Accountability/Report Cards, shall be used by the Department of 87271
Education to incorporate a statewide value-added progress 87272
dimension into performance ratings for school districts and for 87273
the development of an accountability system that includes the 87274
preparation and distribution of school report cards, funding and 87275
expenditure accountability reports under sections 3302.03 and 87276
3302.031 of the Revised Code, the development and maintenance of 87277
teacher value-added reports, the teacher student linkage/roster 87278
verification process, and the performance management section of 87279
the Department's web site required by section 3302.26 of the 87280
Revised Code. 87281

CHILD CARE LICENSING 87282

The foregoing appropriation item 200442, Child Care 87283
Licensing, shall be used by the Department of Education to license 87284
and to inspect preschool and school-age child care programs under 87285
sections 3301.52 to 3301.59 of the Revised Code. 87286

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 87287

The foregoing appropriation item 200446, Education Management 87288
Information System, shall be used by the Department of Education 87289
to improve the Education Management Information System (EMIS). 87290

Of the foregoing appropriation item 200446, Education 87291
Management Information System, up to \$400,000 in each fiscal year 87292
shall be used to support grants to information technology centers 87293
to provide professional development opportunities to district and 87294
school personnel related to the EMIS, with a focus placed on data 87295
submission and data quality. 87296

Of the foregoing appropriation item 200446, Education 87297
Management Information System, up to \$725,000 in each fiscal year 87298
shall be distributed to designated information technology centers 87299
for costs relating to processing, storing, and transferring data 87300
for the effective operation of the EMIS. These costs may include, 87301
but are not limited to, personnel, hardware, software development, 87302
communications connectivity, professional development, and support 87303
services. 87304

The remainder of appropriation item 200446, Education 87305
Management Information System, shall be used to develop and 87306
support the data definitions and standards outlined in the EMIS 87307
guidelines adopted under section 3301.0714 of the Revised Code, to 87308
implement recommendations of the EMIS Advisory Council and the 87309
Superintendent of Public Instruction, to enhance data quality 87310
assurance practices, and to support responsibilities related to 87311
the school report cards prescribed by section 3302.03 of the 87312
Revised Code and value-added progress dimension calculations. 87313

Section 265.120. EDUCATOR PREPARATION 87314

(A) Of the foregoing appropriation item 200448, Educator 87315
Preparation, up to \$339,783 in each fiscal year may be used by the 87316
Department of Education to monitor and support Ohio's State System 87317
of Support, as defined by the Every Student Succeeds Act. 87318

(B) Of the foregoing appropriation item 200448, Educator 87319
Preparation, up to \$67,957 in each fiscal year may be used by the 87320
Department to support the Educator Standards Board under section 87321
3319.61 of the Revised Code and reforms under sections 3302.042, 87322
3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the 87323
Revised Code. 87324

(C) Of the foregoing appropriation item 200448, Educator 87325
Preparation, \$2,000,000 in each fiscal year shall be distributed 87326
to Teach For America to increase recruitment of potential corps 87327

members, to train and develop first-year and second-year teachers 87328
in the Teach for America program in Ohio, and to support the 87329
ongoing development and impact of Teach for America alumni working 87330
in Ohio. 87331

(D) Of the foregoing appropriation item 200448, Educator 87332
Preparation, \$200,000 in each fiscal year shall be used to support 87333
training for selected school staff through the FASTER Saves Lives 87334
Program for the purpose of stopping active shooters and treating 87335
casualties. 87336

(E) Of the foregoing appropriation item 200448, Educator 87337
Preparation, up to \$500,000 in each fiscal year shall be used to 87338
support the SmartOhio Financial Literacy Program at the University 87339
of Cincinnati. 87340

(F) Of the foregoing appropriation item 200448, Educator 87341
Preparation, \$100,000 in each fiscal year shall be distributed to 87342
The Childhood League Center to provide intensive early 87343
intervention and educational services in Franklin County, to 87344
support the Play and Language for Autistic Youngsters (PLAY) 87345
Project in underserved counties, and to provide services and 87346
training for providers and families. 87347

(G) Notwithstanding any provision of law to the contrary, 87348
awards under this section may be used by recipients for 87349
award-related expenses incurred for a period not to exceed two 87350
years from the date of the award according to guidelines 87351
established by the Department of Education. 87352

(H) Awards under division (H) of Section 265.120 of H.B. 166 87353
of the 133rd General Assembly may be used by recipients for 87354
award-related expenses incurred through June 30, 2023. 87355

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 87356

The foregoing appropriation item 200455, Community Schools 87357

and Choice Programs, may be used by the Department of Education 87358
for operation of the Office of Community Schools and the Office of 87359
Nonpublic Educational Options. 87360

Of the foregoing appropriation item 200455, Community Schools 87361
and Choice Programs, up to \$2,000,000 in each fiscal year shall be 87362
used by the Office of Nonpublic Educational Options to administer 87363
school choice programs. 87364

Of the foregoing appropriation item 200455, Community Schools 87365
and Choice Programs, a portion in each fiscal year may be used by 87366
the Department for developing and conducting training sessions for 87367
community schools and sponsors and prospective sponsors of 87368
community schools as prescribed in division (A)(1) of section 87369
3314.015 of the Revised Code, and other schools participating in 87370
school choice programs. 87371

Section 265.135. STEM INITIATIVES 87372

The foregoing appropriation item 200457, STEM Initiatives, 87373
shall be distributed to the Educational Service Center of the 87374
Western Reserve for a pilot project that supports innovative STEM 87375
initiatives for middle school students in Ashtabula, Cuyahoga, 87376
Geauga, Lake, Portage, and Trumbull counties affiliated with the 87377
Alliance for Working Together. These initiatives shall provide 87378
middle school students with early access to programming, 87379
engineering design, and problem-solving skills, the goal of which 87380
is to build a strong regional pipeline of future manufacturing 87381
workers who can fill high-paying, sustainable positions in the 87382
automated manufacturing industry. Not later than July 31, 2022, 87383
the Educational Service Center of the Western Reserve shall submit 87384
a report that describes the progress of the pilot project, 87385
including the number of students participating, to the standing 87386
committees of the House of Representatives and the Senate that are 87387
primarily responsible for considering economic development issues. 87388

Section 265.140. EDUCATION TECHNOLOGY RESOURCES 87389

Of the foregoing appropriation item 200465, Education 87390
Technology Resources, up to \$2,500,000 in each fiscal year shall 87391
be used for the Union Catalog and InfOhio Network and to support 87392
the provision of electronic resources with priority given to 87393
resources that support the teaching of state academic content 87394
standards in all public schools. Consideration shall be given by 87395
the Department of Education to coordinating the allocation of 87396
these moneys with the efforts of Libraries Connect Ohio, whose 87397
members include OhioLINK, the Ohio Public Information Network, and 87398
the State Library of Ohio. 87399

Of the foregoing appropriation item 200465, Education 87400
Technology Resources, up to \$1,778,879 in each fiscal year shall 87401
be used by the Department to provide grants to educational 87402
television stations working with partner education technology 87403
centers to provide Ohio public schools with instructional 87404
resources and services, with priority given to resources and 87405
services aligned with state academic content standards. Such 87406
resources and services shall be based upon the advice and approval 87407
of the Department, based on a formula developed in consultation 87408
with Ohio's educational television stations and educational 87409
technology centers. 87410

The remainder of the foregoing appropriation item 200465, 87411
Education Technology Resources, may be used to support training, 87412
technical support, guidance, and assistance with compliance 87413
reporting to school districts and public libraries applying for 87414
federal E-Rate funds; for oversight and guidance of school 87415
district technology plans; for support to district technology 87416
personnel; and for support of the development, maintenance, and 87417
operation of a network of uniform and compatible computer-based 87418
information and instructional systems. 87419

Section 265.150. PUPIL TRANSPORTATION 87420

Of the foregoing appropriation item 200502, Pupil 87421
Transportation, up to \$838,930 in each fiscal year may be used by 87422
the Department of Education for training prospective and 87423
experienced school bus drivers in accordance with training 87424
programs prescribed by the Department. A portion of these funds 87425
may also be used to pay for costs associated with the enrollment 87426
of bus drivers in the retained applicant fingerprint database. 87427

Of the foregoing appropriation item 200502, Pupil 87428
Transportation, up to \$70,000,000 in fiscal year 2022 and up to 87429
\$75,000,000 in fiscal year 2023 may be used by the Department for 87430
special education transportation reimbursements to school 87431
districts and county DD boards for transportation operating costs 87432
as provided in divisions (C) and (F) of section 3317.024 of the 87433
Revised Code, in accordance with the section of this act entitled 87434
"OPERATING FUNDING FOR FISCAL YEARS 2022 and 2023." If this amount 87435
is not sufficient, the Department shall prorate the payment 87436
amounts so that the aggregate amount allocated in this paragraph 87437
is not exceeded. 87438

The remainder of the foregoing appropriation item 200502, 87439
Pupil Transportation, shall be used to distribute the amounts 87440
calculated for transportation aid under the section of this act 87441
entitled "FUNDING FOR STUDENT TRANSPORTATION." 87442

PAYMENTS IN LIEU OF TRANSPORTATION 87443

For purposes of division (D) of section 3327.02 of the 87444
Revised Code, if a parent, guardian, or other person in charge of 87445
a pupil accepts an offer from a school district of payment in lieu 87446
of providing transportation for the pupil, the school district 87447
shall pay that parent, guardian, or other person an amount not 87448
less than fifty per cent and not more than the amount determined 87449
by the Department as the average cost of pupil transportation for 87450

the previous school year. Payment may be prorated if the time 87451
period involved is only a part of the school year. 87452

Section 265.160. SCHOOL LUNCH MATCH 87453

The foregoing appropriation item 200505, School Lunch Match, 87454
shall be used to provide matching funds to obtain federal funds 87455
for the school lunch program. 87456

Any remaining appropriation after providing matching funds 87457
for the school lunch program may be used to partially reimburse 87458
school buildings within school districts that are required to have 87459
a school breakfast program under section 3313.813 of the Revised 87460
Code, at a rate decided by the Department. 87461

Section 265.170. AUXILIARY SERVICES 87462

Of the foregoing appropriation item 200511, Auxiliary 87463
Services, up to \$2,600,000 in each fiscal year may be used for 87464
payment of the College Credit Plus Program for nonpublic secondary 87465
school participants. The Department of Education shall distribute 87466
these funds according to rule 3333-1-65.8 of the Administrative 87467
Code, adopted by the Department of Higher Education pursuant to 87468
division (A) of section 3365.071 of the Revised Code. 87469

The remainder of the foregoing appropriation item 200511, 87470
Auxiliary Services, shall be used by the Department for the 87471
purpose of implementing sections 3317.06 and 3317.062 of the 87472
Revised Code. 87473

Notwithstanding any provision of the law to the contrary, any 87474
chartered nonpublic school may elect to receive auxiliary services 87475
payments under division (E)(2) of section 3317.024 of the Revised 87476
Code for the 2021-2022 and 2022-2023 school years. To elect to 87477
receive funds under division (E)(2) of section 3317.024 of the 87478
Revised Code, a chartered nonpublic school shall, not later than 87479
July 31, 2021, notify the Department of Education and the school 87480

district in which the school is located of the election and submit 87481
to the Department an affidavit certifying that the school shall 87482
expend the funds in the manner outlined in section 3317.062 of the 87483
Revised Code. A chartered nonpublic school that elects to receive 87484
direct payment may designate an organization that oversees one or 87485
more nonpublic schools to receive those funds on its behalf for 87486
the 2021-2022 and 2022-2023 school years by notifying the 87487
Department of the organization's name not later than July 31, 87488
2021. 87489

Section 265.175. The Department of Education may deposit into 87490
the Auxiliary Services Reimbursement Fund, established in section 87491
3317.064 of the Revised Code, any funds returned under sections 87492
3317.06 and 3317.062 of the Revised Code for the biennium ending 87493
June 30, 2021. 87494

Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 87495

The foregoing appropriation item 200532, Nonpublic 87496
Administrative Cost Reimbursement, shall be used by the Department 87497
of Education for the purpose of implementing section 3317.063 of 87498
the Revised Code. Payments made by the Department for this purpose 87499
shall not exceed four hundred seventy-five dollars per student for 87500
each school year. 87501

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 87502

Of the foregoing appropriation item 200540, Special Education 87503
Enhancements, up to \$37,000,000 in each fiscal year shall be used 87504
to fund special education and related services at county boards of 87505
developmental disabilities for eligible students under section 87506
3317.20 of the Revised Code, in accordance with the section of 87507
this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2022 and 87508
2023," and at institutions for eligible students under section 87509
3317.201 of the Revised Code. If necessary, the Department of 87510

Education shall proportionately reduce the amount calculated for 87511
each county board of developmental disabilities and institution so 87512
as not to exceed the amount appropriated in each fiscal year. 87513

Of the foregoing appropriation item 200540, Special Education 87514
Enhancements, up to \$1,350,000 in each fiscal year shall be used 87515
for parent mentoring programs. 87516

Of the foregoing appropriation item 200540, Special Education 87517
Enhancements, up to \$3,000,000 in each fiscal year may be used for 87518
school psychology interns. 87519

Of the foregoing appropriation item 200540, Special Education 87520
Enhancements, the Department shall transfer \$3,500,000 in each 87521
fiscal year to the Opportunities for Ohioans with Disabilities 87522
Agency. The transfer shall be made via an intrastate transfer 87523
voucher. The transferred funds shall be used by the Opportunities 87524
for Ohioans with Disabilities Agency as state matching funds to 87525
draw down available federal funding for vocational rehabilitation 87526
services. Total project funding shall be used to hire dedicated 87527
vocational rehabilitation counselors who shall work directly with 87528
school districts to provide transition services for students with 87529
disabilities. Services shall include vocational rehabilitation 87530
services such as person-centered career planning, summer work 87531
experiences, job placement, and retention services for mutually 87532
eligible students with disabilities. 87533

The Superintendent of Public Instruction and the Executive 87534
Director of the Opportunities for Ohioans with Disabilities Agency 87535
shall enter into an interagency agreement that shall specify the 87536
responsibilities of each agency under the program. Under the 87537
interagency agreement, the Opportunities for Ohioans with 87538
Disabilities Agency shall retain responsibility for all 87539
nondelegable functions, including eligibility and order of 87540
selection determination, individualized plan for employment (IPE) 87541
approval, IPE amendments, case closure, and release of vendor 87542

payments. 87543

Of the foregoing appropriation item 200540, Special Education 87544
Enhancements, up to \$2,000,000 in each fiscal year shall be used 87545
by the Department of Education to build capacity to deliver a 87546
regional system of training, support, coordination, and direct 87547
service for secondary transition services for students with 87548
disabilities beginning at fourteen years of age. These special 87549
education enhancements shall support all students with 87550
disabilities, regardless of partner agency eligibility 87551
requirements, to provide stand-alone direct secondary transition 87552
services by school districts. Secondary transition services shall 87553
include, but not be limited to, job exploration counseling, 87554
work-based learning experiences, counseling on opportunities for 87555
enrollment in comprehensive transition or post-secondary 87556
educational programs at institutions of higher education, 87557
workplace readiness training to develop occupational skills, 87558
social skills and independent living skills, and instruction in 87559
self-advocacy. Regional training shall support the expansion of 87560
transition to work endorsement opportunities for middle school and 87561
secondary level special education intervention specialists in 87562
order to develop the necessary skills and competencies to meet the 87563
secondary transition needs of students with disabilities beginning 87564
at fourteen years of age. 87565

The remainder of appropriation item 200540, Special Education 87566
Enhancements, shall be distributed by the Department of Education 87567
to school districts and institutions, as defined in section 87568
3323.091 of the Revised Code, for preschool special education 87569
funding under section 3317.0213 of the Revised Code, in accordance 87570
with the section of this act entitled "OPERATING FUNDING FOR 87571
FISCAL YEARS 2022 and 2023." 87572

The Department may reimburse school districts and 87573
institutions for services provided by instructional assistants, 87574

related services, as defined in rule 3301-51-11 of the Administrative Code, physical therapy services provided by a licensed physical therapist or physical therapist assistant under the supervision of a licensed physical therapist, as required under Chapter 4755. of the Revised Code and Chapter 4755-27 of the Administrative Code, and occupational therapy services provided by a licensed occupational therapist or occupational therapy assistant under the supervision of a licensed occupational therapist, as required under Chapter 4755. of the Revised Code and Chapter 4755-7 of the Administrative Code. Nothing in this section authorizes occupational therapy assistants or physical therapist assistants to generate or manage their own caseloads.

The Department shall require school districts, educational service centers, county DD boards, and institutions serving preschool children with disabilities to adhere to Ohio's early learning program standards, and document child progress using research-based indicators prescribed by the Department and report results annually. The reporting dates and method shall be determined by the Department.

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$2,563,568 in each fiscal year shall be used to fund secondary career-technical education at institutions, the Ohio School for the Deaf, and the Ohio State School for the Blind using a grant-based methodology, notwithstanding section 3317.05 of the Revised Code.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$2,686,474 in each fiscal year shall be used by the Department of Education to fund competitive grants to tech prep regional centers that expand the number of students with access to career-technical education. These grant funds shall

be used to directly support career services provided to students 87606
enrolled in school districts, including joint vocational school 87607
districts, and affiliated higher education institutions. This 87608
support may include the purchase of equipment. 87609

Of the foregoing appropriation item 200545, Career-Technical 87610
Education Enhancements, up to \$3,000,850 in each fiscal year shall 87611
be used by the Department to support existing High Schools That 87612
Work (HSTW) sites, develop and support new sites, fund technical 87613
assistance, and support regional centers and middle school 87614
programs. The purpose of HSTW is to combine challenging academic 87615
courses and modern career-technical studies to raise the academic 87616
achievement of students. HSTW provides intensive technical 87617
assistance, focused staff development, targeted assessment 87618
services, and ongoing communications and networking opportunities. 87619

Of the foregoing appropriation item 200545, Career-Technical 87620
Education Enhancements, up to \$600,000 in each fiscal year shall 87621
be used by the Department to enable students in agricultural 87622
programs to enroll in a fifth quarter of instruction based on the 87623
agricultural education model of delivering work-based learning 87624
through supervised agricultural experience. The Department shall 87625
determine eligibility criteria and the reporting process for the 87626
Agriculture 5th Quarter Project and shall fund as many programs as 87627
possible given the set-aside. The eligibility criteria developed 87628
by the Department shall allow these funds to support supervised 87629
agricultural experience that occurs anytime outside of the regular 87630
school day. 87631

Of the foregoing appropriation item 200545, Career-Technical 87632
Education Enhancements, up to \$240,000 in each fiscal year shall 87633
be used to support the Ohio Code-Scholar Pilot Program created in 87634
section 3313.905 of the Revised Code. 87635

Of the foregoing appropriation item 200545, Career-Technical 87636
Education Enhancements, up to \$550,000 in each fiscal year may be 87637

used to support career planning and reporting through the 87638
OhioMeansJobs web site. 87639

Of the foregoing appropriation item 200545, Career-Technical 87640
Education Enhancements, \$250,000 in each fiscal year shall be used 87641
to prepare students for careers in culinary arts and restaurant 87642
management under the Ohio ProStart school restaurant program. 87643

Section 265.210. FOUNDATION FUNDING - ALL STUDENTS 87644

Of the portion of the formula aid distributed to city, local, 87645
and exempted village school districts, joint vocational school 87646
districts, community schools, and STEM schools under this section, 87647
an amount in each fiscal year, as calculated by the Department of 87648
Education, shall be used for the purposes of division (B) of 87649
section 3317.0223 of the Revised Code in accordance with the 87650
section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 87651
2022 AND 2023." 87652

Of the foregoing appropriation item 200550, Foundation 87653
Funding - All Students, up to \$3,800,000 in each fiscal year shall 87654
be used to fund gifted education at educational service centers. 87655
The Department shall distribute the funding through the unit-based 87656
funding methodology in place under division (L) of section 87657
3317.024, division (E) of section 3317.05, and divisions (A), (B), 87658
and (C) of section 3317.053 of the Revised Code as they existed 87659
prior to fiscal year 2010. 87660

Of the foregoing appropriation item 200550, Foundation 87661
Funding - All Students, up to \$43,000,000 in fiscal year 2022 and 87662
up to \$44,500,000 in fiscal year 2023 shall be reserved to fund 87663
the state reimbursement of educational service centers under the 87664
section of this act entitled "EDUCATIONAL SERVICE CENTERS 87665
FUNDING." 87666

Of the foregoing appropriation item 200550, Foundation 87667

Funding - All Students, up to \$3,500,000 in each fiscal year shall 87668
be distributed to educational service centers for School 87669
Improvement Initiatives and for the provision of technical 87670
assistance to schools and districts consistent with requirements 87671
of section 3312.01 of the Revised Code. The Department may 87672
distribute these funds through a competitive grant process. 87673

Of the foregoing appropriation item 200550, Foundation 87674
Funding - All Students, up to \$7,000,000 in each fiscal year shall 87675
be reserved for payments under the section of this act entitled 87676
"POWER PLANT VALUATION ADJUSTMENT." If this amount is not 87677
sufficient, the Superintendent of Public Instruction may 87678
reallocate excess funds for other purposes supported by this 87679
appropriation item in order to fully pay the amounts required by 87680
that section, provided that the aggregate amount appropriated in 87681
appropriation item 200550, Foundation Funding - All Students, is 87682
not exceeded. 87683

Of the foregoing appropriation item 200550, Foundation 87684
Funding - All Students, up to \$2,000,000 in each fiscal year shall 87685
be used to support the administration of state scholarship 87686
programs. 87687

Of the foregoing appropriation item 200550, Foundation 87688
Funding - All Students, up to \$3,000,000 in each fiscal year may 87689
be used for payment of the College Credit Plus Program for 87690
students instructed at home pursuant to section 3321.04 of the 87691
Revised Code. 87692

Of the foregoing appropriation item 200550, Foundation 87693
Funding - All Students, an amount shall be available in each 87694
fiscal year to be paid to joint vocational school districts in 87695
accordance with the sections of this act entitled "FUNDING FOR 87696
JOINT VOCATIONAL SCHOOL DISTRICTS" and "FORMULA TRANSITION 87697
SUPPLEMENT." 87698

Of the foregoing appropriation item 200550, Foundation 87699
Funding - All Students, up to \$700,000 in each fiscal year shall 87700
be used by the Department for a program to pay for educational 87701
services for youth who have been assigned by a juvenile court or 87702
other authorized agency to any of the facilities described in 87703
division (A) of the section of this act entitled "PRIVATE 87704
TREATMENT FACILITY PROJECT." 87705

Of the foregoing appropriation item 200550, Foundation 87706
Funding - All Students, a portion may be used to pay 87707
college-preparatory boarding schools the per pupil boarding amount 87708
pursuant to section 3328.34 of the Revised Code. 87709

Of the foregoing appropriation item 200550, Foundation 87710
Funding - All Students, up to \$1,760,000 in each fiscal year may 87711
be used by the Department for duties and activities related to the 87712
establishment of academic distress commissions under section 87713
3302.10 of the Revised Code, to provide support and assistance to 87714
academic distress commissions to further their duties under 87715
Chapter 3302. of the Revised Code, and to provide technical 87716
assistance and tools to support districts subject to academic 87717
distress commissions. 87718

Of the foregoing appropriation item 200550, Foundation 87719
Funding - All Students, up to \$1,500,000 in each fiscal year shall 87720
be distributed to the Ohio STEM Learning Network to support the 87721
expansion of free STEM programming aligned to Ohio's STEM 87722
priorities, to create regional STEM supports targeting underserved 87723
student populations, and to support the Ohio STEM Committee's STEM 87724
school designation process. 87725

Of the foregoing appropriation item 200550, Foundation 87726
Funding - All Students, up to \$2,500,000 in each fiscal year shall 87727
be used to make supplemental payments under Section 5 of H.B. 123 87728
of the 133rd General Assembly, as amended by this act. If the 87729
amount appropriated is insufficient, the Department shall prorate 87730

the payments so that the aggregate amount appropriated in this 87731
section is not exceeded. 87732

The remainder of the foregoing appropriation item 200550, 87733
Foundation Funding - All Students, shall be used in conjunction 87734
with appropriation items 200604, Foundation Funding - All 87735
Students, and 200612, Foundation Funding - All Students, to 87736
distribute the amounts calculated for formula aid under the 87737
sections of this act entitled "FUNDING FOR CITY, LOCAL, AND 87738
EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND 87739
STATE SCHOLARSHIP PROGRAMS," "GAP AID FOR CITY, LOCAL, AND 87740
EXEMPTED VILLAGE SCHOOL DISTRICTS," "FORMULA TRANSITION 87741
SUPPLEMENT," and "CAP RELIEF FOR SCHOOL DISTRICTS WITH ENROLLMENT 87742
GROWTH," and division (B) of section 3313.979 of Revised Code, as 87743
amended by this act. 87744

Appropriation items 200502, Pupil Transportation, and 200550, 87745
Foundation Funding - All Students, other than specific set-asides, 87746
are collectively used in each fiscal year to pay state formula aid 87747
obligations for school districts, community schools, STEM schools, 87748
college preparatory boarding schools, joint vocational school 87749
districts, and state scholarship programs under this act. The 87750
first priority of these appropriation items, with the exception of 87751
specific set-asides, is to fund state formula aid obligations. It 87752
may be necessary to reallocate funds among these appropriation 87753
items or use excess funds from other General Revenue Fund 87754
appropriation items in the Department of Education's budget, 87755
including appropriation item 200903, Property Tax Reimbursement - 87756
Education, in each fiscal year in order to meet state formula aid 87757
obligations. If it is determined that it is necessary to transfer 87758
funds among these appropriation items or to transfer funds from 87759
other General Revenue Fund appropriations in the Department's 87760
budget to meet state formula aid obligations, the Superintendent 87761
of Public Instruction shall seek approval from the Director of 87762

Budget and Management to transfer funds as needed. 87763

The Superintendent of Public Instruction shall make payments, 87764
transfers, and deductions, as authorized by Title XXXIII of the 87765
Revised Code in amounts substantially equal to those made in the 87766
prior year, or otherwise, at the discretion of the Superintendent, 87767
until at least the effective date of the amendments and enactments 87768
made to Title XXXIII by this act. Any funds paid to districts or 87769
schools under this section shall be credited toward the annual 87770
funds calculated for the district or school after the changes made 87771
to Title XXXIII in this act are effective. Upon the effective date 87772
of changes made to Title XXXIII in this act, funds shall be 87773
calculated as an annual amount. 87774

Section 265.215. OPERATING FUNDING FOR FISCAL YEARS 2022 AND 87775
2023 87776

(A) Notwithstanding anything to the contrary in Chapter 3317. 87777
of the Revised Code, the Department of Education shall make no 87778
payments under that chapter for fiscal years 2022 and 2023 except 87779
as prescribed in this section and the sections of this act 87780
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 87781
DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP 87782
PROGRAMS," "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS," and 87783
"FUNDING FOR STUDENT TRANSPORTATION." 87784

(B) Each school district, community school established under 87785
Chapter 3314. of the Revised Code, science, technology, 87786
engineering, and mathematics school established under Chapter 87787
3326. of the Revised Code, and educational service center shall 87788
report student enrollment data as prescribed by section 3314.08, 87789
3317.03, or 3326.32 of the Revised Code, as applicable, which data 87790
the Department shall use to make payments under Chapter 3317. of 87791
the Revised Code and the sections of this act entitled "FUNDING 87792
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY 87793

AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS," "FUNDING FOR 87794
JOINT VOCATIONAL SCHOOL DISTRICTS," and "FUNDING FOR STUDENT 87795
TRANSPORTATION," as applicable. 87796

(C) The tax commissioner shall report data regarding tax 87797
valuation and receipts for school districts as prescribed by 87798
sections 3317.015, 3317.021, 3317.025, 3317.028, 3317.0210, 87799
3317.0211, and 3317.08 of the Revised Code, which data the 87800
Department shall use to make payments under Chapter 3317. of the 87801
Revised Code and the sections of this act entitled "FUNDING FOR 87802
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND 87803
STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS," "FUNDING FOR JOINT 87804
VOCATIONAL SCHOOL DISTRICTS," and "FUNDING FOR STUDENT 87805
TRANSPORTATION," as applicable. 87806

(D) Unless otherwise specified by another provision of law, 87807
in addition to the payments prescribed by the sections of this act 87808
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 87809
DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP 87810
PROGRAMS," "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS," and 87811
"FUNDING FOR STUDENT TRANSPORTATION," the Department shall 87812
continue to make payments or adjustments for each of fiscal years 87813
2022 and 2023 under the following provisions of Chapter 3317. of 87814
the Revised Code: 87815

(1) All payments or adjustments under section 3317.023 of the 87816
Revised Code; 87817

(2) All payments or adjustments under section 3317.024 of the 87818
Revised Code; 87819

(3) Preschool special education payments under section 87820
3317.0213 of the Revised Code; 87821

(4) The threshold cost reimbursement under section 3317.0214 87822
of the Revised Code; 87823

(5) Payments under sections 3317.06, 3317.062, 3317.063, and 87824

3317.064 of the Revised Code; 87825

(6) The threshold cost reimbursement under division (B) of 87826
section 3317.16 of the Revised Code and excess cost reimbursements 87827
under division (C) of that section. No other payments shall be 87828
made under that section. 87829

(7) Adjustments under section 3317.18 of the Revised Code; 87830

(8) Payments to cooperative education school districts under 87831
section 3317.19 of the Revised Code; 87832

(9) Payments to county boards of developmental disabilities 87833
under section 3317.20 of the Revised Code; 87834

(10) Payments to state institutions for special education 87835
funding under section 3317.201 of the Revised Code. 87836

(E) (1) Notwithstanding anything to the contrary in Chapter 87837
3317. of the Revised Code, for purposes of computing the payments 87838
under that chapter for fiscal years 2022 and 2023 authorized under 87839
this section for which the "state share index" is a factor, the 87840
Department shall use the state share index recalculated for each 87841
district in accordance with division (B)(1) of the section of this 87842
act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 87843
DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP 87844
PROGRAMS." 87845

(2) Notwithstanding anything to the contrary in Chapter 3317. 87846
of the Revised Code, for purposes of computing the payments under 87847
that chapter for fiscal years 2022 and 2023 authorized under this 87848
section for which the "state share percentage" is a factor, the 87849
Department shall use the state share percentage recalculated for 87850
each district in accordance with division (B)(1) of the section of 87851
this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 87852

(F) (1) Except as provided in division (F)(2) of this section, 87853
and unless otherwise specified in this act, for fiscal years 2022 87854

and 2023, when calculating payments under Chapter 3317. of the 87855
Revised Code as authorized under this section, and for purposes of 87856
section 3315.18 of the Revised Code and any other provision of law 87857
with respect to education financing: 87858

(a) The "formula amount" equals the base cost per pupil 87859
calculated under section 3317.011 of the Revised Code as enacted 87860
by this act. 87861

(b) The special education threshold cost for fiscal years 87862
2022 and 2023 is \$27,375 for students in categories two through 87863
five special education ADM and \$32,850 for students in category 87864
six special education ADM. 87865

(2) For fiscal years 2022 and 2023, for purposes of sections 87866
3313.98, 3313.981, 3317.20, and 3365.01 of the Revised Code and 87867
division (H) of section 3317.023 of the Revised Code: 87868

(a) The "formula amount" shall equal the following: 87869

(i) For fiscal year 2022, \$6,065; 87870

(ii) For fiscal year 2023, the amount specified in division 87871
(F)(1)(a) of this section. 87872

(b) The special education threshold cost for fiscal years 87873
2022 and 2023 is \$27,375 for students in categories two through 87874
five special education ADM and \$32,850 for students in category 87875
six special education ADM. 87876

(G) For fiscal years 2022 and 2023, funds for the special 87877
education cost supplement pool shall be withheld from school 87878
districts, community schools, and STEM schools in accordance with 87879
section 3317.0223 of the Revised Code as enacted by this act, with 87880
the following adjustments to the provisions of that section: 87881

(1) Funds shall be withheld from the amounts paid to city, 87882
local, exempted village, and joint vocational school districts, 87883
community schools, and STEM schools under the sections of this act 87884

entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS" rather than funds paid to the districts and schools under sections 3317.022 and 3317.16 of the Revised Code as amended by this act.

(2) A district's "state share index" or "state share percentage" shall be the state share index or state share percentage specified in division (E) of this section.

(3) A district's category one, category two, category three, category four, category five, and category six special education ADMs shall be the district's category one, category two, category three, category four, category five, and category six special education ADMs, as those terms are defined in section 3317.02 of the Revised Code as amended by this act, calculated using the student enrollment data for fiscal year 2019 that was reported to the Department by the district as prescribed by section 3317.03 of the Revised Code as it existed for reporting student enrollment data for fiscal year 2019.

(H) This section does not affect the provisions of sections 3317.011, 3317.0219, 3317.0220, 3317.0221, 3317.0223, 3317.031, 3317.032, 3317.033, 3317.034, 3317.035, 3317.036, 3317.061, 3317.07, 3317.08, 3317.081, 3317.082, 3317.09, 3317.10, 3317.12, 3317.13, 3317.14, 3317.141, 3317.15, 3317.161, 3317.162, 3317.163, 3317.23, 3317.231, 3317.24, 3317.25, 3317.26, 3317.30, 3317.40, 3317.50, and 3317.51 of the Revised Code.

Section 265.220. FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS

(A) (1) Subject to Section 265.227 of this act, for fiscal year 2022, the Department of Education shall pay each city, local, and exempted village school district an amount equal to the sum of

the following: 87916

(a) The following sum: 87917

(0.50 X the district's recalculated foundation funding for fiscal 87918
year 2019, as calculated under division (B) of this section and as 87919
further adjusted under the section of this act entitled "TEMPORARY 87920
TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 87921
DISTRICTS") + (0.50 X the district's recalculated foundation 87922
funding for fiscal year 2021 as calculated under division (C) of 87923
this section) 87924

(b) Career awareness and exploration funds calculated as 87925
follows: 87926

\$2.50 X the district's enrolled ADM for fiscal year 2020, as that 87927
term is defined in section 3317.02 of the Revised Code as amended 87928
by this act, calculated using the student enrollment data for 87929
fiscal year 2020 that was reported to the Department by the 87930
district as prescribed by section 3317.03 of the Revised Code as 87931
that section existed for reporting student enrollment data for 87932
fiscal year 2020 87933

(c) A career-technical education lab program supplement 87934
calculated as follows: 87935

\$225 X the full-time equivalency of the district's categories one 87936
through five career-technical ADM for fiscal year 2020, as that 87937
term is defined in section 3317.02 of the Revised Code as amended 87938
by this act, calculated using the student enrollment data for 87939
fiscal year 2020 that was reported to the Department by the 87940
district as prescribed by section 3317.03 of the Revised Code as 87941
that section existed for reporting student enrollment data for 87942
fiscal year 2020, that is equivalent to the amount of time the 87943
district's career-technical education students participate in lab 87944
programs, as determined by the Department 87945

(2) Subject to Section 265.227 of this act, for fiscal year 87946
2023, the Department shall pay each city, local, and exempted 87947

village school district an amount equal to the sum of the 87948
following: 87949

(a) The district's recalculated foundation funding for fiscal 87950
year 2019 as calculated under division (B) of this section and as 87951
further adjusted under the section of this act entitled "TEMPORARY 87952
TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 87953
DISTRICTS;" 87954

(b) Career awareness and exploration funds calculated as 87955
follows: 87956

\$5 X the district's enrolled ADM for fiscal year 2020, as that 87957
term is defined in section 3317.02 of the Revised Code as amended 87958
by this act, calculated using the student enrollment data for 87959
fiscal year 2020 that was reported to the Department by the 87960
district as prescribed by section 3317.03 of the Revised Code as 87961
that section existed for reporting student enrollment data for 87962
fiscal year 2020 87963

(c) A career-technical education lab program supplement 87964
calculated as follows: 87965

\$1,050 X the full-time equivalency of the district's categories 87966
one through five career-technical ADM for fiscal year 2020, as 87967
that term is defined in section 3317.02 of the Revised Code as 87968
amended by this act, calculated using the student enrollment data 87969
for fiscal year 2020 that was reported to the Department by the 87970
district as prescribed by section 3317.03 of the Revised Code as 87971
that section existed for reporting student enrollment data for 87972
fiscal year 2020, that is equivalent to the amount of time the 87973
district's career-technical education students participate in lab 87974
programs, as determined by the Department 87975

(B) For purposes of divisions (A) (1) (a) and (A) (2) (a) of this 87976
section, the Department shall calculate each city, local, and 87977
exempted village school district's "recalculated foundation 87978
funding for fiscal year 2019" as follows: 87979

(1) Recalculate the district's state share index for fiscal year 2019 in accordance with section 3317.017 of the Revised Code as amended by this act using the student enrollment data used for calculating the district's state share index for fiscal year 2019 that was reported to the Department by the district as prescribed by section 3317.03 of the Revised Code as it existed for reporting that student enrollment data;

(2) Recalculate the district's payments for fiscal year 2019 under divisions (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (12), (13), (14), and (20) of section 3317.022 of the Revised Code as amended by this act in accordance with sections 3317.02, 3317.0215, 3317.0216, 3317.0217, 3317.0218, 3317.03, and 3317.051 of the Revised Code as amended by this act using the student enrollment data used for calculating those payments for fiscal year 2019 that was reported to the Department by the district as prescribed by section 3317.03 of the Revised Code as it existed for reporting that student enrollment data, with the following adjustments:

(a) Replace the district's state share index for fiscal year 2019 with the district's recalculated state share index for fiscal year 2019 determined under division (B)(1) of this section;

(b) Replace the formula amount for fiscal year 2019 with the base cost per pupil calculated under section 3317.011 of the Revised Code.

(C) For purposes of division (A)(1)(a) of this section, the Department shall calculate each city, local, and exempted village school district's "recalculated foundation funding for fiscal year 2021" as follows:

(1) Determine the amount calculated for the district for fiscal year 2021 under division (A)(1) of Section 265.220 of H.B. 166 of the 133rd General Assembly after any adjustments required

under Section 265.227 of H.B. 166 of the 133rd General Assembly 88011
and prior to any funding reductions authorized by Executive Order 88012
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 88013
issued on January 22, 2021; 88014

(2) Compute the district's recalculated foundation funding 88015
for fiscal year 2021 by subtracting all of the following from the 88016
amount determined under division (C)(1) of this section: 88017

(a) The payments deducted from the district and paid to a 88018
community school established under Chapter 3314. of the Revised 88019
Code for fiscal year 2021 under divisions (C)(1)(a), (b), (c), 88020
(d), (e), (f), and (g) of section 3314.08 of the Revised Code as 88021
those divisions existed for deductions and payments for fiscal 88022
year 2021 in accordance with division (A) of Section 265.230 of 88023
H.B. 166 of the 133rd General Assembly, prior to any funding 88024
reductions authorized by Executive Order 2020-19D, issued on May 88025
7, 2020, and Executive Order 2021-01D, issued on January 22, 2021; 88026

(b) The payments deducted from the district and paid to a 88027
science, technology, engineering, and mathematics school 88028
established under Chapter 3326. of the Revised Code for fiscal 88029
year 2021 under divisions (A), (B), (C), (D), (E), (F), and (G) of 88030
section 3326.33 of the Revised Code as those divisions existed for 88031
deductions and payments for fiscal year 2021 in accordance with 88032
division (A) of Section 265.235 of H.B. 166 of the 133rd General 88033
Assembly, prior to any funding reductions authorized by Executive 88034
Order 2020-19D, issued on May 7, 2020, and Executive Order 88035
2021-01D, issued on January 22, 2021; 88036

(c) The payments deducted from the district for fiscal year 88037
2021 under division (C) of section 3310.08 of the Revised Code as 88038
that division existed for deductions for fiscal year 2021, 88039
division (C)(2) of section 3310.41 of the Revised Code as that 88040
division existed for deductions for fiscal year 2021, and section 88041
3310.55 of the Revised Code as that division existed for 88042

deductions for fiscal year 2021 and, in the case of a pilot 88043
project school district as defined in section 3313.975 of the 88044
Revised Code, the funds deducted from the district for fiscal year 88045
2021 under Section 265.210 of H.B. 166 of the 133rd General 88046
Assembly to operate the pilot project scholarship program for 88047
fiscal year 2021 under sections 3313.974 to 3313.979 of the 88048
Revised Code. 88049

(D) (1) For each of fiscal years 2022 and 2023, the Department 88050
shall pay the community and STEM school unit in the manner 88051
prescribed by division (A) of section 3317.022 of the Revised Code 88052
as amended by this act in accordance with section 3317.02 of the 88053
Revised Code as amended by this act, except that, for each of 88054
those fiscal years: 88055

(a) The "formula amount" shall equal the following: 88056

(i) For fiscal year 2022, \$6,065; 88057

(ii) For fiscal year 2023, the amount specified in division 88058
(F) (1) (a) of the section of this act entitled "OPERATING FUNDING 88059
FOR FISCAL YEARS 2022 AND 2023." 88060

(b) For purposes of division (A) (2) (b) (i) of section 3317.022 88061
of the Revised Code as amended by this act, the per-pupil amount 88062
of targeted assistance funds calculated for a student's resident 88063
district shall equal the per-pupil amount of the district's 88064
recalculated foundation funding for fiscal year 2019, as 88065
calculated under division (B) of this section, that is calculated 88066
under division (A) (2) (a) of section 3317.022 of the Revised Code 88067
as amended by this act in accordance with section 3317.0217 of the 88068
Revised Code as amended by this act. 88069

(c) For purposes of division (A) (5) (b) of section 3317.022 of 88070
the Revised Code as amended by this act, the economically 88071
disadvantaged index of the city, local, or exempted village school 88072
district in which a student resides shall equal the economically 88073

disadvantaged index used to calculate the district's economically 88074
disadvantaged funds under division (A) (5) (a) of section 3317.022 88075
of the Revised Code as amended by this act for purposes of the 88076
district's recalculated foundation funding for fiscal year 2019, 88077
as calculated under division (B) of this section. 88078

(2) For each of fiscal years 2022 and 2023, the Department 88079
shall distribute the funds paid to the community and STEM school 88080
unit under division (D) (1) of this section in accordance with 88081
division (G) of section 3317.022 of the Revised Code as amended by 88082
this act. 88083

(E) For each of fiscal years 2022 and 2023, the Department of 88084
Education shall pay the educational choice scholarship unit in the 88085
manner prescribed by division (A) of section 3317.022 of the 88086
Revised Code as amended by this act in accordance with sections 88087
3317.02 and 3317.03 of the Revised Code as amended by this act and 88088
shall distribute the funds paid to that unit in accordance with 88089
division (H) of section 3317.022 of the Revised Code as amended by 88090
this act. 88091

(F) For each of fiscal years 2022 and 2023, the Department 88092
shall pay the pilot project scholarship unit in the manner 88093
prescribed by division (A) of section 3317.022 of the Revised Code 88094
as amended by this act in accordance with sections 3317.02 and 88095
3317.03 of the Revised Code as amended by this act and shall 88096
distribute the funds paid to that unit in accordance with division 88097
(I) of section 3317.022 of the Revised Code as amended by this 88098
act. 88099

(G) For each of fiscal years 2022 and 2023, the Department of 88100
Education shall pay the autism scholarship unit in the manner 88101
prescribed by division (A) of section 3317.022 of the Revised Code 88102
as amended by this act in accordance with sections 3317.02 and 88103
3317.03 of the Revised Code as amended by this act and shall 88104
distribute the funds paid to that unit in accordance with division 88105

(J) of section 3317.022 of the Revised Code as amended by this act. 88106
88107

(H) (1) For each of fiscal years 2022 and 2023, the Department of Education shall pay the Jon Peterson special needs scholarship unit in the manner prescribed by division (A) of section 3317.022 of the Revised Code as amended by this act in accordance with sections 3317.02 and 3317.03 of the Revised Code as amended by this act except that, for each of those fiscal years, the "formula amount" shall equal the following: 88108
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(a) For fiscal year 2022, \$6,065; 88115

(b) For fiscal year 2023, the amount specified in division (F) (1) (a) of the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2022 AND 2023." 88116
88117
88118

(2) The Department shall distribute the funds paid to the Jon Peterson special needs scholarship unit in accordance with division (K) of section 3317.022 of the Revised Code as amended by this act. 88119
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Section 265.223. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS 88123
88124

(A) As used in this section: 88125

(1) A "qualifying district" is a city, local, or exempted village school district that satisfies either of the following conditions: 88126
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88128

(a) The district's average daily membership described in division (A) (1) (a) (i) of this section is less than ninety per cent of its average daily membership described in division (A) (1) (a) (ii) of this section. 88129
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88132

(i) The district's total ADM for fiscal year 2019, as that term is defined in section 3317.02 of the Revised Code as amended by this act, calculated using the student enrollment data for 88133
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88135

fiscal year 2019 that was reported to the Department by the 88136
district as prescribed by section 3317.03 of the Revised Code as 88137
that section existed for reporting student enrollment data for 88138
fiscal year 2019; 88139

(ii) The district's total ADM for fiscal year 2019, as that 88140
term was defined in section 3317.02 of the Revised Code prior to 88141
the amendments to that section by this act, calculated using the 88142
student enrollment data for fiscal year 2019 that was reported to 88143
the Department by the district as prescribed by section 3317.03 of 88144
the Revised Code as that section existed for reporting student 88145
enrollment data for fiscal year 2019. 88146

(b) The district's average daily membership for fiscal year 88147
2020 is at least one hundred two per cent of the district's 88148
average daily membership described in division (A)(1)(a)(i) of 88149
this section. 88150

For purposes of division (A)(1)(b) of this section, a 88151
"district's average daily membership for fiscal year 2020" means 88152
the district's total ADM for fiscal year 2020, as that term is 88153
defined in section 3317.02 of the Revised Code as amended by this 88154
act, calculated using the student enrollment data for fiscal year 88155
2020 that was reported to the Department by the district as 88156
prescribed by section 3317.03 of the Revised Code as that section 88157
existed for reporting student enrollment data for fiscal year 88158
2020. 88159

(2) A city, local, or exempted village school district's 88160
"recalculated foundation funding for fiscal year 2019" means the 88161
amount calculated for that district under division (B) of the 88162
section of this act entitled "FUNDING FOR CITY, LOCAL, AND 88163
EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND 88164
STATE SCHOLARSHIP PROGRAMS." 88165

(3) A city, local, or exempted village school district's 88166

"recalculated transportation funding for fiscal year 2019" means 88167
the amount calculated for that district under division (B) of the 88168
section of this act entitled "FUNDING FOR STUDENT TRANSPORTATION." 88169

(B) For purposes of divisions (A)(1)(a) and (A)(2)(a) of the 88170
section of this act entitled "FUNDING FOR CITY, LOCAL, AND 88171
EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND 88172
STATE SCHOLARSHIP PROGRAMS," the Department of Education shall 88173
adjust each city, local, and exempted village school district's 88174
recalculated foundation funding for fiscal year 2019 in accordance 88175
with divisions (C), (D), and (E) of this section. 88176

(C) The Department shall add to a district's recalculated 88177
foundation funding for fiscal year 2019 an amount of temporary 88178
transitional aid calculated according to the following formula: 88179

(The district's transitional aid guarantee base X the district's 88180
transitional aid guarantee base percentage) - the district's 88181
foundation funding for the guarantee 88182

If the computation made under this division results in a 88183
negative number, the district's temporary transitional aid shall 88184
be zero. 88185

(1) As used in division (C) of this section, and subject to 88186
division (C)(4) of this section, a district's "transitional aid 88187
guarantee base" means the amount calculated by the Department as 88188
follows: 88189

(a) Compute the sum of the following: 88190

(i) The district's payments for fiscal year 2019 under 88191
divisions (A)(1), (2), (3), (4), (5), (6), (7), (10), (11), and 88192
(12) of section 3317.022 of the Revised Code as those divisions 88193
existed for payments for fiscal year 2019; 88194

(ii) The district's payments for fiscal year 2019 under 88195
section 3317.0212 of the Revised Code as that section existed for 88196
payments for fiscal year 2019; 88197

(iii) Any temporary transitional aid paid to the district for 88198
fiscal year 2019 under division (A) (1) of Section 265.220 of H.B. 88199
49 of the 132nd General Assembly. 88200

(b) Subtract from the amount computed in division (C) (1) (a) 88201
of this section the sum of the following: 88202

(i) Any reductions to the district's foundation funding for 88203
fiscal year 2019 under division (B) (1) of Section 265.220 of H.B. 88204
49 of the 132nd General Assembly; 88205

(ii) The payments deducted from the district and paid to a 88206
community school for fiscal year 2019 under divisions (C) (1) (a), 88207
(b), (c), (d), (e), and (f) of section 3314.08 of the Revised Code 88208
and division (D) of section 3314.091 of the Revised Code as those 88209
divisions existed for deductions and payments for fiscal year 88210
2019; 88211

(iii) The payments deducted from the district and paid to a 88212
science, technology, engineering, and mathematics school for 88213
fiscal year 2019 under divisions (A), (B), (C), (D), (E), and (F) 88214
of section 3326.33 of the Revised Code as those divisions existed 88215
for deductions and payments for fiscal year 2019; 88216

(iv) The payments deducted from the district for fiscal year 88217
2019 under division (C) of section 3310.08 of the Revised Code as 88218
that division existed for deductions for fiscal year 2019, 88219
division (C) (2) of section 3310.41 of the Revised Code as that 88220
division existed for deductions for fiscal year 2019, section 88221
3310.55 of the Revised Code as that section existed for deductions 88222
for fiscal year 2019 and, in the case of a pilot project school 88223
district as defined in section 3313.975 of the Revised Code, the 88224
funds deducted from the district for fiscal year 2019 under 88225
Section 265.210 of H.B. 49 of the 132nd General Assembly to 88226
operate the pilot project scholarship program for fiscal year 2019 88227
under sections 3313.974 to 3313.979 of the Revised Code. 88228

(2) As used in division (C) of this section, a district's 88229
"transitional aid guarantee base percentage" means the percentage 88230
computed by the Department as follows: 88231

(a) Calculate the district's total ADM percentage change in 88232
accordance with the following formula: 88233

(The district's total ADM for fiscal year 2018, as that term is 88234
defined in section 3317.02 of the Revised Code as amended by this 88235
act, using the student enrollment data for fiscal year 2018 that 88236
was reported to the Department by the district as prescribed by 88237
section 3317.03 of the Revised Code as that section existed for 88238
reporting student enrollment data for fiscal year 2018 / the 88239
district's total ADM for fiscal year 2016, as that term is defined 88240
in section 3317.02 of the Revised Code as amended by this act, 88241
using the student enrollment data for fiscal year 2016 that was 88242
reported to the Department by the district as prescribed by 88243
section 3317.03 of the Revised Code as that section existed for 88244
reporting student enrollment data for fiscal year 2016) - 1 88245

(b) Determine the district's transitional aid guarantee base 88246
percentage as follows: 88247

(i) If the district's total ADM percentage change calculated 88248
in division (C) (2) (a) of this section equals a decrease of ten per 88249
cent or more, then the district's transitional aid guarantee base 88250
percentage shall be equal to ninety-five per cent. 88251

(ii) If the district's total ADM percentage change calculated 88252
in division (C) (2) (a) of this section equals a decrease of less 88253
than ten per cent but more than five per cent, then the district's 88254
transitional aid guarantee base percentage shall be equal to the 88255
district's total ADM percentage change calculated in division 88256
(C) (2) (a) of this section plus one hundred five per cent. 88257

(iii) If the district's total ADM percentage change 88258
calculated in division (C) (2) (a) of this section equals a decrease 88259

of five per cent or less, no change, or an increase of any amount, 88260
then the district's transitional aid guarantee base percentage 88261
shall be equal to one hundred per cent. 88262

(3) As used in division (C) of this section, a district's 88263
"foundation funding for the guarantee" means the amount calculated 88264
by the Department as follows: 88265

[(The district's recalculated foundation funding for fiscal year 88266
2019 + the district's recalculated transportation funding for 88267
fiscal year 2019) - the amount of the district's recalculated 88268
foundation funding for fiscal year 2019 that is calculated under 88269
divisions (A)(8) and (9) of section 3317.022 of the Revised Code 88270
as amended by this act] 88271

(4) The Department shall adjust, as necessary, the 88272
transitional aid guarantee base of any local school district that 88273
participates in the establishment of a joint vocational school 88274
district that begins receiving payments under section 3317.16 of 88275
the Revised Code for fiscal year 2022 or fiscal year 2023 but does 88276
not receive payments for the prior fiscal year. The Department 88277
shall adjust any such local school district's guarantee base 88278
according to the amounts received by the district in the prior 88279
fiscal year for career-technical education students who attend the 88280
newly established joint vocational school district. 88281

(D) Notwithstanding anything to the contrary in this section 88282
or the section of this act entitled "FUNDING FOR CITY, LOCAL, AND 88283
EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND 88284
STATE SCHOLARSHIP PROGRAMS," the Department shall ensure that no 88285
district's foundation funding subject to the limitation is greater 88286
than the district's limitation base multiplier times the 88287
district's limitation base. 88288

(1) As used in division (D) of this section, a district's 88289
"foundation funding subject to the limitation" means the amount 88290
calculated by the Department as follows: 88291

[(The district's recalculated foundation funding for fiscal year 2019 + the district's recalculated transportation funding for fiscal year 2019) - the amount of the district's recalculated foundation funding for fiscal year 2019 that is calculated under divisions (A)(8), (9), (13), and (14) of section 3317.022 of the Revised Code as amended by this act] + the amount calculated for the district under division (C) of this section

(2) As used in division (D) of this section, a district's "limitation base multiplier" means the greater of the following:

- (a) If the district is a qualifying district, 1.15;
- (b) If the district is not a qualifying district, 1.10.

(3) As used in division (D) of this section, and subject to division (D)(4) of this section, a district's "limitation base" means the amount calculated by the Department as follows:

- (a) Compute the sum of the following:
 - (i) The district's payments for fiscal year 2018 under divisions (A)(1), (2), (3), (4), (5), (6), (7), and (10) of section 3317.022 of the Revised Code as those divisions existed for payments for fiscal year 2018;
 - (ii) The district's payments for fiscal year 2018 under section 3317.0212 of the Revised Code as that section existed for payments for fiscal year 2018;
 - (iii) Any temporary transitional aid paid to the district for fiscal year 2018 under division (A)(1) of Section 265.220 of H.B. 49 of the 132nd General Assembly;
 - (iv) The cap offset amount paid to the district for fiscal year 2018 under the section of H.B. 49 of the 132nd General Assembly entitled "CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS;"
 - (v) The amount paid to the district, if any, for fiscal year

2018 under division (B) of Section 4 of S.B. 8 of the 132nd General Assembly. 88322
88323

(b) Subtract from the amount computed in division (D) (3) (a) of this section the sum of the following: 88324
88325

(i) Any reductions to the district's foundation funding for fiscal year 2018 under division (B) (1) of Section 265.220 of H.B. 49 of the 132nd General Assembly; 88326
88327
88328

(ii) The payments deducted from the district and paid to a community school for fiscal year 2018 under divisions (C) (1) (a), (b), (c), (d), (e), and (f) of section 3314.08 of the Revised Code and division (D) of section 3314.091 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2018; 88329
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(iii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school for fiscal year 2018 under divisions (A), (B), (C), (D), (E), and (F) of section 3326.33 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2018; 88335
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(iv) The payments deducted from the district for fiscal year 2018 under division (C) of section 3310.08 of the Revised Code as that division existed for deductions for fiscal year 2018, division (C) (2) of section 3310.41 of the Revised Code as that division existed for deductions for fiscal year 2018, section 3310.55 of the Revised Code as that section existed for deductions for fiscal year 2018 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district for fiscal year 2018 under Section 265.210 of H.B. 49 of the 132nd General Assembly to operate the pilot project scholarship program for fiscal year 2018 under sections 3313.974 to 3313.979 of the Revised Code. 88340
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(4) The Department shall adjust, as necessary, the limitation 88352

base of any local school district that participates in the 88353
establishment of a joint vocational school district that begins 88354
receiving payments under section 3317.16 of the Revised Code for 88355
fiscal year 2022 or fiscal year 2023 but does not receive such 88356
payments for the prior fiscal year. The Department shall adjust 88357
any such local school district's limitation base according to the 88358
amounts received by the district in the prior fiscal year for 88359
career-technical education students who attend the newly 88360
established joint vocational school district. 88361

(5) The Department shall reduce a district's recalculated 88362
foundation funding for fiscal year 2019 that is calculated under 88363
divisions (A) (1), (2), (4), (5), (6), (7), (12), and (20) of 88364
section 3317.022 of the Revised Code as amended by this act 88365
proportionately as necessary in order to comply with division (D) 88366
of this section. If those amounts are insufficient, the Department 88367
shall proportionately reduce a district's recalculated foundation 88368
funding for fiscal year 2019 that is calculated under division 88369
(A) (3) of section 3317.022 of the Revised Code and a district's 88370
recalculated transportation funding for fiscal year 2019 that is 88371
calculated under divisions (E), (F), and (G) of section 3317.0212 88372
of the Revised Code as amended by this act in order to comply with 88373
division (D) of this section. 88374

(6) (a) For purposes of division (D) (6) of this section, 88375
"eligible school district" shall have the same meaning as in 88376
division (F) (1) of section 3317.017 of the Revised Code. 88377

(b) Notwithstanding any provision of law to the contrary, an 88378
eligible school district shall not be allocated a sum of 88379
recalculated foundation funding for fiscal year 2019 and 88380
recalculated transportation funding for fiscal year 2019 that is 88381
greater than the greater of the amounts described in divisions 88382
(D) (6) (b) (i) and (ii) of this section: 88383

(i) The amount calculated for the district under division (D) 88384

of this section;	88385
(ii) The lesser of the amounts described in divisions	88386
(D) (6) (b) (ii) (I) and (II) of this section:	88387
(I) The district's foundation funding subject to the	88388
limitation;	88389
(II) The district's limitation base plus the district's taxes	88390
charged and payable against all property on the tax list of real	88391
and public utility property for tax year 2016 minus the district's	88392
taxes charged and payable against all property on the tax list of	88393
real and public utility property for tax year 2017.	88394
(E) The Department shall add to a district's recalculated	88395
foundation funding for fiscal year 2019 an amount of temporary	88396
transitional career-technical education aid calculated as follows:	88397
(1) Determine the district's payments for fiscal year 2019	88398
under divisions (A) (8) and (9) of section 3317.022 of the Revised	88399
Code as those divisions existed for payments for fiscal year 2019;	88400
(2) Subtract all of the following from the amount determined	88401
under division (E) (1) of this section:	88402
(a) The amount of the district's recalculated foundation	88403
funding for fiscal year 2019 that is calculated under divisions	88404
(A) (8) and (9) of section 3317.022 of the Revised Code as amended	88405
by this act;	88406
(b) The payments deducted from the district and paid to a	88407
community school established under Chapter 3314. of the Revised	88408
Code for fiscal year 2019 under division (C) (1) (g) of section	88409
3314.08 of the Revised Code as that division existed for	88410
deductions and payments for fiscal year 2019;	88411
(c) The payments deducted from the district and paid to a	88412
science, technology, engineering, and mathematics school	88413
established under Chapter 3326. of the Revised Code for fiscal	88414

year 2019 under division (G) of section 3326.33 of the Revised Code as that division existed for deductions and payments for fiscal year 2019.

If the computation made under this division results in a negative number, the district's temporary transitional career-technical education aid shall be zero.

Section 265.225. FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS

(A) (1) Subject to Section 265.227 of this act, for fiscal year 2022, the Department shall pay each joint vocational school district an amount equal to the sum of the following:

(a) The following product:

(0.50 X the district's recalculated foundation funding for fiscal year 2019, as calculated under division (B) of this section and as further adjusted under the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS") + (0.50 X the district's recalculated foundation funding for fiscal year 2021 as calculated under division (C) of this section)

(b) Career awareness and exploration funds calculated as follows:

\$2.50 X the district's enrolled ADM for fiscal year 2020, as that term is defined in section 3317.02 of the Revised Code as amended by this act, calculated using the student enrollment data for fiscal year 2020 that was reported to the Department by the district as prescribed by section 3317.03 of the Revised Code as that section existed for reporting student enrollment data for fiscal year 2020

(c) A career-technical education lab program supplement calculated as follows:

\$225 X the full-time equivalency of the district's categories one

through five career-technical ADM for fiscal year 2020, as that 88445
term is defined in section 3317.02 of the Revised Code as amended 88446
by this act, calculated using the student enrollment data for 88447
fiscal year 2020 that was reported to the Department by the 88448
district as prescribed by section 3317.03 of the Revised Code as 88449
that section existed for reporting student enrollment data for 88450
fiscal year 2020, that is equivalent to the amount of time the 88451
district's career-technical education students participate in lab 88452
programs, as determined by the Department 88453

(2) Subject to Section 265.227 of this act, for fiscal year 88454
2023, the Department shall pay each joint vocational school 88455
district an amount equal to the sum of the following: 88456

(a) The district's recalculated foundation funding for fiscal 88457
year 2019 as calculated under division (B) of this section and as 88458
further adjusted under the section of this act entitled "TEMPORARY 88459
TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS;" 88460

(b) Career awareness and exploration funds calculated as 88461
follows: 88462

\$5 X the district's enrolled ADM for fiscal year 2020, as that 88463
term is defined in section 3317.02 of the Revised Code as amended 88464
by this act, calculated using the student enrollment data for 88465
fiscal year 2020 that was reported to the Department by the 88466
district as prescribed by section 3317.03 of the Revised Code as 88467
that section existed for reporting student enrollment data for 88468
fiscal year 2020 88469

(c) A career-technical education lab program supplement 88470
calculated as follows: 88471

\$1,050 X the full-time equivalency of the district's categories 88472
one through five career-technical ADM for fiscal year 2020, as 88473
that term is defined in section 3317.02 of the Revised Code as 88474
amended by this act, calculated using the student enrollment data 88475
for fiscal year 2020 that was reported to the Department by the 88476

district as prescribed by section 3317.03 of the Revised Code as 88477
that section existed for reporting student enrollment data for 88478
fiscal year 2020, that is equivalent to the amount of time the 88479
district's career-technical education students participate in lab 88480
programs, as determined by the Department 88481

(B) For purposes of divisions (A) (1) (a) and (A) (2) (a) of this 88482
section, the Department shall calculate each joint vocational 88483
school district's "recalculated foundation funding for fiscal year 88484
2019" as follows: 88485

(1) Recalculate the district's state share percentage for 88486
fiscal year 2019 in accordance with division (G) (3) of section 88487
3317.16 of the Revised Code as amended by this act using the 88488
student enrollment data for fiscal year 2019 that was reported to 88489
the Department by the district as prescribed by section 3317.03 of 88490
the Revised Code as it existed for reporting student enrollment 88491
data for fiscal year 2019, with the formula amount equal to the 88492
base cost per pupil calculated under section 3317.011 of the 88493
Revised Code. 88494

(2) Recalculate the district's payments for fiscal year 2019 88495
under divisions (A) (1), (2), (3), (4), (5), (6), and (9) of 88496
section 3317.16 of the Revised Code as amended by this act in 88497
accordance with sections 3317.02 and 3317.03 of the Revised Code 88498
as amended by this act using the student enrollment data used for 88499
calculating those payments for fiscal year 2019 that was reported 88500
to the Department by the district as prescribed by section 3317.03 88501
of the Revised Code as it existed for reporting that student 88502
enrollment data, with the following adjustments: 88503

(a) Replace the district's state share percentage for fiscal 88504
year 2019 with the district's recalculated state share percentage 88505
for fiscal year 2019 determined under division (B) (1) of this 88506
section; 88507

(b) Replace the formula amount for fiscal year 2019 with the 88508

base cost per pupil calculated under section 3317.011 of the Revised Code.

(C) For purposes of division (A) (1) (a) of this section, each joint vocational school district's "recalculated foundation funding for fiscal year 2021" shall equal the amount calculated for the district for fiscal year 2021 under Section 265.225 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly and prior to any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021.

Section 265.226. TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS

(A) As used in this section, a joint vocational school district's "recalculated foundation funding for fiscal year 2019" means the amount calculated for that district under division (B) of the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(B) For purposes of division (A) of the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS," the Department of Education shall adjust each joint vocational school district's recalculated foundation funding for fiscal year 2019 in accordance with division (C) of this section.

(C) The Department shall add to a district's recalculated foundation funding for fiscal year 2019 an amount of temporary transitional aid calculated according to the following formula:

(The district's transitional aid guarantee base X the district's transitional aid guarantee base percentage) - the district's foundation funding for the guarantee

If the computation made under this division results in a

negative number, the district's temporary transitional aid shall 88539
be zero. 88540

(1) As used in division (C) of this section, and subject to 88541
division (C) (4) of this section, a district's "transitional aid 88542
guarantee base" means the amount calculated by the Department as 88543
follows: 88544

(a) Compute the sum of the following: 88545

(i) The district's payments for fiscal year 2019 under 88546
divisions (A) (1), (2), (3), (4), and (7) of section 3317.16 of the 88547
Revised Code as those divisions existed for payments for fiscal 88548
year 2019; 88549

(ii) Any temporary transitional aid paid to the district for 88550
fiscal year 2019 under division (A) (1) of Section 265.230 of H.B. 88551
49 of the 132nd General Assembly; 88552

(b) Subtract from the amount computed in division (C) (1) (a) 88553
of this section any reductions to a district's foundation funding 88554
for fiscal year 2019 under division (B) (1) of Section 265.230 of 88555
H.B. 49 of the 132nd General Assembly. 88556

(2) As used in division (C) of this section, a district's 88557
"transitional aid guarantee base percentage" means the percentage 88558
computed by the Department as follows: 88559

(a) Calculate the district's formula ADM percentage change in 88560
accordance with the following formula: 88561

(The district's formula ADM for fiscal year 2018, as that term is 88562
defined in section 3317.02 of the Revised Code as amended by this 88563
act, using the student enrollment data for fiscal year 2018 that 88564
was reported to the Department by the district as prescribed by 88565
section 3317.03 of the Revised Code as that section existed for 88566
reporting student enrollment data for fiscal year 2018 / the 88567
district's formula ADM for fiscal year 2016, as that term is 88568

defined in section 3317.02 of the Revised Code as amended by this 88569
act, using the student enrollment data for fiscal year 2016 that 88570
was reported to the Department by the district as prescribed by 88571
section 3317.03 of the Revised Code as that section existed for 88572
reporting student enrollment data for fiscal year 2016) - 1 88573

(b) Determine the district's transitional aid guarantee base 88574
percentage as follows: 88575

(i) If the district's formula ADM percentage change 88576
calculated in division (C) (2) (a) of this section equals a decrease 88577
of ten per cent or more, then the district's transitional aid 88578
guarantee base percentage shall be equal to ninety-five per cent. 88579

(ii) If the district's formula ADM percentage change 88580
calculated in division (C) (2) (a) of this section equals a decrease 88581
of less than ten per cent but more than five per cent, then the 88582
district's transitional aid guarantee base percentage shall be 88583
equal to the district's formula ADM percentage change calculated 88584
in division (C) (2) (a) of this section plus one hundred five per 88585
cent. 88586

(iii) If the district's formula ADM percentage change 88587
calculated in division (C) (2) (a) of this section equals a decrease 88588
of five per cent or less, no change, or an increase of any amount, 88589
then the district's transitional aid guarantee base percentage 88590
shall be equal to one hundred per cent. 88591

(3) As used in division (C) of this section, a district's 88592
"foundation funding for the guarantee" means the amount calculated 88593
by the Department as follows: 88594

(The district's recalculated foundation funding for fiscal year 88595
2019 - the amount of the district's recalculated foundation 88596
funding for fiscal year 2019 that is calculated under divisions 88597
(A) (5) and (6) of section 3317.16 of the Revised Code as amended 88598
by this act) 88599

(4) The Department shall establish, as necessary, the transitional aid guarantee base of any joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2022 or fiscal year 2023 but does not receive such payments for the prior fiscal year. The Department shall establish any such joint vocational school district's guarantee base as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's guarantee bases under division (C)(4) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

Section 265.227. If a city, local, or exempted village school district provided career-technical education pursuant to division (A)(1) of section 3313.90 of the Revised Code in fiscal year 2019 but the district entered into an agreement pursuant to division (A)(2) of section 3313.90 of the Revised Code with a joint vocational school district to provide that career-technical education beginning in fiscal year 2020, the Department of Education shall adjust the amounts paid to those districts for fiscal years 2022 and 2023 under the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS" and the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS" to account for the decrease in students served by the city, local, or exempted village school district and the increase in students served by the joint vocational school district. This adjustment shall be equal to the following amount:

(The amount paid to the city, local, or exempted village school district under divisions (A)(8) and (9) of section 3317.022 of the Revised Code for fiscal year 2019 as those divisions existed for payments for fiscal year 2019 + the amount paid to the city, local, or exempted village school district under division (C) of

Section 265.220 of H.B. 49 of the 132nd General Assembly for 88632
fiscal year 2019) - (the amount deducted from the district under 88633
division (C) (1) (g) of section 3314.08 of the Revised Code and 88634
division (G) of section 3326.33 of the Revised Code for fiscal 88635
year 2019 as those divisions existed for deductions for fiscal 88636
year 2019) 88637

In doing so, the Department shall not, however, increase the 88638
aggregate amount of foundation aid paid under the section of this 88639
act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 88640
DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP 88641
PROGRAMS" and the section of this act entitled "FUNDING FOR JOINT 88642
VOCATIONAL SCHOOL DISTRICTS." 88643

Section 265.229. FUNDING FOR STUDENT TRANSPORTATION 88644

(A) (1) For fiscal year 2022, the Department of Education 88645
shall pay each city, local, and exempted village school district 88646
an amount for student transportation equal to the following sum: 88647
(0.50 X the district's recalculated transportation funding for 88648
fiscal year 2019, as calculated under division (B) of this 88649
section) + (0.50 X the district's recalculated transportation 88650
funding for fiscal year 2021 as calculated under division (C) of 88651
this section) 88652

(2) For fiscal year 2023, the Department shall pay each city, 88653
local, and exempted village school district an amount equal to the 88654
district's recalculated transportation funding for fiscal year 88655
2019 as calculated under division (B) of this section. 88656

(B) For purposes of division (A) of this section, the 88657
Department shall calculate each city, local, and exempted village 88658
school district's "recalculated transportation funding for fiscal 88659
year 2019" by recalculating the district's payments for fiscal 88660
year 2019 under section 3317.0212 of the Revised Code as amended 88661
by this act in accordance with sections 3317.02 and 3317.03 of the 88662

Revised Code as amended by this act using the data used for 88663
calculating these payments for fiscal year 2019 that was reported 88664
to the Department by the district as prescribed by sections 88665
3317.0212 and 3317.03 of the Revised Code as it existed for 88666
reporting data for fiscal year 2019 and replacing the district's 88667
state share index for fiscal year 2019 with the district's 88668
recalculated state share index for fiscal year 2019 determined 88669
under division (B)(1) of the section of this act entitled "FUNDING 88670
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY 88671
AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS." 88672

(C) For purposes of division (A) of this section, the 88673
Department shall calculate each city, local, and exempted village 88674
school district's "recalculated transportation funding for fiscal 88675
year 2021" as follows: 88676

(1) Determine the amount calculated for the district for 88677
fiscal year 2021 under division (A)(2) of Section 265.225 of H.B. 88678
166 of the 133rd General Assembly after any adjustments required 88679
under Section 265.227 of H.B. 166 of the 133rd General Assembly 88680
and prior to any funding reductions authorized by Executive Order 88681
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 88682
issued on January 22, 2021; 88683

(2) Compute the district's recalculated transportation 88684
funding for fiscal year 2021 by subtracting from the amount 88685
determined under division (C)(1) of this section the payments 88686
deducts from the district and paid to a community school 88687
established under Chapter 3314. of the Revised Code for fiscal 88688
year 2021 under division (D) of section 3314.091 of the Revised 88689
Code as that division existed for deductions and payments for 88690
fiscal year 2021 in accordance with division (A) of Section 88691
265.230 of H.B. 166 of the 133rd General Assembly. 88692

(D) For each of fiscal years 2022 and 2023, the Department 88693
shall pay each community school in the manner prescribed by 88694

division (H) of section 3317.0212 of the Revised Code as amended 88695
by this act in accordance with section 3314.091 of the Revised 88696
Code as amended by this act, except that, for each of those fiscal 88697
years: 88698

(1) For purposes of division (H) (1) (a) (i) of section 88699
3317.0212 of the Revised Code as amended by this act, the total 88700
amount calculated for the school district in which a child is 88701
entitled to attend school for student transportation other than 88702
transportation of children with disabilities shall equal the 88703
amount of the district's recalculated transportation funding for 88704
fiscal year 2019 as calculated under division (B) of this section. 88705

(2) For purposes of division (H) (1) (a) (ii) of section 88706
3317.0212 of the Revised Code as amended by this act, the number 88707
of students included in the transportation ADM of the school 88708
district in which a child is entitled to attend school shall equal 88709
the district's transportation ADM for fiscal year 2019. 88710

(3) For purposes of division (H) (1) (b) of section 3317.0212 88711
of the Revised Code as amended by this act, the amount so 88712
calculated on a per-rider basis that otherwise would be computed 88713
for and paid to the school district in which a student is entitled 88714
to attend school by the method of transportation the district 88715
would have used shall equal the amount of the district's 88716
recalculated transportation funding for fiscal year 2019 that is 88717
calculated on a per-rider basis under division (B) of this section 88718
for the method of transportation the district would have used. 88719

Section 265.231. GAP AID FOR CITY, LOCAL, AND EXEMPTED 88720
VILLAGE SCHOOL DISTRICTS 88721

(A) As used in this section: 88722

(1) A city, local, or exempted village school district's 88723
"enrolled ADM for fiscal year 2019" means the district's enrolled 88724

ADM, as that term is defined in section 3317.02 of the Revised Code as amended by this act, calculated using the student enrollment data for fiscal year 2019 that was reported to the Department by the district as prescribed by section 3317.03 of the Revised Code as it existed for reporting student enrollment data for fiscal year 2019.

(2) A city, local, or exempted village school district's "recalculated foundation funding for fiscal year 2019" means the amount calculated for that district under division (B) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS."

(3) A city, local, or exempted village school district's "recalculated transportation funding for fiscal year 2019" means the amount calculated for that district under division (B) of the section of this act entitled "FUNDING FOR STUDENT TRANSPORTATION."

(B) For each of fiscal years 2022 and 2023, the Department of Education shall pay gap aid to each city, local, and exempted village school district in accordance with section 3317.0222 of the Revised Code, except that, for each of those fiscal years:

(1) When determining a district's "local tax revenue" as that term is defined in division (A) of section 3317.0222 of the Revised Code, the Department shall use data for tax year 2017 for purposes of division (A)(1) of that section and data for fiscal year 2018 for purposes of division (A)(2) of that section.

(2) For purposes of divisions (B)(1), (2), and (4) of section 3317.0222 of the Revised Code, the Department shall use the district's recalculated state share index for fiscal year 2019 determined under division (B)(1) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP

PROGRAMS." 88756

(3) For purposes of divisions (B) (2) (a) to (g) of section 88757
3317.0222 of the Revised Code, the Department shall use the 88758
portion of the district's recalculated foundation funding for 88759
fiscal year 2019 that is calculated under divisions (A) (1), (3), 88760
(6), (8), (9), (13), or (14) of section 3317.022 of the Revised 88761
Code as amended by this act, as applicable. 88762

(4) For purposes of division (B) (2) (h) of section 3317.0222 88763
of the Revised Code, the Department shall use the district's 88764
enrolled ADM for fiscal year 2019 for grades kindergarten through 88765
three. 88766

(5) For purposes of division (B) (4) of section 3317.0222 of 88767
the Revised Code, the Department shall use the portion of the 88768
district's recalculated transportation funding for fiscal year 88769
2019 that is calculated under division (E) of section 3317.0212 of 88770
the Revised Code as amended by this act. 88771

(6) For purposes of division (B) (6) of section 3317.0222 of 88772
the Revised Code, the Department shall use the sum of the 88773
temporary transitional aid calculated for the district under 88774
division (C) of the section of this act entitled "TEMPORARY 88775
TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 88776
DISTRICTS" and the temporary transitional career-technical 88777
education aid calculated for the district under division (E) of 88778
the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR 88779
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 88780

Section 265.233. FORMULA TRANSITION SUPPLEMENT 88781

(A) (1) For fiscal years 2022 and 2023, the Department of 88782
Education shall pay a formula transition supplement to each city, 88783
local, and exempted village school district according to the 88784
following formula: 88785

(The district's funding base for fiscal year 2021 as calculated 88786
under division (A) (2) of this section) - (the sum of the 88787
district's payments for the fiscal year for which the supplement 88788
is calculated under division (A) of the section of this act 88789
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 88790
DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP 88791
PROGRAMS," division (A) of the section of this act entitled 88792
"FUNDING FOR STUDENT TRANSPORTATION," the section of this act 88793
entitled "GAP AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 88794
DISTRICTS," and section 3317.0219 of the Revised Code as amended 88795
by this act) 88796

If the computation made under division (A) (1) of this section 88797
for a fiscal year results in a negative number, the district's 88798
formula transition supplement for that fiscal year shall be zero. 88799

(2) For purposes of division (A) (1) of this section, a city, 88800
local, or exempted village school district's "funding base for 88801
fiscal year 2021" means the amount calculated as follows: 88802

(a) Compute the sum of the following: 88803

(i) The amount calculated for the district for fiscal year 88804
2021 under division (A) (1) of Section 265.220 of H.B. 166 of the 88805
133rd General Assembly after any adjustments required under 88806
Section 265.227 of H.B. 166 of the 133rd General Assembly and 88807
after any funding reductions authorized by Executive Order 88808
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 88809
issued on January 22, 2021; 88810

(ii) The amount calculated for the district for fiscal year 88811
2021 under division (A) (2) of Section 265.220 of H.B. 166 of the 88812
133rd General Assembly after any funding reductions authorized by 88813
Executive Order 2020-19D, issued on May 7, 2020, and Executive 88814
Order 2021-01D, issued on January 22, 2021; 88815

(iii) The amount calculated for the district for fiscal year 88816

2021 under division (B) of Section 265.220 of H.B. 166 of the 133rd General Assembly; 88817
88818

(iv) The district's payments for fiscal year 2021 under section 3317.0219 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly. 88819
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88822

(b) Subtract from the amount calculated in division (A)(2)(a) of this section the sum of the following: 88823
88824

(i) The payments deducted from the district and paid to a community school established under Chapter 3314. of the Revised Code for fiscal year 2021 under divisions (C)(1)(a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code and division (D) of section 3314.091 of the Revised Code, as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd General Assembly, after any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021; 88825
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(ii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code for fiscal year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd General Assembly, after any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021; 88835
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(iii) The payments deducted from the district for fiscal year 2021 under division (C) of section 3310.08 of the Revised Code as that division existed for deductions for fiscal year 2021, 88845
88846
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division (C) (2) of section 3310.41 of the Revised Code, as that 88848
division existed for deductions for fiscal year 2021, and section 88849
3310.55 of the Revised Code, as that section existed for 88850
deductions for fiscal year 2021; 88851

(iv) In the case of a pilot project school district as 88852
defined in section 3313.975 of the Revised Code, the funds 88853
deducted from the district for fiscal year 2021 under Section 88854
265.210 of H.B. 166 of the 133rd General Assembly to operate the 88855
pilot project scholarship program for fiscal year 2021 under 88856
sections 3313.974 to 3313.979 of the Revised Code. 88857

(B) (1) For fiscal years 2022 and 2023, the Department shall 88858
pay a formula transition supplement to each joint vocational 88859
school district according to the following formula: 88860

(The district's funding base for fiscal year 2021 as calculated 88861
under division (B) (2) of this section) - (the sum of the 88862
district's payments for the fiscal year for which the supplement 88863
is calculated under division (A) of the section of this act 88864
entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS" and 88865
section 3317.163 of the Revised Code as amended by this act) 88866

If the computation made under division (B) (1) of this section 88867
for a fiscal year results in a negative number, the district's 88868
formula transition supplement for that fiscal year shall be zero. 88869

(2) For purposes of division (B) (1) of this section, a joint 88870
vocational school district's "funding base for fiscal year 2021" 88871
means the sum of the following: 88872

(a) The district's payments for fiscal year 2021 under 88873
Section 265.225 of H.B. 166 of the 133rd General Assembly after 88874
any adjustments required under Section 265.227 of H.B. 166 of the 88875
133rd General Assembly; 88876

(b) The district's payments for fiscal year 2021 under 88877
section 3317.163 of the Revised Code as that section existed for 88878

payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly. 88879
88880

(C) (1) For fiscal years 2022 and 2023, the Department shall pay a formula transition supplement to each community school established under Chapter 3314. of the Revised Code according to the following formula: 88881
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88883
88884

{[The school's funding base for fiscal year 2021 as calculated under division (C) (2) of this section / the number of students enrolled in the school for fiscal year 2021] - [(the sum of the school's payments for the fiscal year for which the supplement is calculated under division (D) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS," division (D) of the section of this act entitled "FUNDING FOR STUDENT TRANSPORTATION," and section 3317.0220 of the Revised Code as enacted by this act) / the number of students enrolled in the school for the fiscal year for which the supplement is calculated]} X the number of students enrolled in the school for the fiscal year for which the supplement is calculated 88885
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If the computation made under division (C) (1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero. 88898
88899
88900

(2) For purposes of division (C) (1) of this section, a community school's "funding base for fiscal year 2021" means the sum of the following: 88901
88902
88903

(a) The amount calculated for the school for fiscal year 2021 under division (C) (1) of section 3314.08 of the Revised Code as that section existed for payments for fiscal year 2021, after any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021; 88904
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88909

(b) The amount calculated for the school for fiscal year 2021 88910
under section 3314.085 of the Revised Code as that section existed 88911
for payments for fiscal year 2021; 88912

(c) The amount calculated for the school for fiscal year 2021 88913
under division (D) (1) of section 3314.091 of the Revised Code as 88914
that section existed for payments for fiscal year 2021; 88915

(d) The amount calculated for the school for fiscal year 2021 88916
under section 3314.088 of the Revised Code as that section existed 88917
for payments for fiscal year 2021. 88918

(D) (1) For fiscal years 2022 and 2023, the Department shall 88919
pay a formula transition supplement to each science, technology, 88920
engineering, and mathematics school established under Chapter 88921
3326. of the Revised Code according to the following formula: 88922

{[The school's funding base for fiscal year 2021 as calculated 88923
under division (D) (2) of this section / the number of students 88924
enrolled in the school for fiscal year 2021] - [(the sum of the 88925
school's payments for the fiscal year for which the supplement is 88926
calculated under division (D) of the section of this act entitled 88927
"FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, 88928
COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS" and 88929
section 3317.0221 of the Revised Code as enacted by this act) / 88930
the number of students enrolled in the school for the fiscal year 88931
for which the supplement is calculated]} X the number of students 88932
enrolled in the school for the fiscal year for which the 88933
supplement is calculated 88934

If the computation made under division (D) (1) of this section 88935
for a fiscal year results in a negative number, the school's 88936
formula transition supplement for that fiscal year shall be zero. 88937

(2) For purposes of division (D) (1) of this section, a 88938
science, technology, engineering, and mathematics school's 88939
"funding base for fiscal year 2021" means the sum of the 88940

following:	88941
(a) The amount calculated for the school for fiscal year 2021 under section 3326.33 of the Revised Code as that section existed for payments for fiscal year 2021, after any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;	88942 88943 88944 88945 88946
(b) The amount calculated for the school for fiscal year 2021 under section 3326.41 of the Revised Code as that section existed for payments for fiscal year 2021;	88947 88948 88949
(c) The amount calculated for the school for fiscal year 2021 under section 3326.42 of the Revised Code as that section existed for payments for fiscal year 2021.	88950 88951 88952
Section 265.235. CAP RELIEF FOR SCHOOL DISTRICTS	88953
(A) As used in this section:	88954
(1) A city, local, or exempted village school district's "enrolled ADM for fiscal year 2019" means the district's enrolled ADM, as that term is defined in section 3317.02 of the Revised Code as amended by this act, calculated using the student enrollment data for fiscal year 2019 that was reported to the Department by the district as prescribed by section 3317.03 of the Revised Code as it existed for reporting student enrollment data for fiscal year 2019.	88955 88956 88957 88958 88959 88960 88961 88962
(2) "Foundation funding subject to the limitation" has the same meaning as in division (D)(1) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."	88963 88964 88965 88966
(3) A city, local, or exempted village school district's "recalculated foundation funding for fiscal year 2019" means the amount calculated for that district under division (B) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND	88967 88968 88969 88970

EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND 88971
STATE SCHOLARSHIP PROGRAMS." 88972

(4) A city, local, or exempted village school district's 88973
"recalculated state share index for fiscal year 2019" is the state 88974
share index determined for the district under division (B) (1) of 88975
the section of this act entitled "FUNDING FOR CITY, LOCAL, AND 88976
EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND 88977
STATE SCHOLARSHIP PROGRAMS." 88978

(5) A city, local, or exempted village school district's 88979
"recalculated transportation funding for fiscal year 2019" means 88980
the amount calculated for that district under division (B) of the 88981
section of this act entitled "FUNDING FOR STUDENT TRANSPORTATION." 88982

(B) (1) As used in division (B) of this section, "eligible 88983
district" means a city, local, or exempted village school district 88984
that satisfies both of the following: 88985

(a) The district's recalculated foundation funding for fiscal 88986
year 2019 and recalculated transportation funding for fiscal year 88987
2019 is adjusted under division (D) of the section of this act 88988
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 88989
VILLAGE SCHOOL DISTRICTS;" 88990

(b) The district's average daily membership for fiscal year 88991
2020, as that term is defined in division (A) (1) (b) of the section 88992
of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 88993
AND EXEMPTED VILLAGE SCHOOL DISTRICTS," is greater than one 88994
hundred per cent of the district's average daily membership 88995
described in division (A) (1) (a) (i) of the section of this act 88996
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 88997
VILLAGE SCHOOL DISTRICTS." 88998

(2) Subject to division (D) of this section, for each of 88999
fiscal years 2022 and 2023, the Department of Education shall pay 89000
each eligible school district an amount equal to the following 89001

product: 89002

(\$225, for fiscal year 2022, or \$425, for fiscal year 2023) X the 89003

district's enrolled ADM for fiscal year 2019 X [(the district's 89004

foundation funding subject to the limitation - the district's 89005

foundation funding subject to the limitation as adjusted under 89006

division (D) of the section of this act entitled "TEMPORARY 89007

TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 89008

DISTRICTS") / the district's foundation funding subject to the 89009

limitation] 89010

(C) (1) As used in division (C) of this section, "eligible 89011

school district" means a city, local, or exempted village school 89012

district that satisfies all of the following conditions: 89013

(a) The district's recalculated foundation funding for fiscal 89014

year 2019 and recalculated transportation funding for fiscal year 89015

2019 is adjusted under division (D) of the section of this act 89016

entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 89017

VILLAGE SCHOOL DISTRICTS." 89018

(b) The following quotient is greater than or equal to 0.50: 89019

[(The district's foundation funding subject to the limitation - 89020

the district's foundation funding subject to the limitation as 89021

adjusted under division (D) of the section of this act entitled 89022

"TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE 89023

SCHOOL DISTRICTS") / the district's foundation funding subject to 89024

the limitation] 89025

(c) The district's recalculated state share index for fiscal 89026

year 2019 is greater than or equal to 0.50. 89027

(2) Subject to division (D) of this section, for each of 89028

fiscal years 2022 and 2023, the Department of Education shall pay 89029

each eligible school district an amount calculated as follows: 89030

(\$225, for fiscal year 2022, or \$425, for fiscal year 2023) X the 89031

district's enrolled ADM for fiscal year 2019" 89032

(D) At no time shall the sum of any city, local, or exempted village school's payments under divisions (B) and (C) of this section be greater than the following difference:
(The district's foundation funding subject to the limitation - the district's foundation funding subject to the limitation as adjusted under division (D) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS")

Section 265.237. POWER PLANT VALUATION ADJUSTMENT

(A) As used in this section:

(1) "Recalculated foundation funding for fiscal year 2019" for a city, local, or exempted village school district means the amount calculated for that district under division (B) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS."

(2) "Recalculated foundation funding for fiscal year 2019" for a joint vocational school district means the amount calculated for the district under division (B) of the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(3) "Recalculated transportation funding for fiscal year 2019" for a city, local, or exempted village school district means the amount calculated for that district under division (B) of the section of this act entitled "FUNDING FOR STUDENT TRANSPORTATION."

(B) (1) On or before May 15, 2022, the Tax Commissioner shall determine all of the following for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:

(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year

2021 was less than the taxable value of such property during tax year 2017; 89063
89064

(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2021 was less than the taxable value of such property during tax year 2020. 89065
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89067
89068

(2) If the decrease determined under division (B)(1)(a) or (b) of this section exceeds ten per cent, the Tax Commissioner shall certify all of the following to the Department of Education and the Office of Budget and Management: 89069
89070
89071
89072

(a) The district's total taxable value for tax year 2021; 89073

(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2021; 89074
89075

(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation; 89076
89077
89078

(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code. 89079
89080
89081

(3) Upon receipt of a certification under division (B)(2) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's recalculated foundation funding and, if applicable, recalculated transportation funding for fiscal year 2019 with the taxable value certified under division (B)(2)(a) of this section and shall recompute the district's recalculated foundation funding and, if applicable, recalculated transportation funding for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following: 89082
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89092

(a) The lesser of the following:	89093
(i) The positive difference between the district's recalculated foundation funding and, if applicable, recalculated transportation funding for fiscal year 2019 prior to the recomputation under division (B)(3) of this section and the district's recomputed recalculated foundation funding and, if applicable, recalculated transportation funding for fiscal year 2019;	89094 89095 89096 89097 89098 89099 89100
(ii) The absolute value of the amount certified under division (B)(2)(b) of this section.	89101 89102
(b) The absolute value of the amount certified under division (B)(2)(b) of this section X 0.50.	89103 89104
(C)(1) On or before May 15, 2023, the Tax Commissioner shall determine for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:	89105 89106 89107 89108
(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2022 was less than the taxable value of such property during tax year 2017;	89109 89110 89111 89112
(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2022 was less than the taxable value of such property during tax year 2021.	89113 89114 89115 89116
(2) If the decrease determined under division (C)(1)(a) or (b) of this section exceeds ten per cent, the Tax Commissioner shall certify all of the following to the Department of Education and the Office of Budget and Management:	89117 89118 89119 89120
(a) The district's total taxable value for tax year 2022;	89121
(b) The change in taxes charged and payable on the district's	89122

total taxable value for tax year 2017 and tax year 2022; 89123

(c) The taxable value of the utility tangible personal 89124
property decrease, which shall be considered a change in 89125
valuation; 89126

(d) The change in taxes charged and payable on such change in 89127
taxable value calculated in the same manner as in division (A) (3) 89128
of section 3317.021 of the Revised Code. 89129

(3) Upon receipt of a certification under division (C) (2) of 89130
this section, the Department of Education shall replace the 89131
three-year average valuations that were used in computing the 89132
district's recalculated foundation funding and, if applicable, 89133
recalculated transportation funding for fiscal year 2019 with the 89134
taxable value certified under division (C) (2) (a) of this section 89135
and shall recompute the district's recalculated foundation funding 89136
and, if applicable, recalculated transportation funding for fiscal 89137
year 2019 without applying any funding limitations enacted by the 89138
General Assembly to the computation. The Department shall pay to 89139
the district an amount equal to the greater of the following: 89140

(a) The lesser of the following: 89141

(i) The positive difference between the district's 89142
recalculated foundation funding and, if applicable, recalculated 89143
transportation funding for fiscal year 2019 prior to the 89144
recomputation under division (C) (3) of this section and the 89145
district's recomputed recalculated foundation funding and, if 89146
applicable, recalculated transportation funding for fiscal year 89147
2019; 89148

(ii) The absolute value of the amount certified under 89149
division (C) (2) (b) of this section. 89150

(b) The absolute value of the amount certified under division 89151
(C) (2) (b) of this section X 0.50. 89152

(D) The Department of Education shall make payments under 89153
division (B) (3) of this section between June 1, 2022, and June 30, 89154
2022, and the Department shall make payments under division (C) (3) 89155
of this section between June 1, 2023, and June 30, 2023. 89156

Section 265.240. LITERACY IMPROVEMENT 89157

Of the foregoing appropriation item 200566, Literacy 89158
Improvement, up to \$500,000 in each fiscal year shall be used to 89159
expand the Model Demonstration Project for Early Identification of 89160
Students with Dyslexia Grant. 89161

Under the expansion, the Superintendent of Public Instruction 89162
shall award grants to city, local, and exempted village school 89163
districts, community schools, STEM schools, or chartered nonpublic 89164
schools to support additional pilot programs to address the 89165
literacy needs of students in preschool through first grade. Funds 89166
may be used for up to two years after they are awarded. 89167

School districts or schools wishing to participate shall 89168
apply to the Superintendent of Public Instruction. The 89169
Superintendent shall select school districts and schools to 89170
participate according to criteria determined by the 89171
Superintendent. Participating school districts and schools shall 89172
receive professional learning and support for teachers and 89173
principals to improve their ability to provide instruction for 89174
children with dyslexia. Participating school districts and schools 89175
shall collaborate with the Department of Education to identify 89176
professional learning opportunities aligned to the science of 89177
reading. The Department may use up to ten per cent of the amount 89178
appropriated in each fiscal year for program administration and 89179
for support of districts and schools in identifying and serving 89180
students with dyslexia. 89181

As used in this section, "Model Demonstration Project for 89182
Early Identification of Students with Dyslexia Grant" means the 89183

grant awarded to Ohio by the U.S. Department of Education in 89184
October 2019 to improve the literacy of students with, or at risk 89185
for, dyslexia. 89186

The foregoing appropriation item 200566, Literacy 89187
Improvement, shall be used by the Department of Education to 89188
support early literacy activities to align state, local, and 89189
federal efforts in order to bolster all students' reading success. 89190
Funds shall be distributed to educational service centers to 89191
establish and support regional literacy professional development 89192
teams consistent with section 3312.01 of the Revised Code. A 89193
portion of the funds may be used by the Department for program 89194
administration, monitoring, technical assistance, support, 89195
research, and evaluation. 89196

Section 265.250. ADULT EDUCATION PROGRAMS 89197

Of the foregoing appropriation item 200572, Adult Education 89198
Programs, up to \$6,900,000 in each fiscal year shall be used to 89199
make payments under sections 3314.38, 3317.23, 3317.24, and 89200
3345.86 of the Revised Code. 89201

A portion of the foregoing appropriation item 200572, Adult 89202
Education Programs, shall be used in each fiscal year to make 89203
payments to institutions participating in the Adult Diploma Pilot 89204
Program under section 3313.902 of the Revised Code and to pay 89205
career-technical planning districts for the amounts reimbursed to 89206
students, as prescribed in this section. If funds are insufficient 89207
to make payments for the Adult Diploma Pilot Program, upon the 89208
request of the Superintendent of Public Instruction, the Director 89209
of Budget and Management may transfer appropriation from 89210
appropriation item 200550, Foundation Funding, to appropriation 89211
item 200572, Adult Education Programs, subject to an available 89212
balance in appropriation item 200550 and Controlling Board 89213
approval. Any appropriation so transferred shall be used to make 89214

payments to institutions participating in the Adult Diploma Pilot 89215
Program pursuant to section 3313.902 of the Revised Code. 89216

Each career-technical planning district shall reimburse 89217
individuals taking a nationally recognized high school equivalency 89218
examination approved by the Department of Education for the first 89219
time for application fees, examination fees, or both, in excess of 89220
\$40, up to a maximum reimbursement per individual of \$80. Each 89221
career-technical planning district shall designate a site or sites 89222
where individuals may register and take an approved examination. 89223
For each individual who registers for an approved examination, the 89224
career-technical planning district shall make available and offer 89225
career counseling services, including information on adult 89226
education programs that are available. A portion of the 89227
appropriation item may be used to reimburse the Department of 89228
Youth Services and the Department of Rehabilitation and Correction 89229
for individuals in these facilities who have taken an approved 89230
examination for the first time. The amounts reimbursed shall not 89231
exceed the per-individual amounts reimbursed to other individuals 89232
under this section for an approved examination. 89233

Notwithstanding any provision of law to the contrary, the 89234
unexpended balance of appropriations for payments under sections 89235
3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 89236
Code at the end of each fiscal year may be encumbered by the 89237
Department of Education and remain available for payment for a 89238
period not to exceed two years from the end of each fiscal year in 89239
which the funds were originally appropriated, in accordance with 89240
guidelines established by the Superintendent of Public 89241
Instruction. 89242

A portion of the foregoing appropriation item 200572, Adult 89243
Education Programs, may be used for program administration, 89244
technical assistance, support, research, and evaluation of adult 89245
education programs, including high school equivalency examinations 89246

approved by the Department of Education. 89247

Section 265.260. HALF-MILL MAINTENANCE EQUALIZATION 89248

The foregoing appropriation item 200574, Half-Mill 89249
Maintenance Equalization, shall be used to make payments pursuant 89250
to section 3318.18 of the Revised Code. 89251

ADAPTIVE SPORTS PROGRAM 89252

The foregoing appropriation item 200576, Adaptive Sports 89253
Program, shall be used by the Department of Education, in 89254
collaboration with the Adaptive Sports Program of Ohio, to fund 89255
adaptive sports programs in school districts across the state. 89256

Section 265.275. PROGRAM AND PROJECT SUPPORT 89257

Of the foregoing appropriation item 200597, Program and 89258
Project Support, \$1,100,000 in each fiscal year shall be used to 89259
support the Supporting Partnerships to Assure Ready Kids (SPARK) 89260
program in Ohio. 89261

Of the foregoing appropriation item 200597, Program and 89262
Project Support, \$1,000,000 in each fiscal year shall be 89263
distributed to Ohio Adolescent Health Centers to support risk 89264
avoidance education initiatives. 89265

Of the foregoing appropriation item 200597, Program and 89266
Project Support, \$750,000 in each fiscal year shall be used to 89267
support the expansion of the CarePortal technology platform in 89268
Ohio through partnerships with social workers and K-12 schools to 89269
connect vulnerable children and families with churches, 89270
organizations, and individuals in their community. 89271

Of the foregoing appropriation item 200597, Program and 89272
Project Support, \$375,000 in each fiscal year shall be distributed 89273
to the Cleveland Museum of Natural History to support its 89274
STEM-based educational programming. 89275

Of the foregoing appropriation item 200597, Program and 89276
Project Support, \$300,000 in each fiscal year shall be distributed 89277
to the Cincinnati Zoo and Botanical Garden to support the zoo's 89278
educational programming and scholarships for economically 89279
disadvantaged students. 89280

Of the foregoing appropriation item 200597, Program and 89281
Project Support, \$125,000 in each fiscal year shall be distributed 89282
to the South-Western City School District to provide additional 89283
operating support for the South-Western Career Academy to hire a 89284
director and instructors. 89285

Of the foregoing appropriation item 200597, Program and 89286
Project Support, \$100,000 in each fiscal year shall be distributed 89287
to the Cincinnati Museum Center to support its STEM-based 89288
educational programming. 89289

Of the foregoing appropriation item 200597, Program and 89290
Project Support, \$50,000 in each fiscal year shall be distributed 89291
to the Ohio Valley Youth Network to support its Sycamore Youth 89292
Center Education Enrichment and Life Skills After School Program. 89293

Section 265.280. MEDICAID IN SCHOOLS PROGRAM 89294

The foregoing appropriation item, 657401, Medicaid in Schools 89295
Program, shall be used by the Department of Education to support 89296
the Medicaid in Schools Program. 89297

Section 265.300. TEACHER CERTIFICATION AND LICENSURE 89298

The foregoing appropriation item 200681, Teacher 89299
Certification and Licensure, shall be used by the Department of 89300
Education to administer and support teacher certification and 89301
licensure activities. Notwithstanding section 3319.51 of the 89302
Revised Code, a portion of the foregoing appropriation may also be 89303
used for implementation of teacher and principal evaluation 89304
systems, including incorporation of student growth as a metric in 89305

those systems, and teacher value-added reports. 89306

Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE 89307

(A) The foregoing appropriation item 200687, School District 89308
Solvency Assistance, shall be allocated to the School District 89309
Shared Resource Account and the Catastrophic Expenditures Account 89310
in amounts determined by the Superintendent of Public Instruction. 89311
These funds shall be used to provide assistance and grants to 89312
school districts to enable them to remain solvent under section 89313
3316.20 of the Revised Code. Assistance and grants shall be 89314
subject to approval by the Controlling Board. Except as provided 89315
under division (C) of this section, any required reimbursements 89316
from school districts for solvency assistance shall be made to the 89317
appropriate account in the School District Solvency Assistance 89318
Fund (Fund 5H30). 89319

(B) Notwithstanding any provision of law to the contrary, 89320
upon the request of the Superintendent of Public Instruction, the 89321
Director of Budget and Management may make transfers to the School 89322
District Solvency Assistance Fund (Fund 5H30) from any fund used 89323
by the Department of Education or the General Revenue Fund to 89324
maintain sufficient cash balances in Fund 5H30 in fiscal years 89325
2022 and 2023. Any cash transferred is hereby appropriated. The 89326
transferred cash may be used by the Department to provide 89327
assistance and grants to school districts to enable them to remain 89328
solvent and to pay unforeseeable expenses of a temporary or 89329
emergency nature that the school district is unable to pay from 89330
existing resources. The Director shall notify the members of the 89331
Controlling Board of any such transfers. 89332

(C) If the cash balance of the School District Solvency 89333
Assistance Fund (Fund 5H30) is insufficient to pay solvency 89334
assistance in fiscal years 2022 and 2023, at the request of the 89335
Superintendent of Public Instruction, and with the approval of the 89336

Controlling Board, the Director of Budget and Management may 89337
transfer cash from the Lottery Profits Education Reserve Fund 89338
(Fund 7018) to Fund 5H30 to provide assistance and grants to 89339
school districts to enable them to remain solvent and to pay 89340
unforeseeable expenses of a temporary nature that they are unable 89341
to pay from existing resources under section 3316.20 of the 89342
Revised Code. Such transfers are hereby appropriated to 89343
appropriation item 200670, School District Solvency Assistance - 89344
Lottery. Any required reimbursements from school districts for 89345
solvency assistance granted from appropriation item 200670, School 89346
District Solvency Assistance - Lottery, shall be made to Fund 89347
7018. 89348

Section 265.323. FOUNDATION FUNDING AND STUDENT WELLNESS AND 89349
SUCCESS 89350

(A) (1) Of the foregoing appropriation item 200604, Foundation 89351
Funding - All Students, \$350,000,000 in fiscal year 2022 and 89352
\$300,000,000 in fiscal year 2023 shall be used to distribute the 89353
amounts calculated for student wellness and success funds under 89354
sections 3317.0219, 3317.0220, 3317.0221, and 3317.163 of the 89355
Revised Code. 89356

(2) Notwithstanding section 3317.0219 of the Revised Code, 89357
when calculating payments for a city, local, or exempted village 89358
school district for fiscal year 2022 under that section, the 89359
Department of Education shall use the district's enrolled ADM, as 89360
that term is defined in section 3317.0219 of the Revised Code, for 89361
fiscal year 2022. 89362

Notwithstanding sections 3317.0220, 3317.0221, and 3317.163 89363
of the Revised Code, when calculating payments for a joint 89364
vocational school district, community school, or STEM school for 89365
fiscal year 2022, the Department shall use the number of students 89366
enrolled in the school for fiscal year 2022 on a full-time 89367

equivalency basis. Additionally, notwithstanding those sections, 89368
for the purpose of calculating student wellness and success 89369
enhancement funds for a joint vocational school district, 89370
community school, or STEM school for fiscal year 2022 under 89371
division (D) of section 3317.0220 of the Revised Code, division 89372
(C) of section 3317.0221 of the Revised Code, or division (C) of 89373
section 3317.163 of the Revised Code, the Department shall use the 89374
enrolled ADM of students' resident districts for fiscal year 2022. 89375

(3) If a district or school spends student wellness and 89376
success funds it received for fiscal year 2020 or fiscal year 2021 89377
on or after the date on which the amendments to section 3317.26 of 89378
the Revised Code by this act take effect, those funds shall be 89379
spent in accordance with that section as amended. 89380

(4) For fiscal years 2022 and 2023, the Department shall 89381
distribute any funds remaining in the amounts allocated under 89382
division (A)(1) of this section through a methodology determined 89383
by the Department in consultation with the Office of Budget and 89384
Management not later than the twenty-eighth day of February of 89385
that fiscal year. 89386

(B) The remainder of the foregoing appropriation item 200604, 89387
Foundation Funding - All Students, shall be used in conjunction 89388
with appropriation items 200550, Foundation Funding - All 89389
Students, and 200612, Foundation Funding - All Students, to 89390
distribute the amounts calculated for formula aid under the 89391
section of this act entitled "FUNDING FOR CITY, LOCAL, AND 89392
EXEMPTED VILLAGE SCHOOL DISTRICTS, COMMUNITY AND STEM SCHOOLS, AND 89393
STATE SCHOLARSHIP PROGRAMS." 89394

Section 265.330. LOTTERY PROFITS EDUCATION FUND 89395

The foregoing appropriation item 200612, Foundation Funding - 89396
All Students, shall be used in conjunction with appropriation 89397
items 200550, Foundation Funding - All Students, and 200604, 89398

Foundation Funding - All Students, to distribute the amounts 89399
calculated for formula aid under the section of the act entitled 89400
"FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS, 89401
COMMUNITY AND STEM SCHOOLS, AND STATE SCHOLARSHIP PROGRAMS." 89402

The Department of Education, with the approval of the 89403
Director of Budget and Management, shall determine the monthly 89404
distribution schedules of appropriation item 200550, Foundation 89405
Funding - All Students, and appropriation item 200612, Foundation 89406
Funding - All Students. If adjustments to the monthly distribution 89407
schedule are necessary, the Department shall make such adjustments 89408
with the approval of the Director. 89409

Section 265.333. ACCELERATE GREAT SCHOOLS 89410

The foregoing appropriation item 200614, Accelerate Great 89411
Schools, shall be used to support the Accelerate Great Schools 89412
public-private partnership. 89413

Section 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT 89414

(A) The foregoing appropriation item 200631, Quality 89415
Community Schools Support, shall be used for the Quality Community 89416
School Support Program. Under the program, the Department of 89417
Education shall pay each community school established under 89418
Chapter 3314. of the Revised Code and designated as a Community 89419
School of Quality under this section an amount up to \$1,750 in 89420
each fiscal year for each pupil identified as economically 89421
disadvantaged and up to \$1,000 in each fiscal year for each pupil 89422
that is not identified as economically disadvantaged. The payment 89423
for the current fiscal year shall be calculated using the final 89424
adjusted full-time equivalent number of students enrolled in a 89425
community school for the prior fiscal year, except that if a 89426
school is in its first year of operation the payment for the 89427
current fiscal year shall be calculated using the adjusted 89428

full-time equivalent number of students enrolled in the school for 89429
the current fiscal year as of the date the payment is made, as 89430
reported by the school under section 3314.08 of the Revised Code. 89431
The Department shall make the payment to each Community School of 89432
Quality not later than January 31 of each fiscal year. If the 89433
amount appropriated is not sufficient, the Department shall 89434
prorate the amounts so that the aggregate amount appropriated is 89435
not exceeded. 89436

(B) To be designated as a Community School of Quality, a 89437
community school shall satisfy at least one of the following 89438
conditions: 89439

(1) The community school meets all of the following criteria: 89440

(a) The school's sponsor was rated "exemplary" or "effective" 89441
on the sponsor's most recent evaluation conducted under section 89442
3314.016 of the Revised Code. 89443

(b) The school received a higher performance index score than 89444
the school district in which the school is located on the two most 89445
recent report cards issued for the school under section 3302.03 of 89446
the Revised Code. 89447

(c) The school received an overall grade of "A" or "B" for 89448
the value-added progress dimension on the most recent report card 89449
issued for the school under section 3302.03 of the Revised Code or 89450
is a school described under division (A)(4) of section 3314.35 of 89451
the Revised Code and did not receive a grade for the value-added 89452
progress dimension on the most recent report card. 89453

(d) At least fifty per cent of the students enrolled in the 89454
school are economically disadvantaged, as determined by the 89455
Department. 89456

(2) The community school meets all of the following criteria: 89457

(a) The school's sponsor was rated "exemplary" or "effective" 89458

on the sponsor's most recent evaluation conducted under section 89459
3314.016 of the Revised Code. 89460

(b) The school is in its first year of operation or the 89461
school opened as a kindergarten school and has added one grade per 89462
year and has been in operation for less than four school years. 89463

(c) The school is replicating an operational and 89464
instructional model used by a community school described in 89465
division (B)(1) of this section. 89466

(d) If the school has an operator, the operator received a 89467
"C" or better on its most recent performance report published 89468
under section 3314.031 of the Revised Code. 89469

(3) The community school meets all of the following criteria: 89470

(a) The school's sponsor was rated "exemplary" or "effective" 89471
on the sponsor's most recent evaluation conducted under section 89472
3314.016 of the Revised Code. 89473

(b) The school contracts with an operator that operates 89474
schools in other states and meets at least one of the following 89475
criteria: 89476

(i) Has operated a school that received a grant funded 89477
through the federal Charter School Program established under 20 89478
U.S.C. 7221 within the five years prior to the date of application 89479
or received funding from the Charter School Growth Fund; 89480

(ii) Meets all of the following criteria: 89481

(I) One of the operator's schools in another state performed 89482
better than the school district in which the school is located, as 89483
determined by the Department. 89484

(II) At least fifty per cent of the total number of students 89485
enrolled in all of the operator's schools are economically 89486
disadvantaged, as determined by the Department. 89487

(III) The operator is in good standing in all states where it 89488

operates schools, as determined by the Department. 89489

(IV) The Department has determined that the operator does not 89490
have any financial viability issues that would prevent it from 89491
effectively operating a community school in Ohio. 89492

(c) The school is in its first year of operation. 89493

(C) A school designated as a Community School of Quality 89494
under division (B) of this section shall maintain that designation 89495
for the two fiscal years following the fiscal year in which the 89496
school was initially designated as a Community School of Quality. 89497

(D) A school designated a Community School of Quality may 89498
renew its designation each year that it satisfies the criteria 89499
under division (B)(1) of this section. The school shall maintain 89500
that designation for the two fiscal years following each fiscal 89501
year in which the criteria under division (B)(1) of this section 89502
are satisfied. This division applies to schools designated as a 89503
Community School of Quality based on the report cards issued in 89504
accordance with sections 3302.03 and 3314.012 of the Revised Code 89505
for the 2017-2018 and 2018-2019 school years. 89506

Section 265.340. COMMUNITY SCHOOL FACILITIES 89507

The foregoing appropriation item 200684, Community School 89508
Facilities, shall be used to pay each community school established 89509
under Chapter 3314. of the Revised Code and each STEM school 89510
established under Chapter 3326. of the Revised Code an amount 89511
equal to \$25 in each fiscal year for each full-time equivalent 89512
pupil in an internet- or computer-based community school and \$750 89513
in each fiscal year for each full-time equivalent pupil in all 89514
other community or STEM schools for assistance with the cost 89515
associated with facilities. If the amount appropriated is not 89516
sufficient, the Department shall prorate the amounts so that the 89517
aggregate amount appropriated is not exceeded. 89518

Section 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND 89519

(A) There is hereby created the Lottery Profits Education 89520
Reserve Fund (Fund 7018) in the State Treasury. Investment 89521
earnings of the Lottery Profits Education Reserve Fund shall be 89522
credited to the fund. 89523

(B) Notwithstanding any other provision of law to the 89524
contrary, the Director of Budget and Management shall transfer 89525
\$12,500,000 cash in fiscal year 2022 and \$45,000,000 cash in 89526
fiscal year 2023 from Fund 7018 to the Lottery Profits Education 89527
Fund (Fund 7017). The Director may transfer additional cash from 89528
Fund 7018 to Fund 7017 in fiscal year 2022 and fiscal year 2023. 89529

(C) On July 15, 2021, or as soon as possible thereafter, the 89530
Director of the Ohio Lottery Commission shall certify to the 89531
Director of Budget and Management the amount by which lottery 89532
profit transfers received by Fund 7017 exceeded \$1,260,200,000 in 89533
fiscal year 2021. 89534

(D) On July 15, 2022, or as soon as possible thereafter, the 89535
Director of the Ohio Lottery Commission shall certify to the 89536
Director of Budget and Management the amount by which lottery 89537
profit transfers received by Fund 7017 exceeded \$1,234,000,000 in 89538
fiscal year 2022. 89539

(E) Notwithstanding any provision of law to the contrary, in 89540
fiscal year 2022 and fiscal year 2023, the Director of Budget and 89541
Management shall transfer cash in excess of the amounts necessary 89542
to support appropriations in Fund 7017 from that fund to Fund 89543
7018. 89544

Section 265.355. FEDERAL CORONAVIRUS SCHOOL RELIEF 89545

The foregoing appropriation item 200640, Federal Coronavirus 89546
School Relief, shall be used by the Department of Education to 89547
support ACE education savings accounts pursuant to section 3310.70 89548

of the Revised Code using the funds for emergency needs authorized 89549
under Title III, Sec. 313(e) of the federal "Consolidated 89550
Appropriations Act, 2021," Pub. L. No. 116-260. 89551

An amount equal to the unexpended, unencumbered balance of 89552
the foregoing appropriation item 200640, Federal Coronavirus 89553
School Relief, at the end of fiscal year 2022 is hereby 89554
reappropriated to the Department for the same purpose in fiscal 89555
year 2023. 89556

Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING 89557

(A) As used in this section: 89558

(1) "High-performing educational service center" means an 89559
educational service center designated as such pursuant to rule 89560
3301-105-01 of the Administrative Code. 89561

(2) An educational service center's "student count" means the 89562
sum of the total student counts of all the school districts with 89563
which the educational service center has entered into an agreement 89564
under section 3313.843 of the Revised Code as reported on the 89565
report cards issued for each district under section 3302.03 of the 89566
Revised Code for the 2019-2020 school year. 89567

(B) The Department of Education shall pay the governing board 89568
of each educational service center state funds equal to its 89569
student count times the following amounts: 89570

(1) For each high-performing educational service center, \$28 89571
for fiscal year 2022, or \$29 for fiscal year 2023; 89572

(2) For each other educational service center, \$26 for fiscal 89573
year 2022, or \$27 for fiscal year 2023. 89574

(C) If the amount earmarked for the state reimbursement of 89575
educational service centers in appropriation item 200550, 89576
Foundation Funding, is not sufficient, the Department shall 89577
prorate the payment amounts so that the appropriation is not 89578

exceeded. 89579

(D) Notwithstanding any provision of law to the contrary, a 89580
school district that has not entered into an agreement for 89581
services with an educational service center as of June 30, 2021, 89582
shall be prohibited from entering into such an agreement during 89583
the period from July 1, 2021, through June 30, 2023. 89584

Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 89585
ASSESSMENT OF EDUCATION PROGRESS 89586

The General Assembly intends for the Superintendent of Public 89587
Instruction to provide for school district participation in the 89588
administration of the National Assessment of Education Progress in 89589
accordance with section 3301.27 of the Revised Code. Each school 89590
and school district selected for participation by the 89591
Superintendent shall participate. 89592

Section 265.400. EARMARK ACCOUNTABILITY 89593

At the request of the Superintendent of Public Instruction, 89594
any entity that receives a budget earmark under the Department of 89595
Education shall submit annually to the chairpersons of the 89596
committees of the House of Representatives and the Senate 89597
primarily concerned with education and education funding and to 89598
the Department a report that includes a description of the 89599
services supported by the funds, a description of the results 89600
achieved by those services, an analysis of the effectiveness of 89601
the program, and an opinion as to the program's applicability to 89602
other school districts. For an earmarked entity that received 89603
state funds from an earmark in the prior fiscal year, no funds 89604
shall be provided by the Department to an earmarked entity for a 89605
fiscal year until its report for the prior fiscal year has been 89606
submitted. 89607

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 89608

A community school established under Chapter 3314. of the 89609
Revised Code that was open for operation as a community school as 89610
of May 1, 2005, may operate from or in any home, as defined in 89611
section 3313.64 of the Revised Code, located in the state, 89612
regardless of when the community school's operations from or in a 89613
particular home began. 89614

Section 265.420. USE OF VOLUNTEERS 89615

The Department of Education may utilize the services of 89616
volunteers to accomplish any of the purposes of the Department. 89617
The Superintendent of Public Instruction shall approve for what 89618
purposes volunteers may be used and for these purposes may 89619
recruit, train, and oversee the services of volunteers. The 89620
Superintendent may reimburse volunteers for necessary and 89621
appropriate expenses in accordance with state guidelines and may 89622
designate volunteers as state employees for the purpose of motor 89623
vehicle accident liability insurance under section 9.83 of the 89624
Revised Code, for immunity under section 9.86 of the Revised Code, 89625
and for indemnification from liability incurred in the performance 89626
of their duties under section 9.87 of the Revised Code. 89627

Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN 89628
REIMBURSEMENTS 89629

(A) Except as expressly required under a court judgment not 89630
subject to further appeals, or a settlement agreement with a 89631
school district executed on or before June 1, 2009, in the case of 89632
a school district for which the formula ADM for fiscal year 2005, 89633
as reported for that fiscal year under division (A) of section 89634
3317.03 of the Revised Code, was reduced based on enrollment 89635
reports for community schools, made under section 3314.08 of the 89636
Revised Code, regarding students entitled to attend school in the 89637

district, which reduction of formula ADM resulted in a reduction 89638
of foundation funding or transitional aid funding for fiscal year 89639
2005, 2006, or 2007, no school district, except a district named 89640
in the court's judgment or the settlement agreement, shall have a 89641
legal claim for reimbursement of the amount of such reduction in 89642
foundation funding or transitional aid funding, and the state 89643
shall not have liability for reimbursement of the amount of such 89644
reduction in foundation funding or transitional aid funding. 89645

(B) As used in this section: 89646

(1) "Community school" means a community school established 89647
under Chapter 3314. of the Revised Code. 89648

(2) "Entitled to attend school" means entitled to attend 89649
school in a school district under section 3313.64 or 3313.65 of 89650
the Revised Code. 89651

(3) "Foundation funding" means payments calculated for the 89652
respective fiscal year under Chapter 3317. of the Revised Code. 89653

(4) "Transitional aid funding" means payments calculated for 89654
the respective fiscal year under Section 41.37 of H.B. 95 of the 89655
125th General Assembly, as subsequently amended; Section 206.09.39 89656
of H.B. 66 of the 126th General Assembly, as subsequently amended; 89657
and Section 269.30.80 of H.B. 119 of the 127th General Assembly. 89658

Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 89659

In collaboration with the County Family and Children First 89660
Council, a city, local, or exempted village school district, 89661
community school, STEM school, joint vocational school district, 89662
educational service center, or county board of developmental 89663
disabilities that receives allocations from the Department of 89664
Education from appropriation item 200550, Foundation Funding - All 89665
Students, or appropriation item 200540, Special Education 89666
Enhancements, may transfer portions of those allocations to a 89667

flexible funding pool authorized by the section of this act 89668
entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 89669
Allocations used for maintenance of effort or for federal or state 89670
funding matching requirements shall not be transferred unless the 89671
allocation may still be used to meet such requirements. 89672

Section 265.450. PRIVATE TREATMENT FACILITY PROJECT 89673

(A) As used in this section: 89674

(1) The following are "participating residential treatment 89675
centers": 89676

(a) Private residential treatment facilities that have 89677
entered into a contract with the Department of Youth Services to 89678
provide services to children placed at the facility by the 89679
Department and which, in fiscal year 2022 or fiscal year 2023 or 89680
both, the Department pays through appropriation item 470401, 89681
RECLAIM Ohio; 89682

(b) Abraxas, in Shelby; 89683

(c) Paint Creek, in Bainbridge; 89684

(d) F.I.R.S.T., in Mansfield. 89685

(2) "Education program" means an elementary or secondary 89686
education program or a special education program and related 89687
services. 89688

(3) "Served child" means any child receiving an education 89689
program pursuant to division (B) of this section. 89690

(4) "School district responsible for tuition" means a city, 89691
exempted village, or local school district that, if tuition 89692
payment for a child by a school district is required under law 89693
that existed in fiscal year 1998, is the school district required 89694
to pay that tuition. 89695

(5) "Residential child" means a child who resides in a 89696

participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal year 2022 and fiscal year 2023 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school district, notwithstanding any conflicting provision of the Revised

Code, shall pay tuition for the child for fiscal year 2022 and 89729
fiscal year 2023 under this division unless that school district 89730
is providing the educational program to the child under division 89731
(B) of this section. 89732

A tuition payment under this division shall be made to the 89733
school district, educational service center, or residential 89734
treatment facility providing the educational program to the child. 89735

The amount of tuition paid shall be: 89736

(1) The amount of tuition determined for the district under 89737
division (A) of section 3317.08 of the Revised Code; 89738

(2) In addition, for any student receiving special education 89739
pursuant to an individualized education program as defined in 89740
section 3323.01 of the Revised Code, a payment for excess costs. 89741
This payment shall equal the actual cost to the school district, 89742
educational service center, or residential treatment facility of 89743
providing special education and related services to the student 89744
pursuant to the student's individualized education program, minus 89745
the tuition paid for the child under division (C)(1) of this 89746
section. 89747

A school district paying tuition under this division shall 89748
not include the child for whom tuition is paid in the district's 89749
average daily membership certified under division (A) of section 89750
3317.03 of the Revised Code. 89751

(D) In each of fiscal years 2022 and 2023, the Department of 89752
Education shall reimburse, from appropriations made for the 89753
purpose, a school district, educational service center, or 89754
residential treatment facility, whichever is providing the 89755
service, that has demonstrated that it is in compliance with the 89756
funding criteria for each served child for whom a school district 89757
must pay tuition under division (C) of this section. The amount of 89758
the reimbursement shall be the amount appropriated for this 89759

purpose divided by the full-time equivalent number of children for 89760
whom reimbursement is to be made. 89761

(E) Funds provided to a school district, educational service 89762
center, or residential treatment facility under this section shall 89763
be used to supplement, not supplant, funds from other public 89764
sources for which the school district, service center, or 89765
residential treatment facility is entitled or eligible. 89766

(F) The Department of Education shall track the utilization 89767
of funds provided to school districts, educational service 89768
centers, and residential treatment facilities under this section 89769
and monitor the effect of the funding on the educational programs 89770
they provide in participating residential treatment facilities. 89771
The Department shall monitor the programs for educational 89772
accountability. 89773

Section 265.490. Upon receipt of federal funds under Title 89774
IV, Part A, Student Support and Academic Enrichment Grants, and 89775
after payments are made pursuant to education programs included in 89776
this block grant program, the Department shall direct any unused 89777
funds to cover all or part of the cost of Advanced Placement tests 89778
and International Baccalaureate registration and exam fees for 89779
low-income students. 89780

Section 265.520. (A) Notwithstanding anything in the Revised 89781
Code to the contrary, the Superintendent of Public Instruction 89782
shall not establish any new academic distress commissions for the 89783
2021-2022 and 2022-2023 school years. 89784

(B) This section does not affect an academic distress 89785
commission established prior to the effective date of this 89786
section. 89787

Section 267.10. ELC OHIO ELECTIONS COMMISSION 89788

General Revenue Fund					89789
GRF 051321 Operating Expenses	\$	394,765	\$	394,765	89790
TOTAL GRF General Revenue Fund	\$	394,765	\$	394,765	89791
Dedicated Purpose Fund Group					89792
4P20 051601 Operating Support	\$	207,460	\$	207,460	89793
TOTAL DPF Dedicated Purpose Fund	\$	207,460	\$	207,460	89794
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	602,225	\$	602,225	89795
 Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL					89797
DIRECTORS					89798
General Revenue Fund					89799
GRF 881500 Indigent Burial and Cremation Support	\$	1,000,000	\$	1,000,000	89800
TOTAL GRF General Revenue Fund	\$	1,000,000	\$	1,000,000	89801
Dedicated Purpose Fund Group					89802
4K90 881609 Operating Expenses	\$	1,130,516	\$	1,171,398	89803
TOTAL DPF Dedicated Purpose Fund	\$	1,130,516	\$	1,171,398	89804
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	2,130,516	\$	2,171,398	89805
 Section 271.10. PAY EMPLOYEE BENEFITS FUND					89807
Fiduciary Fund Group					89808
1240 995673 Payroll Deductions	\$	849,020,267	\$	874,490,874	89809
8060 995666 Accrued Leave Fund	\$	90,830,634	\$	93,990,898	89810
8070 995667 Disability Fund	\$	25,839,844	\$	26,225,104	89811
8080 995668 State Employee Health Benefit Fund	\$	989,360,954	\$	1,023,563,551	89812
8090 995669 Dependent Care Spending Account	\$	4,477,000	\$	4,477,000	89813
8100 995670 Life Insurance Investment Fund	\$	2,050,085	\$	2,118,913	89814

8110	995671	Parental Leave	\$	4,432,933	\$	4,565,921	89815
		Benefit Fund					
8130	995672	Health Care Spending	\$	14,397,032	\$	14,798,897	89816
		Account					
TOTAL FID		Fiduciary Fund Group	\$	1,980,408,749	\$	2,044,231,158	89817
TOTAL ALL BUDGET FUND GROUPS			\$	1,980,408,749	\$	2,044,231,158	89818

Section 271.20. PAYROLL DEDUCTION FUND 89820

The foregoing appropriation item 995673, Payroll Deductions, 89821
shall be used to make payments from the Payroll Deduction Fund 89822
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 89823
is determined by the Director of Budget and Management that 89824
additional amounts are necessary, the amounts are hereby 89825
appropriated. 89826

ACCRUED LEAVE LIABILITY FUND 89827

The foregoing appropriation item 995666, Accrued Leave Fund, 89828
shall be used to make payments from the Accrued Leave Liability 89829
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 89830
If it is determined by the Director of Budget and Management that 89831
additional amounts are necessary, the amounts are hereby 89832
appropriated. 89833

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 89834

The foregoing appropriation item 995667, Disability Fund, 89835
shall be used to make payments from the State Employee Disability 89836
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 89837
Revised Code. If it is determined by the Director of Budget and 89838
Management that additional amounts are necessary, the amounts are 89839
hereby appropriated. 89840

STATE EMPLOYEE HEALTH BENEFIT FUND 89841

The foregoing appropriation item 995668, State Employee 89842
Health Benefit Fund, shall be used to make payments from the State 89843

Employee Health Benefit Fund (Fund 8080) pursuant to section 89844
124.87 of the Revised Code. If it is determined by the Director of 89845
Budget and Management that additional amounts are necessary, the 89846
amounts are hereby appropriated. 89847

DEPENDENT CARE SPENDING FUND 89848

The foregoing appropriation item 995669, Dependent Care 89849
Spending Account, shall be used to make payments from the 89850
Dependent Care Spending Fund (Fund 8090) to employees eligible for 89851
dependent care expenses pursuant to section 124.822 of the Revised 89852
Code. If it is determined by the Director of Budget and Management 89853
that additional amounts are necessary, the amounts are hereby 89854
appropriated. 89855

LIFE INSURANCE INVESTMENT FUND 89856

The foregoing appropriation item 995670, Life Insurance 89857
Investment Fund, shall be used to make payments from the Life 89858
Insurance Investment Fund (Fund 8100) for the costs and expenses 89859
of the state's life insurance benefit program pursuant to section 89860
125.212 of the Revised Code. If it is determined by the Director 89861
of Budget and Management that additional amounts are necessary, 89862
the amounts are hereby appropriated. 89863

PARENTAL LEAVE BENEFIT FUND 89864

The foregoing appropriation item 995671, Parental Leave 89865
Benefit Fund, shall be used to make payments from the Parental 89866
Leave Benefit Fund (Fund 8110) to employees eligible for parental 89867
leave benefits pursuant to section 124.137 of the Revised Code. If 89868
it is determined by the Director of Budget and Management that 89869
additional amounts are necessary, the amounts are hereby 89870
appropriated. 89871

HEALTH CARE SPENDING ACCOUNT FUND 89872

The foregoing appropriation item 995672, Health Care Spending 89873

Account, shall be used to make payments from the Health Care 89874
 Spending Account Fund (Fund 8130) for payments pursuant to state 89875
 employees' participation in a flexible spending account for 89876
 non-reimbursed health care expenses and section 124.821 of the 89877
 Revised Code. If it is determined by the Director of Budget and 89878
 Management that additional amounts are necessary, the amounts are 89879
 hereby appropriated. 89880

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 89881

General Revenue Fund 89882

GRF 125321 Operating Expenses \$ 4,111,118 \$ 4,216,551 89883

TOTAL GRF General Revenue Fund \$ 4,111,118 \$ 4,216,551 89884

Dedicated Purpose Fund Group 89885

5720 125603 Training and \$ 172,160 \$ 242,173 89886

Publications

TOTAL DPF Dedicated Purpose Fund \$ 172,160 \$ 242,173 89887

Group

TOTAL ALL BUDGET FUND GROUPS \$ 4,283,278 \$ 4,458,724 89888

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 89890

Dedicated Purpose Fund Group 89891

4K90 892609 Operating Expenses \$ 1,312,259 \$ 1,312,259 89892

TOTAL DPF Dedicated Purpose Fund \$ 1,312,259 \$ 1,312,259 89893

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,312,259 \$ 1,312,259 89894

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 89896

General Revenue Fund 89897

GRF 715502 Auto Emissions \$ 9,125,482 \$ 9,125,482 89898

E-Check Program

TOTAL GRF General Revenue Fund \$ 9,125,482 \$ 9,125,482 89899

Dedicated Purpose Fund Group 89900

4D50	715618	Recycled State Materials	\$	50,000	\$	50,000	89901
4J00	715638	Underground Injection Control	\$	456,891	\$	464,794	89902
4K20	715648	Clean Air - Non Title V	\$	5,317,000	\$	5,317,000	89903
4K30	715649	Solid Waste	\$	15,604,074	\$	16,603,928	89904
4K40	715650	Surface Water Protection	\$	11,375,000	\$	11,565,000	89905
4K50	715651	Drinking Water Protection	\$	7,751,598	\$	8,429,640	89906
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	89907
4R50	715656	Scrap Tire Management	\$	3,410,366	\$	3,570,259	89908
4R90	715658	Voluntary Action Program	\$	1,074,027	\$	1,089,245	89909
4T30	715659	Clean Air - Title V Permit Program	\$	10,274,000	\$	10,284,000	89910
5000	715608	Immediate Removal Special Account	\$	722,000	\$	722,000	89911
5030	715621	Hazardous Waste Facility Management	\$	4,755,552	\$	5,125,120	89912
5050	715623	Hazardous Waste Cleanup	\$	10,557,535	\$	11,017,788	89913
5050	715698	Response and Investigations	\$	3,380,000	\$	3,450,000	89914
5320	715646	Recycling and Litter Control	\$	4,598,000	\$	4,598,000	89915
5410	715670	Site Specific Cleanup	\$	771,192	\$	771,192	89916
5420	715671	Risk Management Reporting	\$	210,000	\$	210,000	89917
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	89918
5BC0	715622	Local Air Pollution	\$	2,100,000	\$	2,100,000	89919

		Control					
5BC0	715624	Surface Water	\$	6,606,600	\$	6,606,600	89920
5BC0	715672	Air Pollution Control	\$	8,647,800	\$	8,647,800	89921
5BC0	715673	Drinking and Ground	\$	3,769,815	\$	3,769,815	89922
		Water					
5BC0	715676	Assistance and	\$	1,968,750	\$	1,968,750	89923
		Prevention					
5BC0	715677	Laboratory	\$	3,495,450	\$	3,495,450	89924
5BC0	715678	Corrective Actions	\$	1,176,000	\$	1,176,000	89925
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000	89926
		Agencies					
5BC0	715692	Administration	\$	16,213,250	\$	15,923,250	89927
5BC0	715694	Environmental	\$	788,000	\$	793,000	89928
		Resource Coordination					
5BT0	715679	C&DD Groundwater	\$	225,000	\$	225,000	89929
		Monitoring					
5BY0	715681	Auto Emissions Test	\$	2,670,826	\$	2,694,826	89930
5H40	715664	Groundwater Support	\$	332,000	\$	332,000	89931
5PZ0	715696	Drinking Water Loan	\$	2,081,245	\$	2,088,650	89932
		Fee					
5VA0	715601	Marsh Restoration	\$	750,000	\$	750,000	89933
5Y30	715685	Surface Water	\$	500,000	\$	500,000	89934
		Improvement					
6440	715631	Emergency Response	\$	325,370	\$	332,287	89935
		Radiological Safety					
6760	715642	Water Pollution	\$	5,055,000	\$	5,455,000	89936
		Control Loan					
		Administration					
6760	715699	Water Quality	\$	4,100,000	\$	4,223,000	89937
		Administration					
6780	715635	Air Toxic Release	\$	20,000	\$	0	89938
6790	715636	Emergency Planning	\$	2,864,000	\$	2,864,000	89939
6960	715643	Air Pollution Control	\$	1,002,000	\$	1,002,000	89940

		Administration					
6990	715644	Water Pollution	\$	300,000	\$	300,000	89941
		Control					
		Administration					
6A10	715645	Environmental	\$	300,000	\$	300,000	89942
		Education					
6H20	715695	H2Ohio	\$	10,000,000	\$	10,000,000	89943
TOTAL	DPF	Dedicated Purpose Fund	\$	157,058,341	\$	160,275,394	89944
Group							
Internal Service Activity Fund Group							89945
1990	715602	Laboratory Services	\$	533,000	\$	533,000	89946
2190	715604	Central Support	\$	8,075,000	\$	8,675,000	89947
		Indirect					
4A10	715640	Operating Expenses	\$	1,418,000	\$	1,443,000	89948
TOTAL	ISA	Internal Service Activity	\$	10,026,000	\$	10,651,000	89949
Fund Group							
Federal Fund Group							89950
3530	715612	Public Water Supply	\$	2,150,000	\$	2,150,000	89951
3570	715619	Air Pollution Control	\$	6,115,000	\$	6,115,000	89952
		- Federal					
3620	715605	Underground Injection	\$	133,000	\$	133,000	89953
		Control - Federal					
3BU0	715684	Water Quality	\$	15,570,000	\$	15,625,000	89954
		Protection					
3CS0	715688	Federal NRD	\$	201,000	\$	201,000	89955
		Settlements					
3F30	715632	Federally Supported	\$	8,137,195	\$	8,218,775	89956
		Cleanup and Response					
3HE0	715697	Volkswagen Clean Air	\$	10,766,500	\$	5,876,500	89957
		Act Settlement					
3T30	715669	Drinking Water State	\$	3,141,500	\$	3,148,130	89958
		Revolving Fund					

3V70 715606 Agencywide Grants	\$	700,000	\$	700,000	89959
TOTAL FED Federal Fund Group	\$	46,914,195	\$	42,167,405	89960
TOTAL ALL BUDGET FUND GROUPS	\$	223,124,018	\$	222,219,281	89961

Section 277.20. CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND 89963
FROM THE SCRAP TIRE MANAGEMENT FUND 89964

The Director of Budget and Management, at the request of the 89965
Director of Environmental Protection, and upon approval by the 89966
Controlling Board, may transfer up to \$2,700,000 cash in each 89967
fiscal year from the Scrap Tire Management Fund (Fund 4R50) to the 89968
Auto Emissions Test Fund (Fund 5BY0). 89969

AREAWIDE PLANNING AGENCIES 89970

The Director of Environmental Protection may award grants 89971
from appropriation item 715687, Areawide Planning Agencies, to 89972
areawide planning agencies engaged in areawide water quality 89973
management and planning activities in accordance with Section 208 89974
of the "Federal Clean Water Act," 33 U.S.C. 1288. 89975

H2OHIO FUND 89976

On July 1, 2022, or as soon as possible thereafter, the 89977
Director of Environmental Protection may certify to the Director 89978
of Budget and Management an amount up to the unexpended, 89979
unencumbered balance of the foregoing appropriation item, 715695, 89980
H2Ohio, at the end of fiscal year 2022 to be reappropriated in 89981
fiscal year 2023. Upon Controlling Board approval, the amount 89982
certified is hereby reappropriated to the same appropriation item 89983
for fiscal year 2023. 89984

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 89985

General Revenue Fund					89986
GRF 172321 Operating Expenses	\$	651,000	\$	651,000	89987
TOTAL GRF General Revenue Fund	\$	651,000	\$	651,000	89988

TOTAL ALL BUDGET FUND GROUPS		\$	651,000	\$	651,000	89989
Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION						89991
General Revenue Fund						89992
GRF 935401	Statehouse News	\$	382,893	\$	382,893	89993
Bureau						
GRF 935402	Ohio Government	\$	1,919,526	\$	1,919,526	89994
Telecommunications						
Services						
GRF 935410	Content Development,	\$	3,909,231	\$	3,909,231	89995
Acquisition, and						
Distribution						
GRF 935430	Broadcast Education	\$	3,812,325	\$	3,840,067	89996
Operating						
TOTAL GRF General Revenue Fund		\$	10,023,975	\$	10,051,717	89997
Dedicated Purpose Fund Group						89998
5FK0 935608	Media Services	\$	61,500	\$	61,500	89999
5VB0 935650	Facility Rental	\$	22,400	\$	23,600	90000
TOTAL DPF Dedicated Purpose Fund		\$	83,900	\$	85,100	90001
Internal Service Activity Fund Group						90002
4F30 935603	Affiliate Services	\$	4,000	\$	4,400	90003
TOTAL ISA Internal Service Activity		\$	4,000	\$	4,400	90004
Fund						
TOTAL ALL BUDGET FUND GROUPS		\$	10,111,875	\$	10,141,217	90005
Section 281.20. STATEHOUSE NEWS BUREAU						90007
The foregoing appropriation item 935401, Statehouse News						90008
Bureau, shall be used solely to support the operations of the Ohio						90009
Statehouse News Bureau.						90010
OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES						90011
The foregoing appropriation item 935402, Ohio Government						90012
Telecommunications Services, shall be used solely to support the						90013

operations of Ohio Government Telecommunications Services which 90014
include providing multimedia support to the state government and 90015
its affiliated organizations and broadcasting the activities of 90016
the legislative, judicial, and executive branches of state 90017
government, among its other functions. 90018

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 90019

The foregoing appropriation item 935410, Content Development, 90020
Acquisition, and Distribution, shall be used for the development, 90021
acquisition, and distribution of information resources by public 90022
media and radio reading services and for educational use in the 90023
classroom and online. 90024

Of the foregoing appropriation item 935410, Content 90025
Development, Acquisition, and Distribution, up to \$964,496 in each 90026
fiscal year shall be allocated equally among the Ohio educational 90027
television stations. Funds shall be used for the production of 90028
interactive instructional programming series with priority given 90029
to resources aligned with state academic content standards. The 90030
programming shall be targeted to the needs of the one-third lowest 90031
capacity school districts as determined by the district's state 90032
share index calculated by the Department of Education. 90033

Of the foregoing appropriation item 935410, Content 90034
Development, Acquisition, and Distribution, up to \$2,650,261 in 90035
each fiscal year shall be distributed by the Broadcast Educational 90036
Media Commission to Ohio's qualified public educational television 90037
stations and educational radio stations to support their 90038
operations. The funds shall be distributed pursuant to an 90039
allocation formula used by the Ohio Educational Telecommunications 90040
Network Commission unless a substitute formula is developed by the 90041
Broadcast Educational Media Commission in consultation with Ohio's 90042
qualified public educational television stations and educational 90043
radio stations. 90044

Of the foregoing appropriation item 935410, Content 90045
 Development, Acquisition, and Distribution, up to \$294,474 in each 90046
 fiscal year shall be distributed by the Broadcast Educational 90047
 Media Commission to Ohio's qualified radio reading services to 90048
 support their operations. The funds shall be distributed pursuant 90049
 to an allocation formula used by the Ohio Educational 90050
 Telecommunications Network Commission unless a substitute formula 90051
 is developed by the Broadcast Educational Media Commission in 90052
 consultation with Ohio's qualified radio reading services. 90053

Section 283.10. ETH OHIO ETHICS COMMISSION 90054

General Revenue Fund 90055

GRF 146321 Operating Expenses \$ 2,120,515 \$ 2,120,515 90056

TOTAL GRF General Revenue Fund \$ 2,120,515 \$ 2,120,515 90057

Dedicated Purpose Fund Group 90058

4M60 146601 Operating Support \$ 585,539 \$ 645,443 90059

TOTAL DPF Dedicated Purpose Fund \$ 585,539 \$ 645,443 90060

Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,706,054 \$ 2,765,958 90061

Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 90063

General Revenue Fund 90064

GRF 723403 Junior Fair Subsidy \$ 261,900 \$ 363,750 90065

TOTAL GRF General Revenue Fund \$ 261,900 \$ 363,750 90066

Dedicated Purpose Fund Group 90067

4N20 723602 Ohio State Fair \$ 325,000 \$ 325,000 90068

Harness Racing

5060 723601 Operating Expenses \$ 15,179,189 \$ 15,953,148 90069

5060 723604 Grounds Maintenance \$ 300,000 \$ 300,000 90070

and Repairs

TOTAL DPF Dedicated Purpose Fund \$ 15,804,189 \$ 16,578,148 90071

Group

TOTAL ALL BUDGET FUND GROUPS		\$	16,066,089	\$	16,941,898	90072
STATE FAIR RESERVE						90073
The General Manager of the Expositions Commission, in						90074
consultation with the Director of Budget and Management, may						90075
submit a request to the Controlling Board to use available amounts						90076
in the State Fair Reserve Fund (Fund 6400) if revenues from either						90077
the 2021 or the 2022 Ohio State Fair are unexpectedly low.						90078
On July 1 of each fiscal year, or as soon as possible						90079
thereafter, the Director of Budget and Management, in consultation						90080
with the General Manager of the Expositions Commission, may						90081
determine that the Ohio Expositions Fund (Fund 5060) has a cash						90082
balance in excess of the anticipated operating costs of the						90083
Exposition Commission in that fiscal year. Notwithstanding section						90084
991.04 of the Revised Code, the Director of Budget and Management						90085
may transfer an amount up to the excess cash from Fund 5060 to						90086
Fund 6400 in each fiscal year.						90087
Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION						90088
General Revenue Fund						90089
GRF 230321 Operating Expenses		\$	6,449,865	\$	6,769,488	90090
GRF 230401 Cultural Facilities		\$	22,000,000	\$	28,000,000	90091
Lease Rental Bond						
Payments						
GRF 230458 State Construction		\$	1,924,111	\$	1,962,955	90092
Management Services						
GRF 230908 Common Schools		\$	427,000,000	\$	390,000,000	90093
General Obligation						
Bond Debt Service						
TOTAL GRF General Revenue Fund		\$	457,373,976	\$	426,732,443	90094
Internal Service Activity Fund Group						90095
1310 230639 State Construction		\$	8,257,500	\$	8,546,513	90096

Management Services

TOTAL ISA Internal Service Activity	\$	8,257,500	\$	8,546,513	90097
Fund					
TOTAL ALL BUDGET FUND GROUPS	\$	465,631,476	\$	435,278,956	90098

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 90100

PAYMENTS 90101

The foregoing appropriation item 230401, Cultural Facilities 90102
Lease Rental Bond Payments, shall be used to meet all payments 90103
during the period from July 1, 2021, through June 30, 2023, by the 90104
Ohio Facilities Construction Commission pursuant to leases and 90105
agreements for cultural and sports facilities made under section 90106
154.23 of the Revised Code. These appropriations are the source of 90107
funds pledged for bond service charges on related obligations 90108
issued under Chapter 154. of the Revised Code. 90109

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 90110

The foregoing appropriation item 230908, Common Schools 90111
General Obligation Bond Debt Service, shall be used to pay all 90112
debt service and related financing costs during the period from 90113
July 1, 2021, through June 30, 2023, on obligations issued under 90114
sections 151.01 and 151.03 of the Revised Code. 90115

Section 287.30. COMMUNITY PROJECT ADMINISTRATION 90116

The foregoing appropriation item 230458, State Construction 90117
Management Services, shall be used by the Ohio Facilities 90118
Construction Commission in administering Cultural and Sports 90119
Facilities Building Fund (Fund 7030) projects pursuant to section 90120
123.201 of the Revised Code and to provide tools and services to 90121
state agency, university, and K-12 public school projects, 90122
including oversight of the Ohio Administrative Knowledge System 90123
Capital Improvements Module (OAKS-CI). 90124

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 90125

At the request of the Executive Director of the Ohio Facilities Construction Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within thirteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the Revised Code. The Executive Director of the Ohio Facilities Construction Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS

On July 1, 2021, or as soon as possible thereafter, the Executive Director of the Ohio Facilities Construction Commission shall certify to the Director of Budget and Management the amount of cash receipts and related investment income, irrevocable letters of credit from a bank, or certification of the availability of funds that have been received from a county or a municipal corporation for deposit into the Capital Donations Fund (Fund 5A10) and that are related to an anticipated project. These amounts are hereby appropriated to appropriation item C37146, Capital Donations. Prior to certifying these amounts to the Director, the Executive Director shall make a written agreement with the participating entity on the necessary cash flows required for the anticipated construction or equipment acquisition project.

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR MAINTENANCE LEVY

The Ohio Facilities Construction Commission shall amend the project agreement between the Commission and a school district

that is participating in the Accelerated Urban School Building 90156
Assistance Program as of September 29, 2018, if the Commission 90157
determines that it is necessary to do so in order to comply with 90158
division (B) (3) (c) of section 3318.38 of the Revised Code. 90159

Section 287.60. Notwithstanding any other provision of law to 90160
the contrary, the Ohio Facilities Construction Commission may 90161
determine the amount of funding available for disbursement in a 90162
given fiscal year for any project approved under sections 3318.01 90163
to 3318.20 of the Revised Code in order to keep aggregate state 90164
capital spending within approved limits and may take actions 90165
including, but not limited to, determining the schedule for design 90166
or bidding of approved projects, to ensure appropriate and 90167
supportable cash flow. 90168

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 90169
DISTRICT 90170

Notwithstanding division (B) of section 3318.40 of the 90171
Revised Code, in each fiscal year in which funds are available for 90172
additional projects, the Ohio Facilities Construction Commission 90173
shall provide assistance to at least one joint vocational school 90174
district for the acquisition or improvement of classroom 90175
facilities in accordance with sections 3318.40 to 3318.45 of the 90176
Revised Code. 90177

Section 287.80. RETURNED OR RECOVERED FUNDS 90178

Notwithstanding any provision of law to the contrary, any 90179
moneys a school district transfers to the Ohio Facilities 90180
Construction Commission under division (C) (2) or (3) of section 90181
3318.12 of the Revised Code as well as any moneys recovered from 90182
settlements with or judgments against parties relating to their 90183
involvement in a classroom facilities project shall be deposited 90184
into the fund from which the capital appropriation for the project 90185

was made. In any fiscal year in which the Commission has made a deposit under this section, the Executive Director of the Ohio Facilities Construction Commission may seek Controlling Board approval to increase appropriations from those funds and specified appropriation items in an amount equal to the amount of the funds deposited under this section. The additional amounts, if approved, shall be used in accordance with the purposes of Chapter 3318. of the Revised Code for projects pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code. Upon approval of the Controlling Board, the additional amounts are hereby appropriated.

Section 289.10. GOV OFFICE OF THE GOVERNOR

General Revenue Fund					90197
GRF 040321 Operating Expenses	\$	2,973,034	\$	2,973,034	90198
TOTAL GRF General Revenue Fund	\$	2,973,034	\$	2,973,034	90199
Internal Service Activity Fund Group					90200
5AK0 040607 Government Relations	\$	619,988	\$	619,988	90201
TOTAL ISA Internal Service Activity Fund Group	\$	619,988	\$	619,988	90202
TOTAL ALL BUDGET FUND GROUPS	\$	3,593,022	\$	3,593,022	90203

GOVERNMENT RELATIONS

The Office of the Governor may issue an intrastate transfer voucher to charge any state agency of the executive branch such amounts necessary to represent the interests of Ohio to federal, state, and local government units and to cover the costs or membership dues related to Ohio's participation in national and regional associations. Amounts collected shall be deposited in the Government Relations Fund (Fund 5AK0).

Section 291.10. DOH DEPARTMENT OF HEALTH

General Revenue Fund

GRF 440413	Local Health Departments	\$	2,379,808	\$	2,379,808	90216
GRF 440416	Mothers and Children Safety Net Services	\$	4,303,612	\$	4,303,612	90217
GRF 440431	Free Clinic Safety Net Services	\$	1,500,000	\$	1,500,000	90218
GRF 440438	Breast and Cervical Cancer Screening	\$	1,021,131	\$	1,021,131	90219
GRF 440444	AIDS Prevention	\$	3,493,468	\$	3,493,468	90220
GRF 440451	Public Health Laboratory	\$	3,672,005	\$	3,672,005	90221
GRF 440452	Child and Family Health Services Match	\$	589,482	\$	589,482	90222
GRF 440453	Health Care Quality Assurance	\$	6,084,936	\$	6,084,936	90223
GRF 440454	Environmental Health/Radiation Protection	\$	2,779,841	\$	2,779,841	90224
GRF 440459	Help Me Grow	\$	41,242,281	\$	41,242,281	90225
GRF 440465	FQHC Primary Care Workforce Initiative	\$	2,686,688	\$	2,686,688	90226
GRF 440472	Alcohol Testing	\$	1,210,805	\$	1,210,805	90227
GRF 440474	Infant Vitality	\$	17,637,292	\$	12,137,292	90228
GRF 440477	Emergency Preparedness and Response	\$	1,431,954	\$	1,431,954	90229
GRF 440481	Lupus Awareness	\$	210,000	\$	210,000	90230
GRF 440482	Chronic Disease, Injury Prevention and Drug Overdose	\$	8,148,480	\$	7,898,480	90231
GRF 440483	Infectious Disease Prevention and Control	\$	4,522,054	\$	4,522,054	90232
GRF 440484	Public Health Technology Innovation	\$	1,313,760	\$	1,313,760	90233

GRF 440505	Medically Handicapped Children	\$	11,762,451	\$	11,762,451	90234
GRF 440507	Targeted Health Care Services-Over 21	\$	2,000,000	\$	2,000,000	90235
GRF 440527	Lead Abatement	\$	6,500,000	\$	6,500,000	90236
GRF 440529	Harm Reduction	\$	50,000	\$	50,000	90237
GRF 440530	Lead-Safe Home Fund Pilot Program	\$	1,000,000	\$	1,000,000	90238
GRF 440672	Youth Homelessness	\$	3,400,000	\$	3,400,000	90239
GRF 654453	Medicaid - Health Care Quality Assurance	\$	4,246,250	\$	4,246,250	90240
TOTAL GRF	General Revenue Fund	\$	133,186,298	\$	127,436,298	90241
	Highway Safety Fund Group					90242
4T40 440603	Child Highway Safety	\$	200,000	\$	200,000	90243
TOTAL HSF	Highway Safety Fund Group	\$	200,000	\$	200,000	90244
	Dedicated Purpose Fund Group					90245
4700 440647	Fee Supported Programs	\$	29,178,120	\$	29,178,120	90246
4710 440619	Certificate of Need	\$	878,433	\$	878,433	90247
4730 440622	Lab Operating Expenses	\$	8,900,000	\$	8,900,000	90248
4770 440627	Medically Handicapped Children Audit	\$	5,000,000	\$	5,000,000	90249
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039	90250
4F90 440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	90251
4G00 440636	Heirloom Birth Certificate	\$	15,000	\$	15,000	90252
4G00 440637	Birth Certificate Surcharge	\$	15,000	\$	15,000	90253
4L30 440609	HIV Care and Miscellaneous Expenses	\$	38,704,139	\$	38,719,096	90254
4P40 440628	Ohio Physician Loan Repayment	\$	700,000	\$	700,000	90255

4V60	440641	Save Our Sight	\$	2,500,000	\$	2,500,000	90256
5B50	440616	Quality, Monitoring, and Inspection	\$	736,194	\$	736,194	90257
5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$	14,500,000	\$	14,500,000	90258
5CN0	440645	Choose Life	\$	80,000	\$	80,000	90259
5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000	90260
5ED0	440651	Smoke Free Indoor Air	\$	280,000	\$	280,000	90261
5G40	440639	Adoption Services	\$	100,000	\$	100,000	90262
5PE0	440659	Breast and Cervical Cancer Services	\$	500,000	\$	500,000	90263
5QJ0	440662	Dental Hygienist Loan Repayments	\$	100,000	\$	100,000	90264
5SH0	440520	Children's Wish Grant Program	\$	275,000	\$	275,000	90265
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	90266
5Z70	440624	Ohio Dentist Loan Repayment	\$	275,000	\$	275,000	90267
6100	440626	Radiation Emergency Response	\$	1,300,000	\$	1,300,000	90268
6660	440607	Medically Handicapped Children - County Assessments	\$	24,000,000	\$	24,000,000	90269
6980	440634	Nurse Aide Training	\$	125,000	\$	125,000	90270
TOTAL DPF	Dedicated Purpose Fund Group		\$	134,505,749	\$	134,520,706	90271
Internal Service Activity Fund Group							90272
1420	440646	Agency Health Services	\$	5,000,000	\$	5,000,000	90273
2110	440613	Central Support Indirect Costs	\$	29,750,000	\$	29,750,000	90274
TOTAL ISA	Internal Service Activity		\$	34,750,000	\$	34,750,000	90275

Fund Group							
Holding Account Fund Group							90276
R014	440631	Vital Statistics	\$	44,986	\$	44,986	90277
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	90278
		Reconciliation, and					
		Audit Settlements					
TOTAL HLD		Holding Account Fund	\$	64,986	\$	64,986	90279
Group							
Federal Fund Group							90280
3200	440601	Maternal Child Health	\$	25,000,000	\$	25,000,000	90281
		Block Grant					
3870	440602	Preventive Health	\$	9,750,000	\$	9,750,000	90282
		Block Grant					
3890	440604	Women, Infants, and	\$	220,000,000	\$	220,000,000	90283
		Children					
3910	440606	Medicare Survey and	\$	19,300,000	\$	19,300,000	90284
		Certification					
3920	440618	Federal Public Health	\$	105,000,000	\$	105,000,000	90285
		Programs					
3GD0	654601	Medicaid Program	\$	36,040,949	\$	36,040,949	90286
		Support					
3GN0	440660	Public Health	\$	26,500,000	\$	26,500,000	90287
		Emergency					
		Preparedness					
3HP0	440673	Public Health	\$	350,000,000	\$	150,000,000	90288
		Emergency Response					
3HV0	440679	COVID-19 Vaccines	\$	50,000,000	\$	0	90289
		Distribution and					
		Administration					
TOTAL FED		Federal Fund Group	\$	841,590,949	\$	591,590,949	90290
TOTAL ALL		BUDGET FUND GROUPS	\$	1,144,297,982	\$	888,562,939	90291
Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES							90293

Of the foregoing appropriation item 440416, Mothers and 90294
Children Safety Net Services, \$15,000 in each fiscal year shall be 90295
distributed to the Trumbull County chapter of Sleep in Heavenly 90296
Peace, Inc. 90297

Of the foregoing appropriation item 440416, Mothers and 90298
Children Safety Net Services, up to \$200,000 in each fiscal year 90299
may be used to assist families with hearing-impaired children 90300
under twenty-one years of age in purchasing hearing aids and 90301
hearing assistive technology. The Director of Health shall adopt 90302
rules governing the distribution of these funds, including rules 90303
that do both of the following: (1) establish eligibility criteria 90304
to include families with incomes at or below four hundred per cent 90305
of the federal poverty guidelines as defined in section 5101.46 of 90306
the Revised Code, and (2) develop a sliding scale of disbursements 90307
under this section based on family income. The Director may adopt 90308
other rules as necessary to implement this section. Rules adopted 90309
under this section shall be adopted in accordance with Chapter 90310
119. of the Revised Code. 90311

FREE CLINIC SAFETY NET SERVICES 90312

The foregoing appropriation item 440431, Free Clinic Safety 90313
Net Services, shall be provided to the Charitable Healthcare 90314
Network. Funds may be used to reimburse free clinics for health 90315
care services provided, as well as for administrative services, 90316
information technology costs, infrastructure repair, or other 90317
clinic necessities. Additionally, the Director of Health may 90318
designate up to five per cent of the appropriation in each fiscal 90319
year to pay the administrative costs the Department of Health 90320
incurs for operating the program. 90321

AIDS PREVENTION 90322

The foregoing appropriation item 440444, AIDS Prevention, 90323
shall be used to administer educational and other prevention 90324

initiatives. 90325

FQHC PRIMARY CARE WORKFORCE INITIATIVE 90326

The foregoing appropriation item 440465, FQHC Primary Care 90327
Workforce Initiative, shall be provided to the Ohio Association of 90328
Community Health Centers to administer the FQHC Primary Care 90329
Workforce Initiative. The Initiative shall provide medical, 90330
dental, behavioral health, physician assistant, and advanced 90331
practice nursing students with clinical rotations through 90332
federally qualified health centers. 90333

INFANT VITALITY 90334

Of the foregoing appropriation item, 440474, Infant Vitality, 90335
up to \$5,000,000 in fiscal year 2022 shall be used, in 90336
consultation with the Governor's Office of Children's Initiatives, 90337
to support programming by community and local faith-based service 90338
providers that invests in maternal health programs, provides 90339
services and support to pregnant mothers, and improves both 90340
maternal and infant health outcomes. 90341

Of the foregoing appropriation item 440474, Infant Vitality, 90342
up to \$500,000 in fiscal year 2022 shall be used, in consultation 90343
with the Department of Medicaid, to develop a universal needs 90344
assessment to identify and provide needed health and wraparound 90345
supports for vulnerable women. 90346

The remainder of appropriation item 440474, Infant Vitality, 90347
shall be used to fund a multi-pronged population health approach 90348
to address infant mortality. This approach may include the 90349
following: increasing awareness, including awareness regarding 90350
respiratory syncytial virus; supporting data collection; analysis 90351
and interpretation to inform decision-making and ensure 90352
accountability; targeting resources where the need is greatest; 90353
and implementing quality improvement science and programming that 90354
is evidence-based or based on emerging practices. Measurable 90355

interventions may include activities related to safe sleep, 90356
community engagement, Centering Pregnancy, newborn screening, safe 90357
birth spacing, gestational diabetes, smoking cessation, 90358
breastfeeding, care coordination, and progesterone. 90359

EMERGENCY PREPAREDNESS AND RESPONSE 90360

The foregoing appropriation item 440477, Emergency 90361
Preparedness and Response, shall be used to support public health 90362
emergency preparedness and response efforts. This appropriation 90363
may also be used to support data infrastructure projects and other 90364
data analysis and analytics work. 90365

LUPUS AWARENESS 90366

The foregoing appropriation item 440481, Lupus Awareness, 90367
shall be distributed to the Lupus Foundation of America, Greater 90368
Ohio Chapter, Inc., to operate a lupus education and awareness 90369
program. 90370

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE 90371

Of the foregoing appropriation item 440482, Chronic Disease, 90372
Injury Prevention and Drug Overdose, up to \$250,000 in fiscal year 90373
2022 shall be used, in consultation with the Governor's 90374
RecoveryOhio Initiative, to support local health providers' harm 90375
reduction efforts to reduce overdose rates and deaths. 90376

Of the foregoing appropriation item 440482, Chronic Disease, 90377
Injury Prevention and Drug Overdose, \$75,000 in fiscal year 2022 90378
shall be distributed to the Dental Center of Northwest Ohio to be 90379
used for clinical equipment at its practice in Toledo. 90380

INFECTIOUS DISEASE PREVENTION AND CONTROL 90381

On July 1, 2022, or as soon as possible thereafter, the 90382
Director of Health may certify to the Director of Budget and 90383
Management an amount up to the unexpended, unencumbered balance of 90384
the foregoing appropriation item 440483, Infectious Disease 90385

Prevention and Control, at the end of fiscal year 2022 to be 90386
reappropriated to fiscal year 2023. The amount certified is hereby 90387
reappropriated to the same appropriation item for fiscal year 90388
2023. 90389

TARGETED HEALTH CARE SERVICES-OVER 21 90390

The foregoing appropriation item 440507, Targeted Health Care 90391
Services-Over 21, shall be used to administer the Cystic Fibrosis 90392
Program and to implement the Hemophilia Insurance Premium Payment 90393
Program. The Department of Health shall expend \$100,000 in each 90394
fiscal year to implement the Hemophilia Insurance Premium Payment 90395
Program. 90396

The foregoing appropriation item 440507, Targeted Health Care 90397
Services-Over 21, shall also be used to provide essential 90398
medications and to pay the copayments for drugs approved by the 90399
Department of Health and covered by Medicare Part D that are 90400
dispensed to Bureau for Children with Medical Handicaps (BCMH) 90401
participants for the Cystic Fibrosis Program. 90402

The Department shall expend all of the funds appropriated in 90403
appropriation item 440507, Targeted Health Care Services-Over 21. 90404

LEAD ABATEMENT 90405

Of the foregoing appropriation item 440527, Lead Abatement, 90406
\$500,000 in each fiscal year shall be used by the Department of 90407
Health to distribute funds to the city of Toledo for lead-based 90408
paint abatement, containment, and housing rehabilitation projects 90409
in the historic south neighborhoods of Toledo. The Department 90410
shall require local match funding of up to one-half of the annual 90411
grant funds distributed and may include project and reporting 90412
requirements before distributing funds. 90413

HARM REDUCTION 90414

The foregoing appropriation item 440529, Harm Reduction, 90415

shall be used to distribute funding to local health departments or 90416
a partner agency to operate harm reduction programs, including 90417
syringe services. Local health departments eligible for funding 90418
shall be accredited or in the process of becoming accredited 90419
through the Public Health Accreditation Board. 90420

LEAD-SAFE HOME FUND PILOT PROGRAM 90421

The foregoing appropriation item 440530, Lead-Safe Home Fund 90422
Pilot Program, shall be used by the Department of Health to make 90423
distributions on a quarterly basis to the Lead Safe Cleveland 90424
Coalition for the Lead-Safe Home Fund Pilot Program. Before any 90425
funds are distributed, the Coalition shall provide the Department 90426
with documentation showing the amount of private sector dollars 90427
the Coalition has collected. The amount of each distribution 90428
provided by the Department shall not exceed the amount documented. 90429
Total disbursements shall not exceed \$1,000,000 in each fiscal 90430
year. 90431

YOUTH HOMELESSNESS 90432

Of the foregoing appropriation item 440672, Youth 90433
Homelessness, \$900,000 in each fiscal year shall be distributed to 90434
the Star House for its Drop-In Center and its Carol Stewart 90435
Village to provide services for homeless youth. 90436

The remainder of appropriation item 440672, Youth 90437
Homelessness, shall be used to address homelessness in youth and 90438
pregnant women by providing assertive outreach to provide stable 90439
housing, including recovery housing. 90440

FEE SUPPORTED PROGRAMS 90441

Of the foregoing appropriation item 440647, Fee Supported 90442
Programs, \$2,160,000 in each fiscal year shall be used to 90443
distribute subsidies, on a per capita basis, to local health 90444
departments accredited through the Public Health Accreditation 90445
Board, or local health departments that are in the process of 90446

earning accreditation. 90447

Of the foregoing appropriation item 440647, Fee Supported 90448
Programs, \$1,840,000 in each fiscal year shall be used to 90449
distribute subsidies to local health departments accredited 90450
through the Public Health Accreditation Board on a per capita 90451
basis. 90452

MEDICALLY HANDICAPPED CHILDREN AUDIT 90453

The Medically Handicapped Children Audit Fund (Fund 4770) 90454
shall receive revenue from audits of hospitals and recoveries from 90455
third-party payers. Moneys may be expended for payment of audit 90456
settlements and for costs directly related to obtaining recoveries 90457
from third-party payers and for encouraging Medically Handicapped 90458
Children's Program recipients to apply for third-party benefits. 90459
Moneys also may be expended for payments for diagnostic and 90460
treatment services on behalf of medically handicapped children, as 90461
defined in division (A) of section 3701.022 of the Revised Code, 90462
and Ohio residents who are twenty-one or more years of age and who 90463
are suffering from cystic fibrosis or hemophilia. Moneys may also 90464
be expended for administrative expenses incurred in operating the 90465
Medically Handicapped Children's Program. 90466

GENETICS SERVICES 90467

The foregoing appropriation item 440608, Genetics Services, 90468
shall be used by the Department of Health to administer programs 90469
authorized by sections 3701.501 and 3701.502 of the Revised Code. 90470
None of these funds shall be used to counsel or refer for 90471
abortion, except in the case of a medical emergency. 90472

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 90473

Of the foregoing appropriation item 440656, Tobacco Use 90474
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 90475
year shall be used to award grants in accordance with the section 90476
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 90477

Of the foregoing appropriation item 440656, Tobacco Use 90478
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 90479
year shall be distributed to boards of health for the Baby and Me 90480
Tobacco Free Program. The Director of Health shall determine how 90481
the funds are to be distributed, but shall prioritize awards to 90482
boards that serve women who reside in communities that have the 90483
highest infant mortality rates in this state, as identified under 90484
section 3701.142 of the Revised Code. 90485

The remainder of appropriation item 440656, Tobacco Use 90486
Prevention, Cessation, and Enforcement, shall be used to 90487
administer tobacco use prevention and cessation activities and 90488
programs, to administer compliance checks, retailer education, and 90489
programs related to legal age restrictions, and to enforce the 90490
Ohio Smoke-Free Workplace Act. 90491

TOXICOLOGY SCREENINGS 90492

The foregoing appropriation item 440621, Toxicology 90493
Screenings, shall be used to reimburse county coroners in counties 90494
in which the coroner has performed toxicology screenings on 90495
victims of a drug overdose. The Director of Health shall transfer 90496
the funds to the counties in proportion to the numbers of 90497
toxicology screenings performed per county. 90498

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 90499

The foregoing appropriation item 440607, Medically 90500
Handicapped Children - County Assessments, shall be used to make 90501
payments under division (E) of section 3701.023 of the Revised 90502
Code. 90503

Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM 90504

(A) The Department of Health shall create the Moms Quit for 90505
Two Grant Program. Recognizing the significant health risks posed 90506
to women and their children by tobacco use during and after 90507

pregnancy, the Department shall award grants to private, nonprofit 90508
entities or government entities that demonstrate the ability to 90509
deliver evidence-based tobacco cessation interventions to women 90510
who reside in communities that have the highest incidence of 90511
infant mortality, as determined by the Director of Health, and who 90512
are pregnant or live with children. Funds awarded under this 90513
section shall not be used to provide tobacco cessation 90514
interventions to women who are eligible for Medicaid. The 90515
Department may adopt any rules it considers necessary to 90516
administer the Program. 90517

(B) The Department shall create a grant application and 90518
develop a process for receiving and evaluating completed grant 90519
applications on a competitive basis. The Department shall give 90520
first preference to the entities described in division (A) of this 90521
section that are able to target the interventions to pregnant 90522
women and second preference to such entities that are able to 90523
target the interventions to women living with children. The 90524
Department's decision regarding a submitted grant application is 90525
final. 90526

(C) The Department shall establish performance objectives to 90527
be met by grant recipients. The Department shall monitor the 90528
performance of each grant recipient in meeting the objectives. 90529

Section 291.40. WIC VENDOR CONTRACTS 90530

(A) As used in this section, "WIC" means the Special 90531
Supplemental Nutrition Program for Women, Infants, and Children 90532
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 90533
42 U.S.C. 1786, as amended. 90534

(B) During fiscal year 2022 and fiscal year 2023, the 90535
Department of Health shall process and review a WIC vendor 90536
contract application pursuant to Chapter 3701-42 of the 90537
Administrative Code not later than forty-five days after receipt 90538

of the application if the applicant is a WIC-contracted vendor at 90539
the time of application and meets all of the following 90540
requirements: 90541

(1) Submits a complete WIC vendor application with all 90542
required documents and information; 90543

(2) Passes the required unannounced preauthorization visit 90544
within forty-five days of submitting a complete application; 90545

(3) Completes the required in-person training within 90546
forty-five days of submitting the complete application. 90547

(C) If an applicant fails to meet any of the requirements 90548
described in division (B) of this section, the Department shall 90549
deny the application for the contract. After an application has 90550
been denied, the applicant may reapply for a contract to act as a 90551
WIC vendor during the contracting cycle that is applicable to the 90552
applicant's WIC region. 90553

Section 291.70. By January 15, 2022, the Director of Health 90554
shall submit a report regarding the Help Me Grow Program to the 90555
chairperson and ranking minority member of the standing health 90556
committee and finance committee of each house of the General 90557
Assembly. The report shall include the following: 90558

(A) The number of families being served by the program 90559
containing individuals who meet the Medicaid eligibility 90560
requirements; 90561

(B) The number of families being served by the program who 90562
meet the TANF eligibility requirements; 90563

(C) Recommendations for incorporating a Medicaid component 90564
funded in part with state matching funds; 90565

(D) Recommendations for using TANF dollars to provide 90566
services for TANF eligible families in the program. 90567

Section 291.80. Each ambulatory surgical facility that has 90568
 been granted a variance from the written transfer agreement 90569
 requirement of section 3702.303 of the Revised Code shall, within 90570
 ninety days of the effective date of section 3702.304 of the 90571
 Revised Code as amended by this act, submit to the director of 90572
 health a complete variance application, in the form and manner 90573
 specified by the director, demonstrating compliance with the 90574
 requirements established by divisions (B) (2) and (3) (a) of section 90575
 3702.304 of the Revised Code, as amended by this act. If the 90576
 director determines that a facility has failed to demonstrate 90577
 compliance, the director shall rescind the variance. 90578

Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 90579
 Dedicated Purpose Fund Group 90580
 4610 372601 Operating Expenses \$ 12,500 \$ 12,500 90581
 TOTAL DPF Dedicated Purpose Fund \$ 12,500 \$ 12,500 90582
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 90583

Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 90585
 General Revenue Fund 90586
 GRF 148321 Operating Expenses \$ 464,047 \$ 464,047 90587
 TOTAL GRF General Revenue Fund \$ 464,047 \$ 464,047 90588
 Dedicated Purpose Fund Group 90589
 6010 148602 Special Initiatives \$ 24,558 \$ 24,558 90590
 TOTAL DPF Dedicated Purpose Fund \$ 24,558 \$ 24,558 90591
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 488,605 \$ 488,605 90592

Section 297.10. OHS OHIO HISTORY CONNECTION 90594
 General Revenue Fund 90595

GRF	360400	Holocaust and Genocide Memorial and Education Commission	\$	200,000	\$	200,000	90596
GRF	360501	Education and Collections	\$	5,016,092	\$	5,016,092	90597
GRF	360502	Site and Museum Operations	\$	7,232,753	\$	6,532,753	90598
GRF	360504	Ohio Preservation Office	\$	261,609	\$	261,609	90599
GRF	360505	National Afro-American Museum	\$	536,050	\$	536,050	90600
GRF	360506	Hayes Presidential Center	\$	572,880	\$	572,880	90601
GRF	360508	State Historical Grants	\$	1,675,000	\$	1,635,000	90602
GRF	360509	Outreach and Partnership	\$	144,692	\$	144,692	90603
TOTAL GRF	General Revenue Fund		\$	15,639,076	\$	14,899,076	90604
Dedicated Purpose Fund Group							90605
5KL0	360602	Ohio History Tax Check-off	\$	150,000	\$	150,000	90606
5PD0	360603	Ohio History License Plate	\$	10,000	\$	10,000	90607
TOTAL DPF	Dedicated Purpose Fund Group		\$	160,000	\$	160,000	90608
TOTAL ALL BUDGET FUND GROUPS			\$	15,799,076	\$	15,059,076	90609

SUBSIDY APPROPRIATION

Upon approval by the Director of Budget and Management, the 90611
foregoing appropriation items shall be released to the Ohio 90612
History Connection in quarterly amounts that in total do not 90613
exceed the annual appropriations. The funds and fiscal records of 90614
the Ohio History Connection for fiscal year 2022 and fiscal year 90615

2023 shall be examined by independent certified public accountants 90616
approved by the Auditor of State, and a copy of the audited 90617
financial statements shall be filed with the Office of Budget and 90618
Management. 90619

The foregoing appropriations shall be considered to be the 90620
contractual consideration provided by the state to support the 90621
state's offer to contract with the Ohio History Connection under 90622
section 149.30 of the Revised Code. 90623

HOLOCAUST AND GENOCIDE MEMORIAL AND EDUCATION COMMISSION 90624

The foregoing appropriation item 360400, Holocaust and 90625
Genocide Memorial and Education Commission, shall be used to 90626
support the operations of the Holocaust and Genocide Memorial and 90627
Education Commission established under section 197.03 of the 90628
Revised Code, including employment of a Director of the Office of 90629
the Commission and any other employees approved by the Commission. 90630

STATE HISTORICAL GRANTS 90631

Of the foregoing appropriation item 360508, State Historical 90632
Grants, \$325,000 in each fiscal year shall be used for the 90633
Cleveland Institute of Art. 90634

Of the foregoing appropriation item 360508, State Historical 90635
Grants, \$375,000 in each fiscal year shall be allocated to create 90636
the Institute of Informal Science Education to be housed at the 90637
Boonshoft Museum of Discovery for distance learning, including 90638
implementation of a pilot program. The Boonshoft Museum shall 90639
complete an efficacy report as to the result of the education of 90640
participants in the pilot program to be submitted to the General 90641
Assembly. 90642

Of the foregoing appropriation item 360508, State Historical 90643
Grants, \$250,000 in each fiscal year shall be used for the Western 90644
Reserve Historical Society, and \$250,000 in each fiscal year shall 90645
be used for the Cincinnati Museum Center. 90646

Of the foregoing appropriation item 360508, State Historical Grants, \$100,000 in each fiscal year shall be used for the Nancy and David Wolf Holocaust and Humanity Center.

Of the foregoing appropriation item 360508, State Historical Grants, \$100,000 in each fiscal year shall be used for The Cleveland Museum of Art.

Of the foregoing appropriation item 360508, State Historical Grants, \$100,000 in each fiscal year shall be used for The Cleveland Orchestra.

Of the foregoing appropriation item 360508, State Historical Grants, \$100,000 in each fiscal year shall be used for the Jewish Federation of Cincinnati to support the Jewish Cincinnati Bicentennial.

Of the foregoing appropriation item 360508, State Historical Grants, \$75,000 in fiscal year 2022 and \$35,000 in fiscal year 2023 shall be used to support the Johnny Appleseed Museum and Education Center.

Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES

General Revenue Fund

GRF 025321	Operating Expenses	\$	25,917,274	\$	25,917,274	
TOTAL GRF	General Revenue Fund	\$	25,917,274	\$	25,917,274	

Internal Service Activity Fund Group

1030 025601	House of Representatives Reimbursement	\$	1,433,664	\$	1,433,664	
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4A40 025602	Miscellaneous Sales	\$	50,000	\$	50,000	
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TOTAL ISA Internal Service Activity Fund Group

		\$	1,483,664	\$	1,483,664	
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TOTAL ALL BUDGET FUND GROUPS		\$	27,400,938	\$	27,400,938	
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OPERATING EXPENSES

On July 1, 2021, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

HOUSE REIMBURSEMENT

If it is determined by the Chief Administrative Officer of the House of Representatives that additional appropriations are necessary for the foregoing appropriation item 025601, House Reimbursement, the amounts are hereby appropriated.

Section 301.10. HFA OHIO HOUSING FINANCE AGENCY

Dedicated Purpose Fund Group
5AZ0 997601 Housing Finance Agency \$ 14,855,643 \$ 15,136,756
Personal Services
TOTAL DPF Dedicated Purpose Fund \$ 14,855,643 \$ 15,136,756
Group
TOTAL ALL BUDGET FUND GROUPS \$ 14,855,643 \$ 15,136,756

Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL

General Revenue Fund

GRF 965321	Operating Expenses	\$	1,403,910	\$	1,437,000	90704
TOTAL GRF	General Revenue Fund	\$	1,403,910	\$	1,437,000	90705
Internal Service Activity Fund Group						90706
5FA0 965603	Deputy Inspector General for ODOT	\$	400,000	\$	400,000	90707
5FT0 965604	Deputy Inspector General for BWC/OIC	\$	425,000	\$	425,000	90708
TOTAL ISA	Internal Service Activity Fund Group	\$	825,000	\$	825,000	90709
TOTAL ALL BUDGET FUND GROUPS		\$	2,228,910	\$	2,262,000	90710

Section 305.10. INS DEPARTMENT OF INSURANCE 90712

Dedicated Purpose Fund Group						90713
5540 820601	Operating Expenses - OSHIIP	\$	180,000	\$	180,000	90714
5540 820606	Operating Expenses	\$	30,861,244	\$	30,861,244	90715
5550 820605	Examination	\$	9,179,766	\$	9,179,766	90716
5PT0 820613	Captive Insurance Regulation and Supervision	\$	450,000	\$	450,000	90717
TOTAL DPF	Dedicated Purpose Fund Group	\$	40,671,010	\$	40,671,010	90718

Federal Fund Group 90719

3U50 820602	OSHIIP Operating Grant	\$	2,793,150	\$	2,793,150	90720
TOTAL FED	Federal Fund Group	\$	2,793,150	\$	2,793,150	90721
TOTAL ALL BUDGET FUND GROUPS		\$	43,464,160	\$	43,464,160	90722

Section 305.20. MARKET CONDUCT EXAMINATION 90724

When conducting a market conduct examination of any insurer 90725
 doing business in this state, the Superintendent of Insurance may 90726
 assess the costs of the examination against the insurer. The 90727

Superintendent may enter into consent agreements to impose 90728
administrative assessments or fines for conduct discovered that 90729
may be violations of statutes or rules administered by the 90730
Superintendent. All costs, assessments, or fines collected shall 90731
be deposited to the credit of the Department of Insurance 90732
Operating Fund (Fund 5540). 90733

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 90734

The Director of Budget and Management, at the request of the 90735
Superintendent of Insurance, may transfer cash from the Department 90736
of Insurance Operating Fund (Fund 5540), established by section 90737
3901.021 of the Revised Code, to the Superintendent's Examination 90738
Fund (Fund 5550), established by section 3901.071 of the Revised 90739
Code, only for expenses incurred in examining domestic fraternal 90740
benefit societies as required by section 3921.28 of the Revised 90741
Code. 90742

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 90743

General Revenue Fund 90744

GRF 600410 TANF State Maintenance \$ 149,267,326 \$ 149,267,326 90745
of Effort

GRF 600413 Child Care \$ 83,461,739 \$ 83,461,739 90746
State/Maintenance of
Effort

GRF 600450 Program Operations \$ 158,272,162 \$ 159,177,600 90747

GRF 600451 Family and Children \$ 1,386,000 \$ 1,386,000 90748
First

GRF 600502 Child Support - Local \$ 26,400,000 \$ 26,400,000 90749

GRF 600521 Family Assistance - \$ 48,248,768 \$ 47,248,768 90750
Local

GRF 600523 Family and Children \$ 222,194,327 \$ 217,694,327 90751
Services

GRF 600528 Adoption Services \$ 23,922,517 \$ 23,922,517 90752

GRF 600533	Child, Family, and Community Protection Services	\$ 13,500,000	\$ 13,500,000	90753
GRF 600534	Adult Protective Services	\$ 5,720,000	\$ 5,720,000	90754
GRF 600535	Early Care and Education	\$ 141,285,241	\$ 141,285,241	90755
GRF 600541	Kinship Permanency Incentive Program	\$ 1,000,000	\$ 1,000,000	90756
GRF 600551	Job and Family Services Program Support	\$ 1,200,000	\$ 150,000	90757
GRF 600552	Gracehaven Pilot Program	\$ 259,685	\$ 0	90758
GRF 600553	Court Appointed Special Advocates	\$ 1,000,000	\$ 1,000,000	90759
GRF 600560	Employment Incentive Program	\$ 2,500,000	\$ 2,500,000	90760
GRF 655425	Medicaid Program Support	\$ 12,461,768	\$ 12,832,766	90761
GRF 655522	Medicaid Program Support - Local	\$ 39,975,628	\$ 38,975,628	90762
GRF 655523	Medicaid Program Support - Local Transportation	\$ 43,530,000	\$ 43,500,000	90763
TOTAL GRF	General Revenue Fund	\$ 975,585,161	\$ 969,021,912	90764
Dedicated Purpose Fund Group				90765
1980 600647	Children's Trust Fund	\$ 6,000,000	\$ 6,000,000	90766
2320 600644	Family and Children First	\$ 1,100,000	\$ 1,100,000	90767
4A80 600658	Public Assistance Activities	\$ 20,000,000	\$ 20,000,000	90768
4A90 600607	Unemployment Compensation	\$ 9,250,000	\$ 9,250,000	90769

		Administration Fund					
4E70	600604	Family and Children	\$	650,000	\$	650,000	90770
		Services Collections					
4F10	600609	Family and Children	\$	708,000	\$	708,000	90771
		Activities					
5CV1	600557	Coronavirus Relief -	\$	12,000,000	\$	0	90772
		Foodbanks					
5DM0	600633	Audit Settlements and	\$	1,000,000	\$	1,000,000	90773
		Contingency					
5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000	90774
5KT0	600696	Early Childhood	\$	20,000,000	\$	20,000,000	90775
		Education					
5NG0	600660	Victims of Human	\$	100,000	\$	100,000	90776
		Trafficking					
5RX0	600699	Workforce Development	\$	300,000	\$	300,000	90777
		Projects					
5RY0	600698	Human Services	\$	21,000,000	\$	21,000,000	90778
		Project					
5TZ0	600674	Childrens Crisis Care	\$	1,000,000	\$	1,000,000	90779
5U60	600663	Family and Children	\$	6,000,000	\$	6,262,000	90780
		Support					
TOTAL DPF		Dedicated Purpose Fund	\$	99,608,000	\$	87,870,000	90781
		Group					
		Internal Service Activity Fund Group					90782
5HL0	600602	State and County	\$	2,000,000	\$	2,000,000	90783
		Shared Services					
TOTAL ISA		Internal Service Activity	\$	2,000,000	\$	2,000,000	90784
		Fund Group					
		Fiduciary Fund Group					90785
1920	600646	Child Support	\$	100,000,000	\$	100,000,000	90786
		Intercept - Federal					
5830	600642	Child Support	\$	13,000,000	\$	13,000,000	90787

		Intercept - State				
5B60	600601	Food Assistance	\$	4,000,000	\$	4,000,000 90788
		Intercept				
TOTAL FID		Fiduciary Fund Group	\$	117,000,000	\$	117,000,000 90789
		Holding Account Fund Group				90790
R012	600643	Refunds and Audit	\$	500,000	\$	500,000 90791
		Settlements				
TOTAL HLD		Holding Account Fund Group	\$	500,000	\$	500,000 90792
		Federal Fund Group				90793
3270	600606	Child Welfare	\$	61,188,090	\$	42,487,257 90794
3310	600615	Veterans Programs	\$	7,000,000	\$	7,000,000 90795
3310	600624	Employment Services	\$	30,093,153	\$	28,792,564 90796
3310	600686	Workforce Programs	\$	4,000,000	\$	4,000,000 90797
3840	600610	Food Assistance Programs	\$	210,395,858	\$	215,299,061 90798
3850	600614	Refugee Services	\$	12,000,000	\$	12,000,000 90799
3950	600616	Federal Discretionary Grants	\$	5,000,000	\$	5,000,000 90800
3960	600620	Social Services Block Grant	\$	42,000,000	\$	42,003,000 90801
3970	600626	Child Support - Federal	\$	200,506,379	\$	200,712,239 90802
3980	600627	Adoption Program - Federal	\$	178,734,641	\$	178,965,021 90803
3D30	600648	Children's Trust Fund Federal	\$	7,000,000	\$	7,000,000 90804
3F01	655624	Medicaid Program Support - Federal	\$	215,301,139	\$	215,441,374 90805
3H70	600617	Child Care Federal	\$	540,500,000	\$	466,500,000 90806
3N00	600628	Foster Care Program - Federal	\$	307,654,740	\$	308,344,774 90807

3S50 600622	Child Support Projects	\$	534,050	\$	534,050	90808
3V00 600688	Workforce Innovation and Opportunity Act Programs	\$	169,756,357	\$	165,743,862	90809
3V40 600632	Trade Programs	\$	31,004,791	\$	26,455,418	90810
3V40 600678	Federal Unemployment Programs	\$	160,536,498	\$	156,864,218	90811
3V40 600679	Unemployment Compensation Review Commission - Federal	\$	6,183,602	\$	6,281,852	90812
3V60 600689	TANF Block Grant	\$	961,819,158	\$	1,025,474,447	90813
TOTAL FED	Federal Fund Group	\$	3,151,208,456	\$	3,114,899,137	90814
TOTAL ALL BUDGET FUND GROUPS		\$	4,345,901,617	\$	4,291,291,049	90815

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 90817

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs, subject to approval by the Controlling Board. 90818
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(B) Of the foregoing appropriation item 600523, Family Assistance - Local, \$2,500,000 in each fiscal year shall be provided to assist county departments that submit an approved plan on increasing fraud prevention, early detection of fraud, and investigations on potential fraud that may be occurring in public assistance programs. 90822
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(C) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program, subject to approval of the Controlling Board. 90828
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(D) The Director of Job and Family Services may seek Controlling Board approval to transfer appropriations between the 90833
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following appropriation items to ensure county administrative 90835
funds are expended from the proper appropriation item: 90836

(1) Appropriation item 600521, Family Assistance - Local, and 90837
appropriation item 655522, Medicaid Program Support - Local; and 90838

(2) Appropriation item 655523, Medicaid Program Support - 90839
Local Transportation, and appropriation item 655522, Medicaid 90840
Program Support - Local. 90841

Section 307.30. NAME OF FOOD STAMP PROGRAM 90842

The Director of Job and Family Services is not required to 90843
amend rules regarding the Food Stamp Program to change the name of 90844
the program to the Supplemental Nutrition Assistance Program. The 90845
Director may refer to the program as the Food Stamp Program, the 90846
Supplemental Nutrition Assistance Program, or the Food Assistance 90847
Program in rules and documents of the Department of Job and Family 90848
Services. 90849

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 90850

Of the foregoing appropriation items 600410, TANF State 90851
Maintenance of Effort, 600658, Public Assistance Activities, and 90852
600689, TANF Block Grant, a total of up to \$22,050,000 in each 90853
fiscal year shall be used to provide funds to the Ohio Association 90854
of Food Banks to purchase and distribute food products, support 90855
Innovative Summer Meals programs for children, provide SNAP 90856
outreach and free tax filing services, and provide capacity 90857
building equipment for food pantries and soup kitchens. 90858

Notwithstanding section 5101.46 of the Revised Code and any 90859
other provision in this bill, the Director of Job and Family 90860
Services shall provide assistance from eligible funds to the Ohio 90861
Association of Food Banks in an amount not less than \$24,550,000 90862
in each fiscal year. This amount includes the funds designated to 90863
the Ohio Association of Food Banks in the first paragraph of this 90864

section. 90865

Eligible nonfederal expenditures made by member food banks of 90866
the Association shall be counted by the Department of Job and 90867
Family Services toward the TANF maintenance of effort requirements 90868
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 90869
shall enter into an agreement with the Ohio Association of Food 90870
Banks, in accordance with sections 5101.80 and 5101.801 of the 90871
Revised Code, to carry out the requirements under this section. 90872

Section 307.41. UNAFFILIATED FOOD BANKS 90873

Of the foregoing appropriation item 600689, TANF Block Grant, 90874
\$250,000 in each fiscal year shall be provided, in accordance with 90875
sections 5101.80 and 5101.801 of the Revised Code, to food banks 90876
or food pantries unaffiliated with the Ohio Association of Food 90877
Banks. 90878

Section 307.43. The Department of Job and Family Services 90879
shall enter into a subgrant agreement with the Ohio Association of 90880
Foodbanks to enable the Association to provide food distribution 90881
to low-income families and individuals via the statewide 90882
charitable emergency food provider network and to support 90883
transportation of meals for the Governor's Office of Faith-Based 90884
and Community Initiatives Innovative Summer Meals programs for 90885
children and provide capacity building equipment for food pantries 90886
and soup kitchens. 90887

The Ohio Association of Foodbanks shall do all of the 90888
following: 90889

(A) Purchase food for the Agriculture Clearance and Ohio Food 90890
Programs. Information regarding the food purchase shall be 90891
reflected in the plan for statewide distribution of food products 90892
to local food distribution agencies. 90893

(B) Provide the cost of transportation of food already 90894

purchased in fiscal year 2021 to the Governor's Office of 90895
Faith-Based and Community Initiatives Summer and Rural Meals 90896
program sites. 90897

(C) Support the Capacity Building Grant program and purchase 90898
equipment for partner agencies that is needed to increase their 90899
capacity to serve more families eligible under the Temporary 90900
Assistance for Needy Families program with perishable foods, 90901
fruits, and vegetables. This equipment purchase shall include, but 90902
is not limited to, shelving, pallet jacks, commercial 90903
refrigerators, and commercial freezers. 90904

(D) Submit a quarterly report to the Department of Job and 90905
Family Services not later than sixty days after the close of the 90906
quarter to which the report pertains. The quarterly report shall 90907
include all of the following: 90908

(1) A summary of the allocation and expenditure of grant 90909
funds; 90910

(2) Product type and pounds distributed by foodbank service 90911
region and county; 90912

(3) The number of households, households with children, a 90913
breakdown of individuals served by age, including those over the 90914
age of sixty, those between the ages of nineteen and fifty-nine, 90915
and those up to the age of eighteen, and the number of meals 90916
served. 90917

(E) Submit an annual report to the Agreement Manager at the 90918
Department of Job and Family Services not later than one hundred 90919
twenty days after the end of the fiscal year. The annual report 90920
shall include the following: 90921

(1) A summary of the allocation and expenditure of grant 90922
funds; 90923

(2) The number of households, households with children, a 90924

breakdown of individuals served by age, including those over the 90925
age of sixty, those between the ages of nineteen and fifty-nine, 90926
and those up to the age of eighteen, and the number of meals 90927
served. 90928

(3) The quantity and type of food distributed and the total 90929
per pound cost of the food purchased; 90930

(4) Information on the cost of storage, transportation, and 90931
processing; 90932

(5) An evaluation of the success in achieving expected 90933
performance outcomes. 90934

Section 307.50. FOOD STAMPS TRANSFER 90935

On July 1, 2021, or as soon as possible thereafter, and upon 90936
request of the Director of Job and Family Services, the Director 90937
of Budget and Management may transfer up to \$1,000,000 cash from 90938
the Supplemental Nutrition Assistance Program Fund (Fund 3840), to 90939
the Food Assistance Fund (Fund 5ES0). 90940

Section 307.60. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 90941

The foregoing appropriation item 600658, Public Assistance 90942
Activities, shall be used by the Department of Job and Family 90943
Services to meet the TANF maintenance of effort requirements of 42 90944
U.S.C. 609(a)(7). When the state is assured that it will meet the 90945
maintenance of effort requirement, the Department of Job and 90946
Family Services may use funds from appropriation item 600658, 90947
Public Assistance Activities, to support public assistance 90948
activities. 90949

Section 307.70. TANF STATE MAINTENANCE OF EFFORT 90950

Of the foregoing appropriation item 600410, TANF State 90951
Maintenance of Effort, \$5,000,000 in each fiscal year shall be 90952

provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Alliance of Boys and Girls Clubs to provide after-school and summer programs that protect at-risk children and enable youth to become responsible adults. Not less than \$150,000 in each fiscal year shall be provided to the Boys and Girls Club of Massillon.

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, \$3,000,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support the Ohio Parenting and Pregnancy Program. The Director of Job and Family Services shall release the request for grant applications for this program not later than August 1, 2021, require applications be received not later than September 1, 2021, and begin to award grant funds not later than October 1, 2021.

Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$13,535,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601. Of the amount earmarked to support the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, \$250,000 in each fiscal year shall be used to support the Connect Our Kids Family Connections training.

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$2,000,000 in each fiscal year shall be used, in accordance

with sections 5101.80 and 5101.801 of the Revised Code, to support 90984
the Independent Living Initiative, including life skills training 90985
and work supports for older children in foster care and those who 90986
have recently aged out of foster care who meet TANF eligibility 90987
requirements. 90988

Of the foregoing appropriation item 600689, TANF Block Grant, 90989
up to \$2,500,000 in each fiscal year shall be provided, in 90990
accordance with sections 5101.80 and 5101.801 of the Revised Code, 90991
to the Ohio Commission on Fatherhood. 90992

Of the foregoing appropriation item 600689, TANF Block Grant, 90993
\$2,300,000 in each fiscal year shall be provided, in accordance 90994
with sections 5101.80 and 5101.801 of the Revised Code, to Open 90995
Doors Academy to support out-of-school programs in northeast Ohio, 90996
Lima, and to support up to four additional locations in the state. 90997

Of the foregoing appropriation item 600689, TANF Block Grant, 90998
up to \$1,000,000 in each fiscal year shall be provided, in 90999
accordance with sections 5101.80 and 5101.801 of the Revised Code, 91000
to the Ohio Children's Trust Fund. 91001

Of the foregoing appropriation item 600689, TANF Block Grant, 91002
\$1,175,000 in each fiscal year shall be provided, in accordance 91003
with sections 5101.80 and 5101.801 of the Revised Code, to the 91004
Children's Hunger Alliance to assist with meal sponsorship, early 91005
child care programs, child care, consultations and nutrition 91006
education, school district nutrition programs, after school 91007
nutrition programs, and summer nutrition programs. 91008

Of the foregoing appropriation item 600689, TANF Block Grant, 91009
\$250,000 in each fiscal year shall be provided, in accordance with 91010
sections 5101.80 and 5101.801 of the Revised Code, to the 91011
Waterford Institute to implement a pilot program for 91012
pre-kindergarten children. 91013

Of the foregoing appropriation item 600689, TANF Block Grant, 91014

\$1,000,000 in each fiscal year shall be provided, in accordance 91015
with sections 5101.80 and 5101.801 of the Revised Code, to Big 91016
Brothers Big Sisters of Central Ohio to provide mentoring services 91017
to children throughout the state who have experienced trauma in 91018
their lives, including parental incarceration. 91019

Of the foregoing appropriation item 600689, TANF Block Grant, 91020
\$750,000 in each fiscal year shall be provided, in accordance with 91021
sections 5101.80 and 5101.801 of the Revised Code, to the Ohio 91022
Council of YWCAs to support programs that prevent domestic 91023
violence, support victims of domestic violence, provide 91024
trauma-informed support for survivors, and support educational 91025
opportunities for at-risk youth. 91026

Of the foregoing appropriation item 600689, TANF Block Grant, 91027
\$500,000 in each fiscal year shall be used, in accordance with 91028
sections 5101.80 and 5101.801 of the Revised Code, to support Ohio 91029
YMCA day camps and before and after school programs to help 91030
students with learning loss and mental health due to the COVID-19 91031
pandemic. 91032

Of the foregoing appropriation item 600689, TANF Block Grant, 91033
\$500,000 in each fiscal year shall be provided, in accordance with 91034
sections 5101.80 and 5101.801 of the Revised Code, to Child Focus, 91035
Inc. to support programs that provide early learning and 91036
behavioral health services for at-risk youth in addition to 91037
workforce development, life skills training, parent education, and 91038
couples therapy to improve healthy family formation, maintenance, 91039
and stability for young adult parents and financially 91040
disadvantaged couples. Not later than January 1, 2023, Child 91041
Focus, Inc. shall provide a report to the Director of Job and 91042
Family Services regarding the number of additional children served 91043
with this funding and the outcomes and efficacy of these programs. 91044

Of the foregoing appropriation item 600689, TANF Block Grant, 91045
\$300,000 in each fiscal year shall be provided, in accordance with 91046

sections 5101.80 and 5101.801 of the Revised Code, to Shoes and 91047
Clothes for Kids to establish the Classroom Guarantee and Third 91048
Grade Reading Improvement Pilot Program in Lorain County and to 91049
increase the number of children served in Cuyahoga County. 91050

Of the foregoing appropriation item 600689, TANF Block Grant, 91051
\$250,000 in each fiscal year shall be provided, in accordance with 91052
sections 5101.80 and 5101.801 of the Revised Code, to the Sisters 91053
of Charity Foundation of Cleveland to support the A Place 4 Me 91054
youth homeless drop-in center. 91055

Of the foregoing appropriation item 600689, TANF Block Grant, 91056
\$250,000 in each fiscal year shall be provided, in accordance with 91057
sections 5101.80 and 5101.801 of the Revised Code, to Communities 91058
In Schools of Ohio to provide supports for at-risk youth for 91059
wraparound services, which directly impact chronic absenteeism and 91060
dropout rates. 91061

Of the foregoing appropriation item 600689, TANF Block Grant, 91062
\$500,000 in each fiscal year shall be provided, in accordance with 91063
sections 5101.80 and 5101.801 of the Revised Code, to Produce 91064
Perks Midwest. 91065

Of the foregoing appropriation item 600689, TANF Block Grant, 91066
\$200,000 in each fiscal year shall be provided, in accordance with 91067
sections 5101.80 and 5101.801 of the Revised Code, to Marriage 91068
Works! Ohio in Dayton. 91069

Of the foregoing appropriation item 600689, TANF Block Grant, 91070
\$200,000 in each fiscal year shall be provided, in accordance with 91071
sections 5101.80 and 5101.801 of the Revised Code, to the YWCA of 91072
Greater Cleveland's Early Learning Center to support the trauma 91073
informed preschool for homeless, low income, and at-risk preschool 91074
children. 91075

Of the foregoing appropriation item 600689, TANF Block Grant, 91076
\$300,000 in each fiscal year shall be provided, in accordance with 91077

sections 5101.80 and 5101.801 of the Revised Code, to University 91078
Circle Inc. in Cleveland to support the Circle Scholars and Circle 91079
Explorers program. 91080

Of the foregoing appropriation item 600689, TANF Block Grant, 91081
\$282,400 in each fiscal year shall be used, in accordance with 91082
sections 5101.80 and 5101.801 of the Revised Code, to support the 91083
Somali Community Link's housing assistance program. 91084

Of the foregoing appropriation item 600689, TANF Block Grant, 91085
\$110,000 in each fiscal year shall be provided, in accordance with 91086
sections 5101.80 and 5101.801 of the Revised Code, to support 91087
University Settlement family assistance programs in the 91088
Broadway-Slavic Village neighborhood of Cleveland. 91089

Of the foregoing appropriation item 600689, TANF Block Grant, 91090
\$500,000 in each fiscal year shall be provided, in accordance with 91091
sections 5101.80 and 5101.801 of the Revised Code, to Birthing 91092
Beautiful Communities in Cleveland. 91093

Of the foregoing appropriation item 600689, TANF Block Grant, 91094
\$250,000 in each fiscal year shall be provided, in accordance with 91095
sections 5101.80 and 5101.801 of the Revised Code, to The Foundry 91096
in Cleveland. 91097

Of the foregoing appropriation item 600689, TANF Block Grant, 91098
\$100,000 in each fiscal year shall be provided, in accordance with 91099
sections 5101.80 and 5101.801 of the Revised Code, to support 91100
INspired educational planning, financial literacy, and college and 91101
career counseling services in schools to promote workforce 91102
development and reduce student loan debt. 91103

Of the foregoing appropriation item 600689, TANF Block Grant, 91104
\$25,000 in each fiscal year shall be provided, in accordance with 91105
sections 5101.80 and 5101.801 of the Revised Code, to the Make a 91106
Day Foundation to reduce parental dependence on government 91107
resources and promote job readiness by connecting chronically 91108

homeless individuals to rapid rehousing resources and improving 91109
the health and wellness of needy parents through connections to 91110
comprehensive health, mental health, substance use disorder, 91111
dental and vision care, and job readiness and smart justice 91112
information, resources, and referrals. 91113

Of the foregoing appropriation item 600689, TANF Block Grant, 91114
\$425,000 in each fiscal year shall be provided, in accordance with 91115
sections 5101.80 and 5101.801 of the Revised Code, to Mahoning 91116
County High School to support out-of-school programs in Mahoning 91117
County. 91118

Section 307.81. KINSHIP CAREGIVER PROGRAM 91119

Of the foregoing appropriation item 600689, TANF Block Grant, 91120
\$10,000,000 in each fiscal year shall be used, in accordance with 91121
sections 5101.80 and 5101.801 of the Revised Code, to support 91122
kinship care. The Director of Job and Family Services shall 91123
allocate funds to county departments of job and family services by 91124
providing twelve per cent divided equally among all counties, 91125
forty-eight per cent in the ratio that the number of residents of 91126
the county under the age of eighteen bears to the total number of 91127
such persons residing in this state, and forty per cent in the 91128
ratio that the number of residents of the county with incomes 91129
under one hundred per cent of the federal poverty guideline bears 91130
to the total number of such persons in this state. Each public 91131
children services agency shall use these funds to provide 91132
reasonable and necessary relief of child caring functions so that 91133
kinship caregivers, as defined in section 5101.85 of the Revised 91134
Code, can provide and maintain a home for a child in place of a 91135
child's parents. When the public children services agency is 91136
designated under division (A) of section 5153.02 of the Revised 91137
Code, the county department of job and family services shall enter 91138
into a memorandum of understanding with the public children 91139

services agency authorizing the expenditure of funds for this 91140
purpose up to the amount of the allocation. 91141

Each county department of job and family services shall 91142
incorporate the kinship caregiver support program into its 91143
prevention, retention, and contingency plan. The program shall 91144
include a family stabilization service and a caregiving service. 91145
For the purpose of the stabilization service, each child living 91146
with a kinship caregiver shall constitute a prevention, retention, 91147
and contingency assistance group of one. Stabilization services 91148
shall be designed to transition the child into and maintain the 91149
child in the home of the kinship caregiver. For the purpose of the 91150
caregiving service, each assistance group shall include at least a 91151
child living with a kinship caregiver and the kinship caregiver. 91152

The Department of Job and Family Services may adopt rules in 91153
accordance with Chapter 119. of the Revised Code as necessary to 91154
carry out the purposes of this section. 91155

If funding is no longer available, the kinship caregiver 91156
support program in this section shall end and any county 91157
department of job and family services or public children services 91158
agency shall not be held responsible for payment of services. 91159

Section 307.82. FAMILY STABILITY PROGRAMS 91160

Of the foregoing appropriation item 600689, TANF Block Grant, 91161
up to \$1,000,000 in each fiscal year shall be provided, in 91162
accordance with sections 5101.80 and 5101.801 of the Revised Code, 91163
to the Siemer Institute to support Family Stability Programs in 91164
collaboration with United Way affiliates on a quarterly basis. The 91165
funds shall be used to help provide services and early 91166
intervention focused on improving family housing stability, 91167
increasing household income, reducing school mobility, and 91168
supporting two-generation programming to stabilize family units. 91169

Before any funds are reimbursed, the Siemer Institute or 91170
affiliates shall provide the Department of Job and Family Services 91171
with documentation showing the amount of private sector dollars 91172
that have been collected to support the Family Stability Programs. 91173
The amount of each reimbursement provided by the Department to the 91174
Siemer Institute shall not exceed the amount documented and shall 91175
not exceed the amount of the earmark in each fiscal year. 91176

On July 1, 2022, or as soon as possible thereafter, the 91177
Director of Job and Family Services shall certify to the Director 91178
of Budget and Management the amount of the unexpended, 91179
unencumbered balance of this earmark in fiscal year 2022. The 91180
amount certified is hereby reappropriated to the appropriation 91181
item in fiscal year 2023 for the same purpose. 91182

Section 307.90. FAMILY AND CHILDREN SERVICES 91183

Of the foregoing appropriation item 600523, Family and 91184
Children Services, up to \$3,200,000 in each fiscal year shall be 91185
used to match eligible federal Title IV-B ESSA funds and federal 91186
Title IV-E Chafee funds allocated to public children services 91187
agencies. 91188

Of the foregoing appropriation item 600523, Family and 91189
Children Services, up to \$25,000,000 in each fiscal year shall be 91190
provided to assist with the expense of providing services to youth 91191
requiring support from multiple systems. These funds may be used 91192
for youth currently in the custody of a public children services 91193
agency or to prevent children from entering into the custody of a 91194
public children services agency by custody relinquishment or 91195
another mechanism. The Director of Job and Family Services shall 91196
adopt rules in accordance with section 111.15 of the Revised Code 91197
to administer the funding. 91198

Of the foregoing appropriation item 600523, Family and 91199
Children Services, up to \$5,000,000 in each fiscal year may be 91200

used for staffing for foster parent recruitment, engagement, and support; and up to \$5,000,000 in each fiscal year may be used to strengthen best practices. The Director of Job and Family Services shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item, 600523, Family and Children Services, up to \$120,040,010 in each fiscal year shall be provided to public children services agencies. Of that amount, \$17,600,000 in each fiscal year shall be used to provide an initial allocation of \$200,000 to each county and the remainder shall be provided using the formula in section 5101.14 of the Revised Code.

If the funds available for distribution under section 5101.14 of the Revised Code in fiscal year 2022 and fiscal year 2023 exceed the amount appropriated in fiscal year 2019, each county contributing local funds in county fiscal year 2019 to the county children services fund shall contribute moneys to the children services fund described in section 5101.144 of the Revised Code.

The Director of Job and Family Services shall adopt rules, in accordance with section 111.15 of the Revised Code, to determine the amount of local funds each county must contribute to the children services fund based on past contributions. Rules must include a hardship provision identifying circumstances in which the county contribution may be waived or reduced.

Section 307.100. KINSHIP CARE NAVIGATOR PROGRAM

Of the foregoing appropriation item 600523, Family and Children Services, up to \$8,500,000 in each fiscal year shall be used to support the Kinship Care Navigator Program, and may be used to match eligible federal Title IV-E funds.

Section 307.109. OHIO FAMILY AND CHILDREN FIRST COUNCIL

(A) On the effective date of this section, fiscal and administrative agent duties for the Ohio Family and Children First Cabinet Council created under section 121.37 of the Revised Code, which have been performed by the Department of Mental Health and Addiction Services, transfer to the Department of Job and Family Services. Associated with the transfer, the location of the Council's office shall move to the Department of Job and Family Services. The transfer as described in this section does not affect the Council's purpose, powers, or duties as specified in section 121.37 of the Revised Code.

(B) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section. Any rules, orders, or determinations pertaining to the Council continue in effect as rules, orders, and determinations of the Council until modified or rescinded.

(C) Subject to workforce reduction provisions set forth in sections 124.321 through 124.328 of the Revised Code, all employees of the Council are transferred to the Department of Job and Family Services and retain their current positions and benefits.

(D) No judicial or administrative action or proceeding to which the Council or an authorized officer of the Council is a party that is pending on the effective date of this section is affected by the transfer. Any such action or proceeding shall be prosecuted and defended in the name of the Council.

(E) Notwithstanding any provision of law to the contrary, on or after the effective date of this section, the Director of Budget and Management shall make budget and accounting changes made necessary by the transfer described in division (A) of this section. The Director may, if necessary, cancel or establish encumbrances or parts of encumbrances in fiscal years 2021 and

2022 in the appropriate fund and appropriation items for the same 91263
purpose and for payment to the same vendor. The established 91264
encumbrances are hereby appropriated. 91265

On July 1, 2021, or as soon as possible thereafter, the 91266
Director of Budget and Management shall cancel any existing 91267
encumbrances against appropriation item 336405, Family and 91268
Children First, and reestablish them against appropriation item 91269
600451, Family and Children First. The reestablished encumbrance 91270
amounts are hereby appropriated. Any business commenced but not 91271
completed under appropriation item 336405, Family and Children 91272
First, by July 1, 2021, shall be completed under appropriation 91273
item 600451, Family and Children First, in the same manner, and 91274
with the same effect, as if completed with regard to appropriation 91275
item 336405, Family and Children First. 91276

On July 1, 2021, or as soon as possible thereafter, the 91277
Director of Budget and Management shall cancel any existing 91278
encumbrances against appropriation item 336621, Family and 91279
Children First, and reestablish them against appropriation item 91280
600644, Family and Children First. The reestablished encumbrance 91281
amounts are hereby appropriated. Any business commenced but not 91282
completed under appropriation item 336621, Family and Children 91283
First, by July 1, 2021, shall be completed under appropriation 91284
item 600644, Family and Children First, in the same manner, and 91285
with the same effect, as if completed with regard to appropriation 91286
item 336621, Family and Children First. 91287

(F) All records, documents, files, equipment, assets, and 91288
other property of the Council that existed prior to the effective 91289
date of this section remain in the possession of the Council and 91290
are not affected by the transfer. 91291

Section 307.110. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 91292
POOL 91293

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools is subject to the following restrictions:

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the Department of Job and Family Services from the foregoing appropriation item 600523, Family and Children Services, or 600533, Child, Family, and Community Protection Services, may transfer a portion of either or both allocations to a flexible

funding pool as authorized by this section. 91325

Section 307.120. CHILD, FAMILY, AND COMMUNITY PROTECTION 91326
SERVICES 91327

(A) The foregoing appropriation item 600533, Child, Family, 91328
and Community Protection Services, shall be distributed to county 91329
departments of job and family services. County departments shall 91330
use the funds distributed to them under this section as follows, 91331
in accordance with the written plan of cooperation entered into 91332
under section 307.983 of the Revised Code: 91333

(1) To assist individuals in achieving or maintaining 91334
self-sufficiency, including by reducing or preventing dependency 91335
among individuals with family income not exceeding two hundred per 91336
cent of the federal poverty guidelines; 91337

(2) Subject to division (B) of this section, to respond to 91338
reports of abuse, neglect, or exploitation of children and adults, 91339
including through the differential response approach program; 91340

(3) To provide outreach and referral services regarding home 91341
and community-based services to individuals at risk of placement 91342
in a group home or institution, regardless of the individuals' 91343
family income and without need for a written application; 91344

(4) To provide outreach, referral, application assistance, 91345
and other services to assist individuals to receive assistance, 91346
benefits, or services under Medicaid; Title IV-A programs, as 91347
defined in section 5101.80 of the Revised Code; the Supplemental 91348
Nutrition Assistance Program; and other public assistance 91349
programs. 91350

(B) Protective services may be provided to a child or adult 91351
as part of a response, under division (A) (2) of this section, to a 91352
report of abuse, neglect, or exploitation without regard to a 91353
child or adult's family income and without need for a written 91354

application. The protective services may be provided if the case 91355
record documents circumstances of actual or potential abuse, 91356
neglect, or exploitation. 91357

Section 307.130. ADULT PROTECTIVE SERVICES 91358

The foregoing appropriation item 600534, Adult Protective 91359
Services, shall be divided equally among the counties. 91360

Section 307.140. FAMILY AND CHILDREN ACTIVITIES 91361

The foregoing appropriation item 600609, Family and Children 91362
Activities, shall be used to expend miscellaneous foundation funds 91363
and grants to support family and children services activities. 91364

Section 307.145. JOB AND FAMILY SERVICES PROGRAM SUPPORT 91365

Of the foregoing appropriation item 600551, Job and Family 91366
Services Program Support, \$150,000 in each fiscal year shall be 91367
provided to Men's Challenge in Stark County. 91368

Of the foregoing appropriation item 600551, Job and Family 91369
Services Program Support, \$50,000 in fiscal year 2022 shall be 91370
provided to the Youngstown Area Jewish Federation to support its 91371
mobile meals program. 91372

Section 307.146. GRACEHAVEN PILOT PROGRAM 91373

The foregoing appropriation item 600552, Gracehaven Pilot 91374
Program, shall be used to support the creation and operation of 91375
Gracehaven locations to provide community-based services to women 91376
under eighteen years of age that have been victims of human 91377
trafficking. 91378

Section 307.150. COURT APPOINTED SPECIAL ADVOCATES 91379

Of the foregoing appropriation item 600553, Court Appointed 91380
Special Advocates, up to \$333,333 in each fiscal year shall be 91381

used to support administrative costs associated with existing 91382
court-appointed special advocate programs. 91383

Of the foregoing appropriation item 600553, Court Appointed 91384
Special Advocates, up to \$666,667 in each fiscal year shall be 91385
used to establish court-appointed special advocate programs in 91386
areas of the state that are not served by an existing program and 91387
to support existing programs. 91388

Of the foregoing appropriation item 600616, Federal 91389
Discretionary Grants, up to \$800,000 in each fiscal year shall be 91390
used for the training of guardians ad litem and court-appointed 91391
special advocates as well as to conduct a study to demonstrate the 91392
impact of court-appointed special advocate volunteers on outcomes 91393
for children who are in child welfare custody as a result of 91394
abuse, neglect, or dependency. 91395

Section 307.152. EMPLOYMENT INCENTIVE PROGRAM 91396

The foregoing appropriation item 600560, Employment Incentive 91397
Program, shall be provided to eligible county departments of job 91398
and family services to develop employment incentive programs. In 91399
order to receive funds, a county department of job and family 91400
services shall submit a plan regarding the use of these funds for 91401
approval by the Director of Job and Family Services. The plan 91402
shall be submitted as part of the county's prevention, retention, 91403
and contingency plan. Funds shall be used in accordance with 91404
section 307.983 of the Revised Code to do both of the following: 91405

(A) Incentivize individuals, who are either currently 91406
enrolled or recently stopped participating in the Supplemental 91407
Nutrition Assistance Program, Medicaid, or a Temporary Assistance 91408
for Needy Families program, to enhance, achieve, or maintain 91409
self-sufficiency through employment; 91410

(B) Provide the nonfederal share for outreach, referral, 91411

application assistance, and other services to assist individuals 91412
in receiving incentives through the employment incentive program 91413
and any related supportive services to stabilize their employment 91414
and long-term self-sufficiency. 91415

Section 307.158. GOVERNOR'S OFFICE OF FAITH-BASED AND 91416
COMMUNITY INITIATIVES 91417

Of the foregoing appropriation item 600450, Program 91418
Operations, \$750,000 in each fiscal year shall be used by the 91419
Governor's Office of Faith-Based and Community Initiatives to 91420
support the development of the Connect Our Kids Family Connections 91421
technology and the development of the Connect Our Kids Connections 91422
Matter Academy for transition-aged youth. 91423

Section 307.160. WENDY'S WONDERFUL KIDS 91424

Of the foregoing appropriation items 600450, Program 91425
Operations, 600627, Adoption Program - Federal, 600606, Child 91426
Welfare, a total of up to \$12,000,000 in each fiscal year may be 91427
used to provide funds to the Dave Thomas Foundation for Adoption 91428
to implement statewide the Wendy's Wonderful Kids program of 91429
professional recruiters who use a child-focused model to find 91430
permanent homes for children in Ohio foster care. 91431

Section 307.170. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 91432

Notwithstanding section 5101.073 of the Revised Code, the 91433
ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also 91434
consist of earned federal revenue the final disposition of which 91435
is unknown. 91436

Section 307.180. ADOPTION ASSISTANCE LOAN 91437

The Department of Job and Family Services may use the State 91438
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 91439

of adoption assistance loans pursuant to section 3107.018 of the Revised Code. The amounts of any adoption assistance loans are hereby appropriated.

Section 307.190. EARLY CHILDHOOD EDUCATION

Of the foregoing appropriation item 600696, Early Childhood Education, up to \$20,000,000 in each fiscal year shall be used to achieve the goals described in division (C) of section 5104.29 of the Revised Code.

Section 307.200. VICTIMS OF HUMAN TRAFFICKING

The foregoing appropriation item 600660, Victims of Human Trafficking, shall be used to provide treatment, care, rehabilitation, education, housing, and assistance for victims of trafficking in persons as specified in section 5101.87 of the Revised Code.

Section 307.210. CHILDRENS CRISIS CARE

The foregoing appropriation item 600674, Childrens Crisis Care, shall be allocated by the Department of Job and Family Services in each fiscal year to children's crisis care facilities as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds in each fiscal year based on the total length of stay or days of care for each child residing in the facility, which is determined by calculating the total days each child resides at the crisis care facility, including the date of admission, but not the day of discharge. A children's crisis care facility may decline to receive funds provided under this section. A children's crisis care facility that accepts funds provided under this section shall use the funds in accordance with section 5103.13 of the Revised Code and the rules as defined in rule 5101:2-9-36 of the Administrative Code.

Section 307.220. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 91469

The Fiduciary Fund Group and Holding Account Fund Group shall 91470
be used to hold revenues until the appropriate fund is determined 91471
or until the revenues are directed to the appropriate governmental 91472
agency other than the Department of Job and Family Services. Any 91473
Department of Job and Family Services refunds or reconciliations 91474
received or held by the Department of Medicaid shall be 91475
transferred or credited to the Refunds and Audit Settlement Fund 91476
(Fund R012). If receipts credited to the Support Intercept - 91477
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 91478
5830), the Food Stamp Offset Fund (Fund 5B60), or the Refunds and 91479
Audit Settlements Fund (Fund R012) exceed the amounts appropriated 91480
from the fund, the Director of Job and Family Services may request 91481
the Director of Budget and Management to authorize expenditures 91482
from the fund in excess of the amounts appropriated. Upon the 91483
approval of the Director of Budget and Management, the additional 91484
amounts are hereby appropriated. 91485

Section 307.230. FEDERAL UNEMPLOYMENT PROGRAMS 91486

A portion of the foregoing appropriation item 600678, Federal 91487
Unemployment Programs, shall be provided in accordance with 91488
sections 4141.162 and 4141.35 of the Revised Code to administer 91489
fraud identification and prevention efforts in the unemployment 91490
program. 91491

Section 307.240. UNEMPLOYMENT INSURANCE PROGRAM IMPROVEMENT 91492

To improve customer service and program integrity within the 91493
Unemployment Insurance Program, the Department of Job and Family 91494
Services shall integrate specific system enhancements to 91495
streamline claims processing, enhance adjudication methodology 91496
where appropriate, and secure and implement a new cloud-based tax 91497
and benefits system to replace outdated technology. 91498

Section 307.250. (A) There is hereby established a study 91499
committee to evaluate all of the following regarding both publicly 91500
funded child care, as described in section 5104.30 of the Revised 91501
Code, and the Step Up to Quality Program, as created by section 91502
5104.29 of the Revised Code: 91503

(1) The number of children and families receiving publicly 91504
funded child care; 91505

(2) The number of early learning and development programs, as 91506
defined in section 5104.29 of the Revised Code, participating in 91507
the Step Up to Quality Program administered by the Ohio Department 91508
of Job and Family Services and providing publicly funded child 91509
care; 91510

(3) Funding sources for both publicly funded child care and 91511
the Step Up to Quality Program; 91512

(4) The long-term sustainability of those funding sources; 91513

(5) Eligibility levels for publicly funded child care, 91514
including the levels at which families may lose their eligibility; 91515

(6) Issues regarding access to publicly funded child care and 91516
quality-rated early learning and development programs; 91517

(7) The impact and feasibility of mandating that one hundred 91518
per cent of early learning and development programs providing 91519
publicly funded child care be rated in Step Up to Quality's third 91520
tier or higher by a certain date; 91521

(8) The manner in which the Department of Job and Family 91522
Services establishes reimbursement ceilings for publicly funded 91523
child care, including through the use of market rate surveys. 91524

(B) The committee shall consist of all of the following 91525
members: 91526

(1) The Director of the Ohio Department of Job and Family 91527

Services or the Director's designee;	91528
(2) The Superintendent of Public Instruction or the Superintendent's designee;	91529 91530
(3) The director of a county department of job and family services appointed by the Senate President;	91531 91532
(4) A home-based child care provider providing publicly funded child care appointed by the Senate President;	91533 91534
(5) A center-based child care provider providing publicly funded child care appointed by the Speaker of the House of Representatives;	91535 91536 91537
(6) A private pay child care provider appointed by the Senate President;	91538 91539
(7) A representative of the Ohio Society of Certified Public Accountants appointed by the Speaker of the House of Representatives;	91540 91541 91542
(8) Two representatives, each from a child care advocacy organization, one appointed by the Senate President and one appointed by the Speaker of the House of Representatives;	91543 91544 91545
(9) A representative of the business community appointed by the Speaker of the House of Representatives;	91546 91547
(10) Three members of the Senate, two from the majority caucus and one from the minority caucus, each appointed by the Senate President;	91548 91549 91550
(11) Three members of the House of Representatives, two from the majority caucus and one from the minority caucus, each appointed by the Speaker of the House of Representatives.	91551 91552 91553
The Senate President shall appoint one of the members described in division (B)(10) of this section to serve as the committee's chairperson. The Speaker of the House of Representatives shall appoint one of the members described in	91554 91555 91556 91557

division (B) (11) of this section to serve as the committee's 91558
vice-chairperson. 91559

The appointments required by this section shall be made not 91560
later than thirty days after the effective date of this section. 91561

(C) (1) To evaluate the issues described in division (A) of 91562
this section, the committee shall meet at the call of the 91563
chairperson and shall hold hearings to receive testimony from the 91564
public and relevant state agencies and boards. 91565

(2) The Committee may issue a report of its findings. 91566

(3) The staff of the Legislative Service Commission shall 91567
provide services to the committee. 91568

(D) This section expires on the adjournment of the 134th 91569
General Assembly. 91570

Section 307.260. UNEMPLOYMENT COMPENSATION 91571

Not later than March 1, 2022, the Director of Job and Family 91572
Services shall certify to the Director of Budget and Management, 91573
the President and Minority Leader of the Senate, the Speaker and 91574
Minority Leader of the House of Representatives, and to the 91575
chairpersons and ranking members of the Senate and House of 91576
Representatives standing committees that consider unemployment 91577
compensation issues the amount of unrecovered unemployment 91578
compensation as defined in section 4141.284 of the Revised Code 91579
and Pandemic Unemployment Assistance benefits provided under the 91580
"Coronavirus Aid, Relief, and Economic Security Act," 15 U.S.C. 91581
9021, that were issued due to fraudulent misrepresentation during 91582
the period March 1, 2020, and December 31, 2021. 91583

Section 307.270. PUBLICLY FUNDED CHILD CARE 91584

Of the foregoing appropriation item 600617, Child Care 91585
Federal, \$50,000,000 in fiscal year 2022 of the amounts provided 91586

from the "Consolidated Appropriations Act, 2021" Pub. L. No. 116-260 shall be used to provide a discount to the co-payments, established under section 5104.38 of the Revised Code, for families participating in publicly funded child care.

All of the following apply to funds provided through the "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260 or the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, including funds appropriated through appropriation item 600617, Child Care Federal:

(A) In the event "Consolidated Appropriations Act, 2021" funds not previously appropriated by the General Assembly, including through Controlling Board or as part of S.B. 109 of the 134th General Assembly, remain available, the Department of Job and Family Services shall use the funds to provide direct child care payments to licensed providers serving children eligible for publicly funded child care;

(B) In the event Ohio receives federal Child Care Development Fund (CCDF) supplemental discretionary funds from the "American Rescue Plan Act of 2021," the Department of Job and Family Services shall use the funds to provide direct child care payments to licensed providers serving children eligible for publicly funded child care.

Section 307.280. Beginning on the effective date of this section and through June 30, 2023, all of the following apply to a family's eligibility for publicly funded child care as described in division (A) of section 5104.38 of the Revised Code:

(A) Except as provided in division (B) of this section, the maximum amount of income that a family may have for initial eligibility shall not exceed one hundred forty-two per cent of the federal poverty line;

(B) For special needs child care, as defined in section 91617
5104.01 of the Revised Code, the maximum amount of income that the 91618
family may have for initial eligibility shall not exceed one 91619
hundred fifty per cent of the federal poverty line. 91620

(C) The maximum amount of income that a family may have for 91621
continued eligibility shall not exceed three hundred per cent of 91622
the federal poverty line. 91623

Section 307.290. (A) Notwithstanding any provision of law or 91624
regulation to the contrary, in order to improve the timeliness of 91625
public assistance benefit deliveries, maximize operational 91626
efficiencies, increase cost savings, and minimize fraud, each 91627
county department of job and family services shall participate in 91628
a no cost, ninety-day pilot, under which each county department 91629
shall obtain real-time employment and income information from a 91630
third-party commercial consumer reporting agency, in accordance 91631
with the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq., for 91632
the purpose of assisting with eligibility determinations for 91633
Supplemental Nutrition Assistance Program benefits, benefits 91634
funded by the Temporary Assistance for Needy Families block grant, 91635
and unemployment compensation benefits. Each county department 91636
shall conduct an analysis on the pilot and undertake efforts to 91637
incorporate real-time employment and income information into 91638
existing verification and eligibility determination procedures. 91639

(B) Following the conclusion of the ninety-day pilot, the 91640
department of job and family services may contract with a vendor 91641
capable of providing the same or similar services to those 91642
described in this section. Of the foregoing appropriation item 91643
600551, Job and Family Services Support, up to \$1,000,000 in 91644
fiscal year 2022 may be used to contract with a vendor. 91645

Section 307.300. PUBLIC ASSISTANCE BENEFITS ACCOUNTABILITY 91646

TASK FORCE	91647
(A) There is hereby created the Public Assistance Benefits Accountability Task Force consisting of the following thirteen members:	91648 91649 91650
(1) The Medicaid Director, or the Director's designee, who shall serve as an ex-officio, nonvoting member;	91651 91652
(2) The Director of the Department of Job and Family Services, or the Director's designee, who shall serve as an ex-officio, nonvoting member;	91653 91654 91655
(3) The Director of the Office of InnovateOhio, or the Director's designee, who shall serve as an ex-officio, nonvoting member;	91656 91657 91658
(4) The following members appointed by the President of the Senate;	91659 91660
(a) A director of a county department of job and family services;	91661 91662
(b) A business owner who employs fewer than one hundred people;	91663 91664
(c) Three members of the Senate, two from the majority party and one from the minority party.	91665 91666
(5) The following members appointed by the Speaker of the House of Representatives:	91667 91668
(a) A business owner who employs fewer than five hundred people;	91669 91670
(b) A representative of the Ohio Job and Family Services Directors' Association;	91671 91672
(c) Three members of the House of Representatives, two from the majority party and one from the minority party.	91673 91674

(B) Not later than ninety days from the effective date of this section, the President of the Senate and the Speaker of the House of Representatives shall each appoint a co-chairperson from among the members they appoint to the task force. Thereafter, the task force shall meet at the call of the co-chairpersons.

(C) The task force shall have the power to do the following:

(1) Review the November 9, 2020, report of the State Auditor entitled "Ohio's Medicaid Eligibility Determination Process" and determine to what extent the recommendations included in the report have been adopted. Within ninety days of conducting this review, the task force shall report to the President of the Senate and the Speaker of the House of Representatives regarding the status of implementation of these recommendations.

(2) Review past and present welfare to work county programs and their effectiveness on assisting individuals in achieving employment.

(3) Review existing fraud prevention efforts at the state and county levels and determine best practices for fraud prevention in the Supplemental Nutrition Assistance Program, Medicaid Program, Ohio Works First, and publicly funded child care program.

(4) Review and establish best practices regarding overpayment of benefits in the Supplemental Nutrition Assistance Program, Medicaid program, and publicly funded child care program and determine how these overpayments can be prevented at the state and county levels.

(5) Review and recommend best practices for processing public assistance cases to create efficiencies and reduce errors through the use of technology.

(6) Review and evaluate the length of time that individuals receive public assistance in this state and recommend ways to return individuals to the workforce.

(7) Review existing efforts to ensure compliance with child support enforcement across public assistance benefit programs and recommend additional ways compliance could be improved.

(8) Review the costs and benefits associated with implementing a requirement that each Supplemental Nutrition Assistance Program debit card include a color photograph of at least one adult member of the household.

(D) Members of the task force shall serve without compensation.

(E) Not later than eighteen months after convening, the task force shall prepare and submit a report to the General Assembly, in accordance with section 101.68 of the Revised Code, regarding any recommendations concerning the topics described in division (C) of this section. Upon the submission of its report, the task force shall cease to exist.

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW

General Revenue Fund

GRF 029321 Operating Expenses	\$	570,000	\$	570,000	91723
TOTAL GRF General Revenue Fund	\$	570,000	\$	570,000	91724
TOTAL ALL BUDGET FUND GROUPS	\$	570,000	\$	570,000	91725

OPERATING GUIDANCE

The Legislative Service Commission shall act as fiscal agent for the Joint Committee on Agency Rule Review. Members of the Committee shall be paid in accordance with section 101.35 of the Revised Code.

OPERATING EXPENSES

On July 1, 2021, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing

appropriation item 029321, Operating Expenses, at the end of 91736
fiscal year 2021 to be reappropriated to fiscal year 2022. The 91737
amount certified is hereby reappropriated to the same 91738
appropriation item for fiscal year 2022. 91739

On July 1, 2022, or as soon as possible thereafter, the 91740
Executive Director of the Joint Committee on Agency Rule Review 91741
may certify to the Director of Budget and Management an amount up 91742
to the unexpended, unencumbered balance of the foregoing 91743
appropriation item 029321, Operating Expenses, at the end of 91744
fiscal year 2022 to be reappropriated to fiscal year 2023. The 91745
amount certified is hereby reappropriated to the same 91746
appropriation item for fiscal year 2023. 91747

Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE 91748

General Revenue Fund 91749

GRF 048321 Operating Expenses	\$	371,848	\$	575,083	91750
TOTAL GRF General Revenue Fund	\$	371,848	\$	575,083	91751
TOTAL ALL BUDGET FUND GROUPS	\$	371,848	\$	575,083	91752

OPERATING EXPENSES 91753

The foregoing appropriation item 048321, Operating Expenses, 91754
shall be used to support expenses related to the Joint Medicaid 91755
Oversight Committee created by section 103.41 of the Revised Code. 91756

On July 1, 2021, or as soon as possible thereafter, the 91757
Executive Director of the Joint Medicaid Oversight Committee may 91758
certify to the Director of Budget and Management an amount up to 91759
the unexpended, unencumbered balance of the foregoing 91760
appropriation item 048321, Operating Expenses, at the end of 91761
fiscal year 2021 to be reappropriated to fiscal year 2022. The 91762
amount certified is hereby reappropriated to the same 91763
appropriation item for fiscal year 2022. 91764

On July 1, 2022, or as soon as possible thereafter, the 91765

Executive Director of the Joint Medicaid Oversight Committee may 91766
certify to the Director of Budget and Management an amount up to 91767
the unexpended, unencumbered balance of the foregoing 91768
appropriation item 048321, Operating Expenses, at the end of 91769
fiscal year 2022 to be reappropriated to fiscal year 2023. The 91770
amount certified is hereby reappropriated to the same 91771
appropriation item for fiscal year 2023. 91772

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO 91773

General Revenue Fund 91774

GRF 018321 Operating Expenses	\$	1,046,464	\$	1,083,265	91775
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TOTAL GRF General Revenue Fund	\$	1,046,464	\$	1,083,265	91776
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Dedicated Purpose Fund Group 91777

4030 018601 Ohio Jury	\$	531,471	\$	540,421	91778
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Instructions

TOTAL DPF Dedicated Purpose Fund	\$	531,471	\$	540,421	91779
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,577,935	\$	1,623,686	91780
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STATE COUNCIL OF UNIFORM STATE LAWS 91781

Notwithstanding section 105.26 of the Revised Code, of the 91782
foregoing appropriation item 018321, Operating Expenses, up to 91783
\$96,305 in fiscal year 2022 and up to \$99,194 in fiscal year 2023 91784
shall be used to pay the expenses of the State Council of Uniform 91785
State Laws, including membership dues to the National Conference 91786
of Commissioners on Uniform State Laws. 91787

OHIO JURY INSTRUCTIONS FUND 91788

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 91789
grants, royalties, dues, conference fees, bequests, devises, and 91790
other gifts received for the purpose of supporting costs incurred 91791
by the Judicial Conference of Ohio in its activities as a part of 91792
the judicial system of the state as determined by the Judicial 91793

Conference Executive Committee. Fund 4030 shall be used by the 91794
 Judicial Conference of Ohio to pay expenses incurred in its 91795
 activities as a part of the judicial system of the state as 91796
 determined by the Judicial Conference Executive Committee. All 91797
 moneys accruing to Fund 4030 in excess of the amount appropriated 91798
 for the current fiscal year are hereby appropriated for the 91799
 purposes authorized. No money in Fund 4030 shall be transferred to 91800
 any other fund by the Director of Budget and Management or the 91801
 Controlling Board. 91802

Section 317.10. JSC THE JUDICIARY/SUPREME COURT 91803

General Revenue Fund 91804

GRF	005321	Operating Expenses -	\$	185,879,257	\$	190,389,942	91805
		Judiciary/Supreme					
		Court					
GRF	005401	State Criminal	\$	1,346,891	\$	1,438,123	91806
		Sentencing Commission					
GRF	005406	Law-Related Education	\$	200,000	\$	200,000	91807
GRF	005409	Ohio Courts	\$	3,829,540	\$	3,843,940	91808
		Technology Initiative					
TOTAL GRF		General Revenue Fund	\$	191,255,688	\$	195,872,005	91809

Dedicated Purpose Fund Group 91810

4C80	005605	Attorney Services	\$	11,015,310	\$	10,979,027	91811
5HT0	005617	Court Interpreter	\$	7,000	\$	7,000	91812
		Certification					
5SP0	005626	Civil Justice Grant	\$	350,000	\$	350,000	91813
		Program					
5T80	005609	Grants and Awards	\$	5,000	\$	5,000	91814
6720	005601	Judiciary/Supreme	\$	105,000	\$	105,000	91815
		Court Education					
TOTAL DPF		Dedicated Purpose Fund	\$	11,482,310	\$	11,446,027	91816

Group

Fiduciary Fund Group					91817
5JY0 005620 County Law Library	\$	308,000	\$	323,500	91818
Resources Boards					
TOTAL FID Fiduciary Fund Group	\$	308,000	\$	323,500	91819
Federal Fund Group					91820
3J00 005603 Federal Grants	\$	1,155,203	\$	1,026,530	91821
TOTAL FED Federal Fund Group	\$	1,155,203	\$	1,026,530	91822
TOTAL ALL BUDGET FUND GROUPS	\$	204,201,201	\$	208,668,062	91823

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION 91825

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 91826
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LAW-RELATED EDUCATION 91830

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 91831
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OHIO COURTS TECHNOLOGY INITIATIVE 91838

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training 91839
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programs for judges and court personnel, and operation of the 91847
Commission on Technology and the Courts by the Supreme Court for 91848
the promulgation of statewide rules, policies, and uniform 91849
standards, and to aid in the orderly adoption and comprehensive 91850
use of technology in Ohio courts. 91851

ATTORNEY SERVICES 91852

The Attorney Registration Fund (Fund 4C80) shall consist of 91853
money received by the Supreme Court (The Judiciary) pursuant to 91854
the Rules for the Government of the Bar of Ohio. In addition to 91855
funding other activities considered appropriate by the Supreme 91856
Court, the foregoing appropriation item 005605, Attorney Services, 91857
may be used to compensate employees and to fund appropriate 91858
activities of the following offices established by the Supreme 91859
Court: the Office of Disciplinary Counsel, the Board of 91860
Commissioners on Grievances and Discipline, the Clients' Security 91861
Fund, and the Attorney Services Division which include the Office 91862
of Bar Admissions. If it is determined by the Administrative 91863
Director of the Supreme Court that changes to the appropriation 91864
are necessary, the amounts are hereby appropriated. 91865

No money in Fund 4C80 shall be transferred to any other fund 91866
by the Director of Budget and Management or the Controlling Board. 91867
Interest earned on money in Fund 4C80 shall be credited to the 91868
fund. 91869

COURT INTERPRETER CERTIFICATION 91870

The Court Interpreter Certification Fund (Fund 5HT0) shall 91871
consist of money received by the Supreme Court (The Judiciary) 91872
pursuant to Rules 80 through 87 of the Rules of Superintendence 91873
for the Courts of Ohio. The foregoing appropriation item 005617, 91874
Court Interpreter Certification, shall be used to provide 91875
training, to provide the written examination, and to pay language 91876
experts to rate, or grade, the oral examinations of those applying 91877

to become certified court interpreters. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5HT0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5HT0 shall be credited to the fund.

CIVIL JUSTICE GRANT PROGRAM

The Civil Justice Program Fund (Fund 5SP0) shall consist of (1) \$50 voluntary donations made as part of the biennium attorney registration process and (2) \$150 increase in the pro hac vice fees for out-of-state attorneys pursuant to Government of the Bar Rule amendments. The foregoing appropriation item 005626, Civil Justice Grant Program, shall be used by the Supreme Court of Ohio for grants to not-for-profit organizations and agencies dedicated to providing civil legal aid to underserved populations, to fund innovative programs directed at this purpose, and to increase access to judicial service to that population. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5SP0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5SP0 shall be credited to the fund.

GRANTS AND AWARDS

The Grants and Awards Fund (Fund 5T80) shall consist of grants and other money awarded to the Supreme Court (The Judiciary) by the State Justice Institute, the Division of Criminal Justice Services, or other entities. The foregoing appropriation item 005609, Grants and Awards, shall be used in a

manner consistent with the purpose of the grant or award. If it is 91909
determined by the Administrative Director of the Supreme Court 91910
that changes to the appropriation are necessary, the amounts are 91911
hereby appropriated. 91912

No money in Fund 5T80 shall be transferred to any other fund 91913
by the Director of Budget and Management or the Controlling Board. 91914
Interest earned on money in Fund 5T80 shall be credited or 91915
transferred to the General Revenue Fund. 91916

JUDICIARY/SUPREME COURT EDUCATION 91917

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 91918
consist of fees paid for attending judicial and public education 91919
on the law, reimbursement of costs for judicial and public 91920
education on the law, and other gifts and grants received for the 91921
purpose of judicial and public education on the law. The foregoing 91922
appropriation item 005601, Judiciary/Supreme Court Education, 91923
shall be used to pay expenses for judicial education courses for 91924
judges, court personnel, and those who serve the courts, and for 91925
public education on the law. If it is determined by the 91926
Administrative Director of the Supreme Court that changes to the 91927
appropriation are necessary, the amounts are hereby appropriated. 91928

No money in Fund 6720 shall be transferred to any other fund 91929
by the Director of Budget and Management or the Controlling Board. 91930
Interest earned on money in Fund 6720 shall be credited to the 91931
fund. 91932

COUNTY LAW LIBRARY RESOURCES BOARDS 91933

The Statewide Consortium of County Law Library Resources 91934
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 91935
to section 307.515 of the Revised Code into a county's law library 91936
resources fund and forwarded by that county's treasurer for 91937
deposit in the state treasury pursuant to division (E)(1) of 91938
section 3375.481 of the Revised Code. The foregoing appropriation 91939

item 005620, County Law Library Resources Boards, shall be used 91940
for the operation of the Statewide Consortium of County Law 91941
Library Resources Boards. If it is determined by the 91942
Administrative Director of the Supreme Court that changes to the 91943
appropriation are necessary, the amounts are hereby appropriated. 91944

No money in Fund 5JY0 shall be transferred to any other fund 91945
by the Director of Budget and Management or the Controlling Board. 91946
Interest earned on money in Fund 5JY0 shall be credited to the 91947
fund. 91948

FEDERAL GRANTS 91949

The Federal Grants Fund (Fund 3J00) shall consist of grants 91950
and other moneys awarded to the Supreme Court (The Judiciary) by 91951
the United States Government or other entities that receive the 91952
moneys directly from the United States Government and distribute 91953
those moneys to the Supreme Court (The Judiciary). The foregoing 91954
appropriation item 005603, Federal Grants, shall be used in a 91955
manner consistent with the purpose of the grant or award. If it is 91956
determined by the Administrative Director of the Supreme Court 91957
that changes to the appropriation are necessary, the amounts are 91958
hereby appropriated. 91959

No money in Fund 3J00 shall be transferred to any other fund 91960
by the Director of Budget and Management or the Controlling Board. 91961
However, interest earned on money in Fund 3J00 shall be credited 91962
or transferred to the General Revenue Fund. 91963

Section 319.10. LEC LAKE ERIE COMMISSION 91964

Dedicated Purpose Fund Group				91965
4C00	780601	Lake Erie Protection	\$ 699,000 \$ 699,000	91966
6H20	780604	H2Ohio	\$ 125,000 \$ 125,000	91967
TOTAL DPF Dedicated Purpose Fund				91968
Group				

Federal Fund Group					91969
3EP0 780603 LEC Federal Grants	\$	50,000	\$	50,000	91970
TOTAL FED Federal Fund Group	\$	50,000	\$	50,000	91971
TOTAL ALL BUDGET FUND GROUPS	\$	874,000	\$	874,000	91972

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 91973

On July 1 of each fiscal year, or as soon as possible 91974
thereafter, and upon approval by the Controlling Board, the 91975
Director of Budget and Management may transfer cash from the funds 91976
specified below, up to the amounts specified below, to the Lake 91977
Erie Protection Fund (Fund 4C00). Fund 4C00 may accept 91978
contributions and transfers made to the fund. 91979

Fund	Fund Name	User	FY 2022	FY 2023	
5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000	91981
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000	91982
4700	General Operations	Department of Health	\$25,000	\$25,000	91983
1570	Program Support	Department of Natural Resources	\$25,000	\$25,000	91984

On July 1, 2021, or as soon as possible thereafter, and upon 91985
approval by the Controlling Board, the Director of Budget and 91986
Management may transfer \$25,000 cash from a fund used by the 91987
Department of Development, as specified by the Director of 91988
Development, to Fund 4C00. 91989

On July 1, 2022, or as soon as possible thereafter, and upon 91990
approval by the Controlling Board, the Director of Budget and 91991
Management may transfer \$25,000 cash from a fund used by the 91992
Department of Development, as specified by the Director of 91993
Development, to Fund 4C00. 91994

On July 1, 2021, or as soon as possible thereafter, and upon 91995

approval by the Controlling Board, the Director of Budget and 91996
Management may transfer \$25,000 cash from a fund used by the 91997
Department of Transportation, as specified by the Director of 91998
Transportation, to Fund 4C00. 91999

On July 1, 2022, or as soon as possible thereafter, and upon 92000
approval by the Controlling Board, the Director of Budget and 92001
Management may transfer \$25,000 cash from a fund used by the 92002
Department of Transportation, as specified by the Director of 92003
Transportation, to Fund 4C00. 92004

H2OHIO FUND 92005

On July 1, 2022, or as soon as possible thereafter, the 92006
Director of the Lake Erie Commission may certify to the Director 92007
of Budget and Management an amount up to the unexpended, 92008
unencumbered balance of the foregoing appropriation item, 780604, 92009
H2Ohio, at the end of fiscal year 2022 to be reappropriated in 92010
fiscal year 2023. Upon Controlling Board approval, the amount 92011
certified is hereby reappropriated to the same appropriation item 92012
for fiscal year 2023. 92013

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 92014

General Revenue Fund 92015

GRF	028321	Legislative Ethics	\$	625,000	\$	625,000	92016
		Committee					

TOTAL GRF	General Revenue Fund	\$	625,000	\$	625,000	92017
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Dedicated Purpose Fund Group 92018

4G70	028601	Joint Legislative	\$	150,000	\$	150,000	92019
		Ethics Committee					

5HN0	028602	Investigations and	\$	10,000	\$	10,000	92020
		Financial Disclosure					

TOTAL DPF	Dedicated Purpose Fund	\$	160,000	\$	160,000	92021
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	785,000	\$	785,000	92022	
LEGISLATIVE ETHICS COMMITTEE					92023	
On July 1, 2021, or as soon as possible thereafter, the					92024	
Legislative Inspector General of the Joint Legislative Ethics					92025	
Committee may certify to the Director of Budget and Management an					92026	
amount up to the unexpended, unencumbered balance of the foregoing					92027	
appropriation item 028321, Legislative Ethics Committee, at the					92028	
end of fiscal year 2021 to be reappropriated to fiscal year 2022.					92029	
The amount certified is hereby reappropriated to the same					92030	
appropriation item for fiscal year 2022.					92031	
On July 1, 2022, or as soon as possible thereafter, the					92032	
Legislative Inspector General of the Joint Legislative Ethics					92033	
Committee may certify to the Director of Budget and Management an					92034	
amount up to the unexpended, unencumbered balance of the foregoing					92035	
appropriation item 028321, Legislative Ethics Committee, at the					92036	
end of fiscal year 2022 to be reappropriated to fiscal year 2023.					92037	
The amount certified is hereby reappropriated to the same					92038	
appropriation item for fiscal year 2023.					92039	
Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION					92040	
General Revenue Fund					92041	
GRF	035321	Operating Expenses	\$	21,362,380	\$ 21,362,380	92042
GRF	035402	Legislative Fellows	\$	1,110,000	\$ 1,110,000	92043
GRF	035405	Correctional	\$	447,020	\$ 447,020	92044
Institution Inspection						
Committee						
GRF	035407	Legislative Task Force	\$	1,000,000	\$ 0	92045
on Redistricting						
GRF	035409	National Associations	\$	600,000	\$ 600,000	92046
GRF	035410	Legislative	\$	11,003,890	\$ 11,003,890	92047
Information Systems						
GRF	035501	Litigation	\$	1,000,000	\$ 1,000,000	92048

TOTAL GRF General Revenue Fund	\$	36,523,290	\$	35,523,290	92049
Dedicated Purpose Fund Group					92050
4100 035601 Sale of Publications	\$	10,000	\$	10,000	92051
TOTAL DPF Dedicated Purpose Fund Group	\$	10,000	\$	10,000	92052
TOTAL ALL BUDGET FUND GROUPS	\$	36,533,290	\$	35,533,290	92053

Section 323.20. OPERATING EXPENSES 92055

On July 1, 2021, or as soon as possible thereafter, the 92056
Director of the Legislative Service Commission may certify to the 92057
Director of Budget and Management an amount up to the unexpended, 92058
unencumbered balance of the foregoing appropriation item 035321, 92059
Operating Expenses, at the end of fiscal year 2021 to be 92060
reappropriated to fiscal year 2022. The amount certified is hereby 92061
reappropriated to the same appropriation item for fiscal year 92062
2022. 92063

On July 1, 2022, or as soon as possible thereafter, the 92064
Director of the Legislative Service Commission may certify to the 92065
Director of Budget and Management an amount up to the unexpended, 92066
unencumbered balance of the foregoing appropriation item 035321, 92067
Operating Expenses, at the end of fiscal year 2022 to be 92068
reappropriated to fiscal year 2023. The amount certified is hereby 92069
reappropriated to the same appropriation item for fiscal year 92070
2023. 92071

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE 92072

On July 1, 2021, or as soon as possible thereafter, the 92073
Director of the Legislative Service Commission may certify to the 92074
Director of Budget and Management an amount up to the unexpended, 92075
unencumbered balance of the foregoing appropriation item 035405, 92076
Correctional Institution Inspection Committee, at the end of 92077
fiscal year 2021 to be reappropriated to fiscal year 2022. The 92078
amount certified is hereby reappropriated to the same 92079

appropriation item for fiscal year 2022. 92080

On July 1, 2022, or as soon as possible thereafter, the 92081
Director of the Legislative Service Commission may certify to the 92082
Director of Budget and Management an amount up to the unexpended, 92083
unencumbered balance of the foregoing appropriation item 035405, 92084
Correctional Institution Inspection Committee, at the end of 92085
fiscal year 2022 to be reappropriated to fiscal year 2023. The 92086
amount certified is hereby reappropriated to the same 92087
appropriation item for fiscal year 2023. 92088

LEGISLATIVE TASK FORCE ON REDISTRICTING 92089

An amount equal to the unexpended, unencumbered balance of 92090
the foregoing appropriation item 035407, Legislative Task Force on 92091
Redistricting, at the end of fiscal year 2021 is hereby 92092
reappropriated to the Legislative Service Commission for the same 92093
purpose for fiscal year 2022. 92094

An amount equal to the unexpended, unencumbered balance of 92095
the foregoing appropriation item 035407, Legislative Task Force on 92096
Redistricting, at the end of fiscal year 2022 is hereby 92097
reappropriated to the Legislative Service Commission for the same 92098
purpose for fiscal year 2023. 92099

LEGISLATIVE INFORMATION SYSTEMS 92100

On July 1, 2021, or as soon as possible thereafter, the 92101
Director of the Legislative Service Commission may certify to the 92102
Director of Budget and Management an amount up to the unexpended, 92103
unencumbered balance of the foregoing appropriation item 035410, 92104
Legislative Information Systems, at the end of fiscal year 2021 to 92105
be reappropriated to fiscal year 2022. The amount certified is 92106
hereby reappropriated to the same appropriation item for fiscal 92107
year 2022. 92108

On July 1, 2022, or as soon as possible thereafter, the 92109
Director of the Legislative Service Commission may certify to the 92110

Director of Budget and Management an amount up to the unexpended, 92111
unencumbered balance of the foregoing appropriation item 035410, 92112
Legislative Information Systems, at the end of fiscal year 2022 to 92113
be reappropriated to fiscal year 2023. The amount certified is 92114
hereby reappropriated to the same appropriation item for fiscal 92115
year 2023. 92116

LITIGATION 92117

The foregoing appropriation item 035501, Litigation, shall be 92118
used for any lawsuit in which the General Assembly is a party 92119
because a legal or constitutional challenge is made against the 92120
Ohio Constitution or an act of the General Assembly. The 92121
chairperson and vice-chairperson of the Legislative Service 92122
Commission shall both approve the use of the appropriated moneys. 92123

An amount equal to the unexpended, unencumbered balance of 92124
the foregoing appropriation item 035501, Litigation, at the end of 92125
fiscal year 2021 is hereby reappropriated to the Legislative 92126
Service Commission for the same purpose for fiscal year 2022. 92127

An amount equal to the unexpended, unencumbered balance of 92128
the foregoing appropriation item 035501, Litigation, at the end of 92129
fiscal year 2022 is hereby reappropriated to the Legislative 92130
Service Commission for the same purpose for fiscal year 2023. 92131

Section 325.10. LIB STATE LIBRARY BOARD 92132

General Revenue Fund 92133

GRF 350321 Operating Expenses \$ 4,293,122 \$ 4,293,122 92134

GRF 350401 Ohioana Library \$ 305,000 \$ 305,000 92135

Association

GRF 350406 Ohio Governor \$ 8,000,000 \$ 8,000,000 92136

Imagination Library

GRF 350502 Regional Library \$ 480,000 \$ 480,000 92137

Systems

TOTAL GRF General Revenue Fund	\$	13,078,122	\$	13,078,122	92138
Dedicated Purpose Fund Group					92139
4590 350603 Services for	\$	4,252,887	\$	4,252,887	92140
Libraries					
4S40 350604 Ohio Public Library	\$	5,696,898	\$	5,698,898	92141
Information Network					
5GB0 350605 Library for the Blind	\$	1,274,194	\$	1,274,194	92142
TOTAL DPF Dedicated Purpose Fund	\$	11,223,979	\$	11,225,979	92143
Group					
Internal Service Activity Fund					92144
1390 350602 Services for State	\$	8,000	\$	8,000	92145
Agencies					
TOTAL ISA Internal Service Activity	\$	8,000	\$	8,000	92146
Fund Group					
Federal Fund Group					92147
3130 350601 LSTA Federal	\$	5,366,565	\$	5,366,565	92148
TOTAL FED Federal Fund Group	\$	5,366,565	\$	5,366,565	92149
TOTAL ALL BUDGET FUND GROUPS	\$	29,676,666	\$	29,678,666	92150

Section 325.20. OHIOANA LIBRARY ASSOCIATION 92152

Of the foregoing appropriation item 350401, Ohioana Library 92153
 Association, \$180,000 in each fiscal year shall be used to support 92154
 the operating expenses of the Martha Kinney Cooper Ohioana Library 92155
 Association under section 3375.61 of the Revised Code. 92156

The remainder of the foregoing appropriation item 350401, 92157
 Ohioana Library Association, shall be used to pay the rental 92158
 expenses of the Martha Kinney Cooper Ohioana Library Association 92159
 under section 3375.61 of the Revised Code. 92160

REGIONAL LIBRARY SYSTEMS 92161

The foregoing appropriation item 350502, Regional Library 92162
 Systems, shall be used to support regional library systems 92163

eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 92164
92165

OHIO PUBLIC LIBRARY INFORMATION NETWORK 92166

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN). 92167
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The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network. 92172
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(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service. 92176
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(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort. 92187
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LIBRARY FOR THE BLIND 92192

The foregoing appropriation item 350605, Library for the Blind, shall be used for the statewide Talking Book Program to 92193
92194

assist the blind and disabled.				92195	
TRANSFER TO OPLIN TECHNOLOGY FUND				92196	
Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$3,689,788 cash in each fiscal year from the Public Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 4S40).				92197 92198 92199 92200 92201 92202	
TRANSFER TO LIBRARY FOR THE BLIND FUND				92203	
Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0).				92204 92205 92206 92207 92208 92209	
Section 327.10. LCO LIQUOR CONTROL COMMISSION				92210	
Dedicated Purpose Fund Group				92211	
5LP0 970601 Commission Operating Expenses	\$	1,031,108	\$	1,036,458	92212
TOTAL DPF Dedicated Purpose Fund Group	\$	1,031,108	\$	1,036,458	92213
TOTAL ALL BUDGET FUND GROUPS	\$	1,031,108	\$	1,036,458	92214
Section 329.10. LOT STATE LOTTERY COMMISSION				92216	
State Lottery Fund Group				92217	
7044 950321 Operating Expenses	\$	57,344,482	\$	58,581,656	92218
7044 950402 Advertising Contracts	\$	27,925,000	\$	27,925,000	92219
7044 950403 Gaming Contracts	\$	84,082,171	\$	90,357,570	92220
7044 950601 Direct Prize Payments	\$	158,700,369	\$	162,809,344	92221
7044 950605 Problem Gambling	\$	4,000,000	\$	4,000,000	92222

8710 950602 Annuity Prizes	\$ 56,311,050	\$ 58,328,775	92223
TOTAL SLF State Lottery Fund Group	\$ 388,363,072	\$ 402,002,345	92224
TOTAL ALL BUDGET FUND GROUPS	\$ 388,363,072	\$ 402,002,345	92225

OPERATING EXPENSES 92226

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS 92234

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

ANNUITY PRIZES 92239

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 92251

Estimated transfers from the State Lottery Fund (Fund 7044) 92252

to the Lottery Profits Education Fund (Fund 7017) are to be 92253
 \$1,234,000,000 in fiscal year 2022 and \$1,263,000,000 in fiscal 92254
 year 2023. Transfers by the Director of Budget and Management to 92255
 the Lottery Profits Education Fund shall be administered as the 92256
 statutes direct. 92257

Section 333.10. MCD DEPARTMENT OF MEDICAID 92258

General Revenue Fund 92259

GRF 651425 Medicaid Program \$ 158,301,609 \$ 158,837,954 92260
 Support - State

GRF 651426 Positive Education \$ 2,500,000 \$ 0 92261
 Program Connections

GRF 651525 Medicaid Health Care \$ 3,856,990,059 \$ 5,560,656,874 92262
 Services - State

Medicaid Health Care \$ 10,859,846,818 \$ 13,583,428,306 92263
 Services - Federal

Medicaid Health Care \$ 14,716,836,877 \$ 19,144,085,180 92264
 Services - Total

GRF 651526 Medicare Part D \$ 489,144,862 \$ 566,626,746 92265

GRF 651529 Brigid's Path Pilot \$ 1,000,000 \$ 1,000,000 92266

GRF 651533 Food Pharmacy Pilot \$ 250,000 \$ 250,000 92267
 Project

TOTAL GRF General Revenue Fund 92268

State \$ 4,508,186,530 \$ 6,287,371,574 92269

Federal \$ 10,859,846,818 \$ 13,583,428,306 92270

GRF Total \$ 15,368,033,348 \$ 19,870,799,880 92271

Dedicated Purpose Fund Group 92272

4E30 651605 Resident Protection \$ 7,000,000 \$ 7,000,000 92273
 Fund

5AN0 651686 Care Innovation and \$ 85,621,440 \$ 85,452,765 92274
 Community Improvement
 Program

5DL0	651639	Medicaid Services - Recoveries	\$	552,500,000	\$	615,150,000	92275
5DL0	651685	Medicaid Recoveries - Program Support	\$	98,332,700	\$	80,747,100	92276
5DL0	651690	Multi-system Youth Custody Relinquishment	\$	16,000,000	\$	16,000,000	92277
5FX0	651638	Medicaid Services - Payment Withholding	\$	12,000,000	\$	12,000,000	92278
5GF0	651656	Medicaid Services - Hospital Franchise Fee	\$	932,000,000	\$	971,000,000	92279
5R20	651608	Medicaid Services - Long Term	\$	415,000,000	\$	415,000,000	92280
5SA4	651689	Medicaid Health & Human Services	\$	900,000,000	\$	300,000,000	92281
5TN0	651684	Medicaid Services - HIC Fee	\$	1,013,000,000	\$	966,000,000	92282
5XY0	651694	Improvements for Priority Populations	\$	10,500,000	\$	10,500,000	92283
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$	158,392,748	\$	102,289,260	92284
TOTAL DPF Group		Dedicated Purpose Fund Group	\$	4,200,346,888	\$	3,581,139,125	92285
		Holding Account Fund Group					92286
R055	651644	Refunds and Reconciliation	\$	1,000,000	\$	1,000,000	92287
TOTAL HLD Group		Holding Account Fund Group	\$	1,000,000	\$	1,000,000	92288
		Federal Fund Group					92289
3ER0	651603	Medicaid and Health	\$	10,083,900	\$	9,660,200	92290

	Transformation				
	Technology				
3F00 651623	Medicaid Services -	\$10,680,175,369	\$ 8,174,548,367	92291	
	Federal				
3F00 651624	Medicaid Program	\$ 543,733,300	\$ 509,264,400	92292	
	Support - Federal				
3FA0 651680	Health Care Grants -	\$ 3,000,000	\$ 3,000,000	92293	
	Federal				
3G50 651655	Medicaid Interagency	\$ 241,692,200	\$ 241,692,200	92294	
	Pass Through				
TOTAL FED	Federal Fund Group	\$11,478,684,769	\$ 8,938,165,167	92295	
TOTAL ALL BUDGET	FUND GROUPS	\$31,048,065,005	\$32,391,104,172	92296	

Section 333.20. MEDICAID HEALTH CARE SERVICES 92298

The foregoing appropriation item 651525, Medicaid Health Care 92299
Services, shall not be limited by section 131.33 of the Revised 92300
Code. 92301

Section 333.30. LEAD ABATEMENT AND RELATED ACTIVITIES 92302

Upon the request of the Medicaid Director, the Director of 92303
Budget and Management may transfer up to \$5,000,000 in 92304
appropriations in each fiscal year from appropriation item 651525, 92305
Medicaid Health Care Services, to appropriation items in the 92306
Department of Health for the purpose of lead abatement activities. 92307
The Medicaid Director may seek Controlling Board approval to 92308
transfer amounts in excess of \$5,000,000 in appropriations in each 92309
fiscal year to the Department of Health for lead abatement 92310
activities. The Director of Medicaid may transfer federal funds as 92311
the state's single state agency for Medicaid reimbursements, as 92312
drawn for these transactions. Amounts transferred are hereby 92313
appropriated. 92314

Section 333.35. POSITIVE EDUCATION PROGRAM CONNECTIONS 92315

The foregoing appropriation item, 651426, Positive Education Program Connections, shall be used for the Positive Education Program Connections in Cuyahoga County.

Section 333.40. HOSPITAL FRANCHISE FEE PROGRAM 92319

The Director of Budget and Management may authorize additional expenditures from appropriation item 651623, Medicaid Services - Federal, appropriation item 651525, Medicaid Health Care Services, and appropriation item 651656, Medicaid Services - Hospital Franchise Fee, in order to implement the programs authorized by sections 5168.20 through 5168.28 of the Revised Code. Any amounts authorized are hereby appropriated.

Section 333.45. HOSPITAL FRANCHISE FEE ADDITIONAL APPROPRIATIONS 92327
92328

Notwithstanding section 131.35 of the Revised Code, if the Medicaid Director determines that, due to the impact of the COVID-19 public health emergency, additional appropriations are necessary in appropriation items 651656, Medicaid Services - Hospital Franchise Fee and 651623, Medicaid Services - Federal, the Medicaid Director may request Controlling Board approval to increase appropriations by up to \$400,000,000 in appropriation item 651656, Medicaid Services - Hospital Franchise Fee, and up to \$1,000,000,000 in appropriation item 651623, Medicaid Services - Federal, in each fiscal year. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

Section 333.50. MEDICARE PART D 92340

The foregoing appropriation item 651526, Medicare Part D, may be used by the Department of Medicaid for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of

2003," Pub. L. No. 108-173, as amended. Upon the request of the 92345
Medicaid Director, the Director of Budget and Management may 92346
transfer the state share of appropriations between appropriation 92347
item 651525, Medicaid Health Care Services, and appropriation item 92348
651526, Medicare Part D. If the state share of appropriation item 92349
651525, Medicaid Health Care Services, is adjusted, the Director 92350
of Budget and Management shall adjust the federal share 92351
accordingly. The Department of Medicaid shall provide notification 92352
to the Controlling Board of any transfers at the next scheduled 92353
Controlling Board meeting. 92354

Section 333.55. BRIGID'S PATH PILOT 92355

The foregoing appropriation item, 651529, Brigid's Path 92356
Pilot, shall be distributed to Brigid's Path Program in Montgomery 92357
County. If the Medicaid Director files rules with the Joint 92358
Committee on Agency Rule Review to implement a mother baby dyad 92359
program under which residential pediatric recovery centers would 92360
receive reimbursement for treatment of infants with neonatal 92361
abstinence syndrome, upon the rules' effective date or as soon as 92362
possible thereafter, the Medicaid Director shall certify to the 92363
Director of Budget and Management the unexpended, unencumbered 92364
funds from appropriation item 651529 remaining for fiscal year 92365
2022 and fiscal year 2023. Upon certification, the Director of 92366
Budget and Management shall transfer the remaining appropriation 92367
to appropriation item 651525, Medicaid Health Care Services. 92368

Section 333.57. FOOD FARMACY PILOT PROJECT 92369

The foregoing appropriation item 651533, Food Farmacy Pilot 92370
Project, shall be distributed to the Akron Canton Regional 92371
Foodbank to provide comprehensive medical, nutrition, and 92372
lifestyle support for food-insecure patients with chronic diseases 92373
and their families. 92374

Section 333.60. CARE INNOVATION AND COMMUNITY IMPROVEMENT	92375
PROGRAM	92376
(A) As used in this section:	92377
(1) "Nonprofit hospital agency" means a nonprofit hospital	92378
agency, as defined in section 140.01 of the Revised Code, that is	92379
affiliated with a state university as defined in section 3345.011	92380
of the Revised Code.	92381
(2) "Participating agency" means a nonprofit hospital agency	92382
or public hospital agency participating in the Care Innovation and	92383
Community Improvement Program.	92384
(3) "Public hospital agency" has the same meaning as in	92385
section 140.01 of the Revised Code.	92386
(B) The Medicaid Director shall continue the Care Innovation	92387
and Community Improvement Program for the 2022-2023 fiscal	92388
biennium. Any nonprofit hospital agency or public hospital agency	92389
may volunteer to participate in the program if the agency operates	92390
a hospital that has a Medicaid provider agreement.	92391
(C) Participating agencies are responsible for the state	92392
share of the program's costs and shall make or request the	92393
appropriate government entity to make intergovernmental transfers	92394
to pay for those costs. The Medicaid Director shall establish a	92395
schedule for making the intergovernmental transfers.	92396
(D) Each participating agency shall receive supplemental	92397
payments under the Medicaid program for physician and other	92398
professional services that are covered by the Medicaid program and	92399
provided to Medicaid recipients. The amount of the supplemental	92400
payments shall equal the difference between the Medicaid payment	92401
rates for the services and the average commercial payment rates	92402
for the services. The Director may terminate, or adjust the amount	92403
of, the supplemental payments if the amount of the funds available	92404

for the Care Innovation and Community Improvement Program is 92405
inadequate. 92406

(E) Each participating agency shall jointly participate in 92407
quality improvement initiatives that align with and advance the 92408
goals of the Department of Medicaid's quality strategy required 92409
under 42. C.F.R. 438.340. 92410

(F) The Medicaid Director shall maintain a process to 92411
evaluate the work done by participating agencies under division 92412
(E) of this section and the agencies' progress in meeting the 92413
goals of the Care Innovation and Community Improvement Program. 92414
The Director may terminate an agency's participation in the 92415
program if the Director determines that the agency is not 92416
participating as specified in division (E) of this section or 92417
making progress in meeting the program's quality improvement 92418
goals. 92419

(G) Not later than December 31 of each year, the Medicaid 92420
Director shall submit a report to the Speaker of the House of 92421
Representatives, the President of the Senate, and the Joint 92422
Medicaid Oversight Committee, detailing the efficacy, trends, 92423
outcomes, and number of agencies enrolled in the Care Innovation 92424
and Community Improvement Program. The report also shall specify 92425
the total amount of supplemental payments made to participating 92426
agencies under division (D) of this section. All data contained 92427
within the report shall be aggregated. 92428

(H) All intergovernmental transfers made under division (C) 92429
of this section shall be deposited into the Care Innovation and 92430
Community Improvement Program Fund created by Section 333.320 of 92431
H.B. 49 of the 132nd General Assembly. Money in the fund and the 92432
corresponding federal financial participation in the Health Care - 92433
Federal Fund created under section 5162.50 of the Revised Code 92434
shall be used to make supplemental payments under division (D) of 92435
this section. 92436

Section 333.70. DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT 92437
AND RECOVERIES FUND 92438

Of the amount received by the Department of Medicaid during 92439
fiscal year 2022 and fiscal year 2023 from the first installment 92440
of assessments paid under section 5168.06 of the Revised Code and 92441
intergovernmental transfers made under section 5168.07 of the 92442
Revised Code, the Medicaid Director shall deposit \$2,500,000 cash 92443
in each fiscal year into the state treasury to the credit of the 92444
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). 92445

Section 333.90. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 92446
SUPPORT AND RECOVERIES FUND TO THE STATEWIDE PREVENTION AND 92447
TREATMENT FUND 92448

Upon the request of the Medicaid Director, and subject to the 92449
approval of the Controlling Board, the Director of Budget and 92450
Management may transfer up to \$2,000,000 cash in each fiscal year 92451
from the Health Care/Medicaid Support and Recoveries Fund (Fund 92452
5DL0) to the Statewide Prevention and Treatment Fund (Fund 4750), 92453
used by the Department of Mental Health and Addiction Services. 92454
Any transferred funds shall be used to support Centers of 92455
Excellence and related activities. Any transferred amounts are 92456
hereby appropriated. 92457

Section 333.110. HOSPITAL CARE ASSURANCE MATCH 92458

If receipts credited to the Health Care Federal Fund (Fund 92459
3F00) exceed the amounts appropriated from the fund for making the 92460
hospital care assurance program distribution, the Medicaid 92461
Director may request the Director of Budget and Management to 92462
authorize expenditures from the fund in excess of the amounts 92463
appropriated. Upon the approval of the Director of Budget and 92464
Management, the additional amounts are hereby appropriated. 92465

The foregoing appropriation item 651649, Medicaid Services - 92466
Health Care Assurance Program, shall be used by the Department of 92467
Medicaid for distributing the state share of all hospital care 92468
assurance program funds to hospitals under section 5168.09 of the 92469
Revised Code. If receipts credited to the Hospital Care Assurance 92470
Program Fund (Fund 6510) exceed the amounts appropriated from the 92471
fund for making the hospital care assurance program distribution, 92472
the Medicaid Director may request the Director of Budget and 92473
Management to authorize expenditures from the fund in excess of 92474
the amounts appropriated. Upon the approval of the Director of 92475
Budget and Management, the additional amounts are hereby 92476
appropriated. 92477

Section 333.140. NON-EMERGENCY MEDICAL TRANSPORTATION 92478

In order to ensure access to a non-emergency medical 92479
transportation brokerage program established pursuant to section 92480
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 92481
upon the request of the Medicaid Director, the Director of Budget 92482
and Management may transfer the state share appropriations between 92483
General Revenue Fund appropriation item 651525, Medicaid Health 92484
Care Services, within the Department of Medicaid and 655523, 92485
Medicaid Program Support - Local Transportation, within the 92486
Department of Job and Family Services. If such a transfer occurs, 92487
the Director of Budget and Management shall adjust, using the 92488
federal reimbursement rate, the federal share appropriations of 92489
General Revenue Fund appropriation item 651525, Medicaid Health 92490
Care Services, within the Department of Medicaid, and the Medicaid 92491
Program Support Fund (Fund 3F01) appropriation item 655624, 92492
Medicaid Program Support - Federal, within the Department of Job 92493
and Family Services. The Director of Medicaid shall transmit to 92494
the Medicaid Program Support Fund (Fund 3F01) the federal funds 92495
which the Department of Medicaid, as the state's sole point of 92496
contact with the federal government for Medicaid reimbursements, 92497

has drawn for this transaction. 92498

Section 333.150. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 92499
AND LOCAL PROGRAM SUPPORT 92500

The Director of Budget and Management shall transfer 92501
\$2,500,000 of state share appropriations in each fiscal year 92502
between General Revenue Fund appropriation item 651525, Medicaid 92503
Health Care Services, within the Department of Medicaid, and 92504
655522, Medicaid Program Support - Local, within the Department of 92505
Job and Family Services. In addition, upon the request of the 92506
Medicaid Director, the Director of Budget and Management may 92507
transfer up to an additional \$2,500,000 of state share 92508
appropriations in each fiscal year between appropriation items 92509
651525 and 655522. When any transfers occur, the Director of 92510
Budget and Management shall adjust, using the federal 92511
reimbursement rate, the federal share appropriations of General 92512
Revenue Fund appropriation item 651525, Medicaid Health Care 92513
Services, within the Department of Medicaid, and the Medicaid 92514
Program Support Fund (Fund 3F01) appropriation item 655624, 92515
Medicaid Program Support - Federal, within the Department of Job 92516
and Family Services. The Director of Medicaid shall transmit to 92517
the Medicaid Program Support Fund (Fund 3F01) the federal funds 92518
which the Department of Medicaid, as the state's sole point of 92519
contact with the federal government for Medicaid reimbursements, 92520
has drawn for this transaction. 92521

The Medicaid Director shall establish criteria for 92522
distributing these funds and for county departments of job and 92523
family services to submit allowable expenses. 92524

County departments of job and family services shall comply 92525
with new roles, processes, and responsibilities related to the new 92526
eligibility determination system. County departments of job and 92527
family services shall report to the Ohio Department of Job and 92528

Family Services and the Ohio Department of Medicaid, on a schedule 92529
determined by the Medicaid Director, how the funds were used. 92530

Section 333.160. MEDICAID PAYMENT RATES FOR COMMUNITY 92531
BEHAVIORAL HEALTH SERVICES 92532

(A) As used in this section: 92533

(1) "Community behavioral health services" has the same 92534
meaning as in section 5164.01 of the Revised Code. 92535

(2) "Hospital" has the same meaning as in section 3727.01 of 92536
the Revised Code. 92537

(3) "Intermediate care facility for individuals with 92538
intellectual disabilities" has the same meaning as in section 92539
5124.01 of the Revised Code. 92540

(4) "Nursing facility" has the same meaning as in section 92541
5165.01 of the Revised Code. 92542

(B) Subject to division (C) of this section, the Department 92543
of Medicaid may establish Medicaid payment rates for community 92544
behavioral health services provided during fiscal year 2022 and 92545
fiscal year 2023 that exceed the authorized rates paid for the 92546
services under the Medicare program. 92547

(C) This section does not apply to community behavioral 92548
health services provided by any of the following: 92549

(1) Hospitals on an inpatient basis; 92550

(2) Nursing facilities; 92551

(3) Intermediate care facilities for individuals with 92552
intellectual disabilities. 92553

Section 333.165. ADULT DAY CARE PROVIDER PAYMENT RATES 92554

(A) For fiscal year 2022, the payment rates for adult day 92555
care services provided by a waiver- or state-plan provider under 92556

the PASSPORT program and the Assisted Living waiver, including the 92557
MyCare Ohio waiver portions of those programs, shall be four per 92558
cent higher than the rates in effect on June 30, 2021. 92559

(B) For fiscal year 2023, the payment rates for adult day 92560
care services provided by a waiver- or state-plan provider under 92561
the PASSPORT program and the Assisted Living waiver, including the 92562
MyCare Ohio waiver portions of those programs, shall be two per 92563
cent higher than the rates in effect on June 30, 2022. 92564

Section 333.166. HCBS WAIVER PAYMENT RATES 92565

(A) For fiscal year 2022, the payment rates for the services 92566
enumerated under division (C) of this section that are provided by 92567
a waiver- or state plan-funded provider under the PASSPORT 92568
program, the Ohio Home Care waiver program, the MyCare Ohio waiver 92569
program, and the Assisted Living waiver shall be four per cent 92570
higher than the rates in effect on June 30, 2021. 92571

(B) For fiscal year 2023, the payment rates for the services 92572
enumerated under division (C) of this section that are provided by 92573
a waiver- or state plan-funded provider under the PASSPORT 92574
program, the Ohio Home Care waiver program, the MyCare Ohio waiver 92575
program, and the Assisted Living waiver shall be two per cent 92576
higher than the rates in effect on June 30, 2022. 92577

(C) This section applies to the following services: 92578

(1) Private duty nursing; 92579

(2) Nursing; 92580

(3) Home health aide; 92581

(4) Personal care; 92582

(5) Home care attendant and homemaker; 92583

(6) Assisted living; 92584

(7) Speech therapy; 92585

(8) Occupational therapy;	92586
(9) Physical therapy.	92587
Section 333.170. AREA AGENCIES ON AGING AND MEDICAID MANAGED CARE	92588 92589
(A) As used in this section:	92590
(1) "Care management system" means the system established under section 5167.03 of the Revised Code.	92591 92592
(2) "Dual eligible individuals" has the same meaning as in section 5160.01 of the Revised Code.	92593 92594
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	92595 92596
(4) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	92597 92598
(B) If the Department of Medicaid expands the inclusion of the aged, blind, and disabled Medicaid eligibility group or dual eligible individuals in the care management system during the FY 2022 - FY 2023 fiscal biennium, the Department shall do both of the following for the remainder of the fiscal biennium:	92599 92600 92601 92602 92603
(1) Require area agencies on aging to be the coordinators of home and community-based services available under Medicaid waiver components that those individuals and that eligibility group receive and permit Medicaid managed care organizations to delegate to the agencies full-care coordination functions for those services and other health-care services those individuals and that eligibility group receive;	92604 92605 92606 92607 92608 92609 92610
(2) In selecting managed care organizations with which to contract under section 5167.10 of the Revised Code, give preference to those organizations that will enter into subcapitation arrangements with area agencies on aging under which	92611 92612 92613 92614

the agencies are to perform, in addition to other functions, 92615
network management and payment functions for home and 92616
community-based services available under Medicaid waiver 92617
components that those individuals and that eligibility group 92618
receive. 92619

Section 333.175. OHIO INVESTS IN IMPROVEMENTS FOR PRIORITY 92620
POPULATIONS 92621

(A) As used in this section: 92622

(1) "Care management system" and "enrollee" have the same 92623
meanings as in section 5167.01 of the Revised Code. 92624

(2) "State university" has the same meaning as in section 92625
3345.011 of the Revised Code. 92626

(B) There is hereby created the Ohio Invests in Improvements 92627
for Priority Populations (OIPP) Program. The program shall be a 92628
directed payment program for inpatient and outpatient hospital 92629
services provided to Medicaid care management system enrollees 92630
receiving care at state university-owned hospitals with less than 92631
three hundred inpatient beds. Participating hospitals shall 92632
receive payments directly for services provided under the program 92633
and remit to the Department of Medicaid, through intergovernmental 92634
transfer, the nonfederal share of those services. Transfers made 92635
for the program shall be deposited into the Hospital Directed 92636
Payment Program Fund. The Medicaid Director shall seek approval 92637
from the Centers for Medicare and Medicaid Services for the 92638
program in accordance with section 5162.07 of the Revised Code. 92639

(C) The foregoing appropriation item 651694, Improvements for 92640
Priority Populations, and the corresponding federal share in 92641
appropriation item 651623, Medicaid Services - Federal, shall be 92642
used for the OIPP Program. 92643

Section 333.180. WORK COMMUNITY ENGAGEMENT PROGRAM - 92644

OHIOMEANSJOBS COSTS 92645

Upon the request of the Medicaid Director, the Director of 92646
Budget and Management may transfer state share appropriations in 92647
each fiscal year between appropriation item 651685, Medicaid 92648
Recoveries - Program Support, within the Department of Medicaid, 92649
and 655425, Medicaid Program Support, within the Department of Job 92650
and Family Services. If such a transfer occurs, the Director of 92651
Budget and Management shall adjust, using the federal 92652
reimbursement rate, the federal share appropriations of 92653
appropriation item 651624, Medicaid Program Support - Federal, 92654
within the Department of Medicaid, and appropriation item 655624, 92655
Medicaid Program Support - Federal, within the Department of Job 92656
and Family Services. Any transfer of funds shall be provided to 92657
the Department of Job and Family Services and shall only be used 92658
for costs related to transitioning to a new work community 92659
engagement program for the Medicaid program as prescribed by the 92660
Medicaid Director. 92661

Section 333.190. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 92662
COSTS 92663

Upon the request of the Medicaid Director, the Director of 92664
Budget and Management may transfer state share appropriations in 92665
each fiscal year between appropriation item 651525, Medicaid 92666
Health Care Services, within the Department of Medicaid, and 92667
655522, Medicaid Program Support - Local, within the Department of 92668
Job and Family Services. If such a transfer occurs, the Director 92669
of Budget and Management shall adjust, using the federal 92670
reimbursement rate, the federal share appropriations of 92671
appropriation item 651525, Medicaid Health Care Services, within 92672
the Department of Medicaid, and appropriation item 655624, 92673
Medicaid Program Support - Federal, within the Department of Job 92674
and Family Services. Any increase in funding shall be provided to 92675

county departments of job and family services and shall only be 92676
used for costs related to transitioning to a new work community 92677
engagement program under the Medicaid program as prescribed by the 92678
Medicaid Director. These funds shall not be used for existing and 92679
ongoing operating expenses. The Medicaid Director shall establish 92680
criteria for distributing these funds and for county departments 92681
of job and family services to submit allowable expenses. 92682

Section 333.205. MEDICAID HEALTH & HUMAN SERVICES 92683

The Medicaid Director shall seek Controlling Board approval 92684
before any funds can be expended from appropriation item 651689, 92685
Medicaid Health & Human Services. 92686

Section 333.210. VOLUNTARY MEDICAID COMMUNITY ENGAGEMENT 92687
PROGRAM 92688

(A) As used in this section: 92689

(1) "Expansion eligibility group" has the same meaning as in 92690
section 5163.01 of the Revised Code. 92691

(2) "Medical assistance recipient" has the same meaning as in 92692
section 5160.01 of the Revised Code. 92693

(B) As a result of the COVID-19 public health emergency, 92694
which created impediments to implementing the work and community 92695
engagement waiver component under section 5166.37 of the Revised 92696
Code requiring individuals to meet at least one of the enumerated 92697
requirements as a condition to enrolling in Medicaid as part of 92698
the expansion eligibility group, the Medicaid Director shall 92699
establish and implement a voluntary community engagement program 92700
in accordance with this section not later than January 1, 2022. 92701

(C) The community engagement program shall be available to 92702
all medical assistance recipients. Participation in the program 92703
shall be voluntary. 92704

(D) The community engagement program shall do all of the following: 92705
92706

(1) Encourage medical assistance recipients to work who are of working age and able-bodied; 92707
92708

(2) Promote to medical assistance recipients the economic stability, financial independence, and improved health outcomes from work; 92709
92710
92711

(3) Provide information to medical assistance recipients about the services available under the community engagement program, including an explanation of the importance of work to overall physical and mental health. 92712
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(E) The community engagement program shall continue through the FY 2022 - FY 2023 fiscal biennium or until Ohio is able to implement the waiver component under section 5166.37 of the Revised Code, whichever is sooner, at which point it will cease to exist. 92716
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(F) As part of the community engagement program, the Medicaid Director shall explore partnerships with education and training providers to increase training opportunities for Medicaid recipients. 92721
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Section 333.215. VALUE-BASED PURCHASING SUPPLEMENTAL REBATE 92725

(A) Not later than sixty days after the effective date of this section, the Department of Medicaid shall submit to the United States Centers for Medicare and Medicaid Services a Medicaid state plan amendment to authorize the Department to enter into value-based purchasing supplemental rebate agreements with pharmaceutical manufacturers. 92726
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(B) The agreements authorized by the state plan amendment shall establish criteria for the payment of supplemental rebates. The Department of Medicaid shall use its best efforts to ensure 92732
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that the form value-based supplemental rebate agreement submitted 92735
to the Centers for Medicare and Medicaid Services permits rebates 92736
to be calculated on many different bases at the discretion of the 92737
Department with the approval of the pharmaceutical manufacturer, 92738
including under outcome-based models, shared savings models, 92739
subscription or modified subscription models, risk-sharing models, 92740
or guarantees. The rebates may be calculated and paid in a single 92741
year or over multiple years. 92742

(C) Nothing in this section requires a drug manufacturer or 92743
the Department to enter into a supplemental rebate agreement under 92744
this section. 92745

Section 333.217. MEDICAID COST ASSURANCE PILOT PROGRAM 92746

(A) As used in this section: 92747

(1) "Care management system," "enrollee," "Medicaid managed 92748
care organization," and "provider" have the same meanings as in 92749
section 5167.01 of the Revised Code. 92750

(2) "Expansion eligibility group" has the same meaning as in 92751
section 5163.01 of the Revised Code. 92752

(B) The Department of Medicaid shall establish the Medicaid 92753
Cost Assurance Pilot Program during FY 2022 and FY 2023. The pilot 92754
program shall be available to enrollees who qualify for Medicaid 92755
as part of the expansion eligibility group. The Department may 92756
expand the program based on determinations made under division (E) 92757
of this section about whether the program has met demonstrated 92758
success criteria, as established in rules authorized by division 92759
(G) of this section. 92760

(C) The pilot program shall do all of the following: 92761

(1) Identify eligible enrollees who are members of the 92762
expansion eligibility group to participate in the program; 92763

(2) Provide Medicaid services to pilot program participants 92764

at a rate of 95 per cent of current Medicaid managed care organization capitation rates;	92765 92766
(3) Use technology to do all of the following:	92767
(a) Utilize automation and artificial intelligence to provide Medicaid program savings by avoiding traditional cost structures;	92768 92769
(b) Diversify care management system programs to achieve better health outcomes at better value;	92770 92771
(c) Enable seamless communication between providers and care management entities under the program;	92772 92773
(d) Improve the Medicaid program experience for providers and enrollees.	92774 92775
(4) Develop and implement strategies to provide opportunities for pilot program participants to rise above the poverty level criteria for Medicaid eligibility;	92776 92777 92778
(5) Enable care management entities under the program to take the risks incidental to the practice of insurance, as a health insuring corporation licensed to do business in this state under Chapter 1751. of the Revised Code;	92779 92780 92781 92782
(6) After program implementation, include 90-day study periods to determine whether to expand, sustain, or terminate the pilot program.	92783 92784 92785
(D) The Department shall contract with a care management entity to administer Medicaid benefits under the pilot program. The care management entity shall meet all of the following criteria:	92786 92787 92788 92789
(1) Be a health insuring corporation licensed to do business in this state under Chapter 1751. of the Revised Code;	92790 92791
(2) Be a start-up company domiciled in this state;	92792
(3) Meet the solvency requirements for health insuring	92793

corporations under Chapter 1751. of the Revised Code. 92794

(E) Not later than December 31, 2022, the Department shall 92795
submit a report outlining clinical outcome data and cost impacts 92796
of the pilot program. The report shall be submitted to the Speaker 92797
of the House of Representatives and the Senate President, in 92798
accordance with section 101.68 of the Revised Code, and to the 92799
members of the Joint Medicaid Oversight Committee. 92800

(F) The Medicaid Director shall adopt rules under section 92801
5160.02 of the Revised Code as necessary to implement the pilot 92802
program, including the geographic areas where the program will 92803
occur, program participant eligibility requirements, and program 92804
demonstrated success criteria. 92805

Section 333.240. NURSING FACILITY REBASING 92806

(A) As used in this section, "ancillary and support costs," 92807
"capital costs," "direct care costs," "nursing facility," 92808
"rebasings," and "tax costs" have the same meanings as in section 92809
5165.01 of the Revised Code. 92810

(B) The Department of Medicaid shall conduct its next 92811
rebasings on the effective date of the amendments to section 92812
5165.36 of the Revised Code by this act. That rebasing calculation 92813
shall be based on data provided by nursing facilities for calendar 92814
year 2019. 92815

(C) Of the foregoing appropriation item 651525, Medicaid 92816
Health Care Services, \$174,000,000 in each fiscal year shall be 92817
used by the Department of Medicaid to pay for rebasing 92818
determinations of nursing facilities' Medicaid rates under this 92819
section. Notwithstanding section 5165.36 of the Revised Code or 92820
any other provision of law to the contrary, the Department shall 92821
do both of the following: 92822

(1) From this earmark, pay for the rebasing determinations 92823

calculated under division (C) of section 5165.36 of the Revised Code in the following order:	92824
	92825
(a) Direct care costs;	92826
(b) Ancillary and support costs;	92827
(c) Tax costs;	92828
(d) Capital costs.	92829
(2) Prorate the rebasing determinations as needed to stay within this earmark.	92830
	92831
(D) The Department shall pay nursing facility operators for services provided July 1, 2021, through the date of the rebasing required under division (B) of this section based on the cost centers as determined under that rebasing. If the Department paid nursing facility operators for services during that time at a different rate, the department shall pay or recover the difference between any payments that were made and the payments as calculated using the data from the rebasing required under division (B) of this section.	92832
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Section 333.245. PHARMACY SUPPLEMENTAL DISPENSING FEE	92841
(A) Effective July 1, 2021, the Department of Medicaid shall provide a supplemental dispensing fee under the care management system to retail pharmacies during fiscal years 2022 and 2023. The supplemental dispensing fee shall have at least three different payment levels based on both of the following:	92842
	92843
	92844
	92845
	92846
(1) The ratio of Medicaid prescriptions a pharmacy location fills compared to the total prescriptions the pharmacy location fills based on the latest available "Survey of the Average Cost of Dispensing a Medicaid Prescription in the State of Ohio" prepared for the Department of Medicaid;	92847
	92848
	92849
	92850
	92851
(2) The number of retail pharmacy locations participating in	92852

the care management system based on Medicaid recipient enrollment 92853
in Medicaid MCO plans, as defined in section 5167.01 of the 92854
Revised Code, in a geographic area approved by the Department of 92855
Medicaid as the geographic area where the pharmacy location's 92856
customer population is located. The geographic area shall be 92857
periodically reviewed and approved by the Department. 92858

(B) Pharmacies that have a high ratio under division (A) (1) 92859
of this section and a low number under division (A) (2) of this 92860
section shall be placed in the higher dispensing fee payment 92861
levels. 92862

(C) The supplemental dispensing fee shall not cause a 92863
reduction in other payments made to the pharmacy for providing 92864
prescribed drugs under the care management system. 92865

(D) The Medicaid Director shall adjust the supplemental 92866
dispensing fees if federal Medicaid statutes or regulations 92867
adopted by the Centers for Medicare and Medicaid Services reduce 92868
the amount of federal funds the Department receives for the 92869
supplemental dispensing fee. The Department of Medicaid shall 92870
expend \$5,000,000 in fiscal year 2022 and \$10,150,000 in fiscal 92871
year 2023 in appropriation item 651639, Medicaid Services - 92872
Recoveries, along with any corresponding federal shares from 92873
appropriation item 651623, Medicaid Services - Federal, for the 92874
supplemental dispensing fees provided under this section. 92875

Section 333.247. (A) As used in this section: 92876

(1) "Assisted Living program" has the same meaning as in 92877
section 173.51 of the Revised Code. 92878

(2) "ICDS Medicaid waiver component" means the home and 92879
community-based services Medicaid waiver component that the 92880
director of Medicaid may create as part of the integrated care 92881
delivery system pursuant to section 5166.16 of the Revised Code. 92882

(3) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 92883
92884

(B) The Departments of Aging and Medicaid shall each adopt rules to establish an additional payment amount for services provided under the Assisted Living program and ICDS Medicaid waiver component, respectively, by residential care facilities that utilize the Low-Income Housing Tax Credit Program. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and establish an additional payment that is no less than twenty-three dollars per day for each payment tier established in rules. 92885
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Section 333.250. MEDICAID MANAGED CARE ORGANIZATION 92894
PROCUREMENT 92895

(A) As used in this section "care management system" and "Medicaid managed care organization" have the same meanings as in section 5167.01 of the Revised Code. 92896
92897
92898

(B) The Department shall suspend further action on its current procurement process for selecting Medicaid managed care organizations under the care management system. During state fiscal year 2022, the Department shall complete a fair procurement process for Medicaid managed care organizations that includes scoring by a neutral third party, with oversight by the Joint Medicaid Oversight Committee. 92899
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(C) The procurement process shall significantly take into account all of the following: 92906
92907

(1) Whether the managed care organization is domiciled in this state, including the organization's parent entities; 92908
92909

(2) The number of jobs created or lost in this state by the award of the Medicaid managed care organization contracts; 92910
92911

(3) Other economic impacts in this state resulting from the 92912

award of the Medicaid managed care organization contracts; 92913

(4) Whether the managed care organization has a proven 92914
history of quality services and customer satisfaction, as reported 92915
by the Department of Medicaid's managed care plans report card and 92916
NCQA health insurance plan ratings. 92917

This section does not apply to the single statewide 92918
behavioral health managed care plan selected to assist the state 92919
to implement the Ohio Resilience through Integrated Systems and 92920
Excellence (OhioRISE) Program for children and youth involved in 92921
multiple state systems or children and youth with other complex 92922
behavioral health needs. 92923

Section 333.253. MEDICAID COVERAGE OF WOMEN POSTPARTUM 92924

If federal law provides Medicaid coverage for a longer 92925
postpartum period than sixty days, the Director of Medicaid shall 92926
amend the state's Medicaid plan and seek any necessary waiver from 92927
the United States Centers for Medicare and Medicaid Services to 92928
provide Medicaid coverage to women postpartum beginning on the 92929
last day of the pregnancy to the maximum period permitted under 42 92930
U.S.C. 1396a(e). 92931

Section 333.255. POST-COVID MEDICAID REDETERMINATION 92932

(A) As provided in this section, the Department of Medicaid 92933
shall use third-party data sources and systems to conduct 92934
eligibility redeterminations of all Medicaid recipients in this 92935
state not later than 60 days after the conclusion of the emergency 92936
period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B). 92937

(B) To the extent permitted by state and federal law, the 92938
Department shall verify each Medicaid recipient's enrollment 92939
records against third-party data sources and systems, including 92940
all of the following: 92941

(1) Information accessed through databases available to the Department under 42 C.F.R. 435.948, 435.949, and 435.956, as permitted under 42 C.F.R. 435.916(a)(2);	92942 92943 92944
(2) Identity records;	92945
(3) Death records;	92946
(4) Employment and wage records;	92947
(5) Lottery winnings records;	92948
(6) Residency checks;	92949
(7) Household composition and asset records;	92950
(8) Any other records the Department considers appropriate in order to strengthen program integrity, reduce costs, and reduce fraud, waste, and abuse in the Medicaid program.	92951 92952 92953
(C) Within 60 days after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the Department shall conduct an expedited eligibility review of those Medicaid recipients identified as likely ineligible for the Medicaid program based on the verification conducted under division (B) of this section to determine whether or not a recipient continues to be eligible for the Medicaid program. To the extent permitted by federal law, the department shall disenroll those recipients who are deemed no longer eligible for the Medicaid program under the expedited eligibility review.	92954 92955 92956 92957 92958 92959 92960 92961 92962 92963
(D) Not later than six months after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the Department shall conduct an expedited eligibility review of those Medicaid recipients program who were newly enrolled in the Medicaid program for three or more months during the emergency period, but who were not newly enrolled during the last six months of the emergency period, to determine whether or not a recipient continues to be eligible for the	92964 92965 92966 92967 92968 92969 92970 92971

Medicaid program. To the extent permitted by federal law, the department shall disenroll those recipients who are deemed no longer eligible for the Medicaid program under the expedited eligibility review.

(E) The Department shall complete a report containing its findings from the verification conducted under division (B) of this section, including any findings of fraud, waste, or abuse in the Medicaid program. Not later than 120 days after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g) (1) (B), the Department shall submit the report to all of the following:

(1) The Governor;

(2) The Lieutenant Governor;

(3) The members of the Joint Medicaid Oversight Committee;

(4) The Senate President;

(5) The Speaker of the House of Representatives;

(6) The Chairperson of the Senate Finance Committee;

(7) The Chairperson of the House of Representatives Finance Committee;

(8) The chairperson of any other standing committees of the Senate and the House of Representatives having jurisdiction over the Department.

(F) Any third-party vendor expenses incurred from the verification required by division (B) of this section shall be entirely contingent on validated cost savings that have been realized by the Department. In no case shall vendor expenses exceed twenty per cent of those savings.

Section 335.10. MED STATE MEDICAL BOARD

Dedicated Purpose Fund Group

5C60 883609	Operating Expenses	\$	12,294,149	\$	12,551,618	93001
TOTAL DPF Dedicated Purpose Fund Group		\$	12,294,149	\$	12,551,618	93002
TOTAL ALL BUDGET FUND GROUPS		\$	12,294,149	\$	12,551,618	93003
Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES						93005
SERVICES						93006
General Revenue Fund						93007
GRF 336321	Central Administration	\$	17,267,311	\$	17,555,983	93008
GRF 336402	Resident Trainees	\$	450,000	\$	450,000	93009
GRF 336406	Prevention and Wellness	\$	4,868,659	\$	4,868,659	93010
GRF 336412	Hospital Services	\$	256,956,156	\$	262,210,314	93011
GRF 336415	Mental Health Facilities Lease Rental Bond Payments	\$	27,000,000	\$	27,000,000	93012
GRF 336421	Continuum of Care Services	\$	87,756,596	\$	87,164,846	93013
GRF 336422	Criminal Justice Services	\$	19,805,937	\$	19,805,937	93014
GRF 336423	Addiction Services Partnership with Corrections	\$	33,830,547	\$	34,409,472	93015
GRF 336424	Recovery Housing	\$	3,000,000	\$	3,000,000	93016
GRF 336425	Specialized Docket Support	\$	10,250,000	\$	10,250,000	93017
GRF 336504	Community Innovations	\$	15,500,000	\$	15,500,000	93018
GRF 336506	Court Costs	\$	1,000,000	\$	1,000,000	93019
GRF 336510	Residential State Supplement	\$	16,000,000	\$	16,000,000	93020
GRF 336511	Early Childhood Mental Health	\$	1,250,000	\$	1,250,000	93021

		Counselors and Consultation				
GRF	336516	Appalachian Children Coalition	\$	1,250,000	\$	1,250,000 93022
GRF	652321	Medicaid Support	\$	1,298,574	\$	1,587,246 93023
TOTAL GRF		General Revenue Fund	\$	497,483,780	\$	503,302,457 93024
		Dedicated Purpose Fund Group				93025
4750	336623	Statewide Treatment and Prevention	\$	20,600,000	\$	20,600,000 93026
4850	336632	Mental Health Operating	\$	9,000,000	\$	9,000,000 93027
5AU0	336615	Behavioral Health Care	\$	10,010,000	\$	10,010,000 93028
5CV1	336513	COVID Response - Mental Health	\$	4,500,000	\$	2,500,000 93029
5JL0	336629	Problem Gambling and Casino Addiction	\$	6,085,000	\$	6,085,000 93030
5T90	336641	Problem Gambling Services	\$	1,820,000	\$	1,820,000 93031
5TZ0	336600	Substance Abuse Stabilization Centers	\$	6,000,000	\$	6,000,000 93032
5TZ0	336643	ADAMHS Boards	\$	11,000,000	\$	11,000,000 93033
5VV0	336645	Transcranial Magnetic Stimulaton Pilot	\$	6,000,000	\$	6,000,000 93034
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000 93035
6890	336640	Education and Conferences	\$	75,000	\$	75,000 93036
TOTAL DPF		Dedicated Purpose Fund Group	\$	75,440,000	\$	73,440,000 93037
		Internal Service Activity Fund Group				93038
1490	336609	Hospital Operating	\$	16,000,000	\$	16,000,000 93039

		Expenses				
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000 93040
1510	336601	Ohio Pharmacy	\$	99,585,489	\$	100,512,696 93041
		Services				
4P90	336604	Community Mental	\$	250,000	\$	250,000 93042
		Health Projects				
TOTAL ISA		Internal Service Activity	\$	121,335,489	\$	122,262,696 93043
		Fund Group				
		Federal Fund Group				93044
3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000 93045
3A70	336612	Social Services Block	\$	7,700,000	\$	7,700,000 93046
		Grant				
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000 93047
3A90	336614	Mental Health Block	\$	72,883,470	\$	38,830,720 93048
		Grant				
3B10	652636	Community Medicaid	\$	4,000,000	\$	4,000,000 93049
		Legacy Support				
3G40	336618	Substance Abuse Block	\$	125,942,756	\$	85,691,166 93050
		Grant				
3H80	336606	Demonstration Grants	\$	15,000,000	\$	15,000,000 93051
3HB1	336644	State Opioid Response	\$	110,176,079	\$	110,176,079 93052
3N80	336639	Administrative	\$	1,000,000	\$	1,000,000 93053
		Reimbursement				
TOTAL FED		Federal Fund Group	\$	362,202,305	\$	287,897,965 93054
TOTAL ALL BUDGET		FUND GROUPS	\$	1,056,461,574	\$	986,903,118 93055

Section 337.20. PREVENTION AND WELLNESS 93057

The foregoing appropriation item 336406, Prevention and 93058
Wellness, shall be used as follows: 93059

(A) Up to \$1,250,000 in each fiscal year shall be distributed 93060
to boards of alcohol, drug addiction, and mental health services 93061
to purchase the provision of evidence-based prevention services 93062

from providers certified by the Department of Mental Health and 93063
Addiction Services. 93064

(B) Up to \$500,000 in each fiscal year shall be used to 93065
support suicide prevention efforts. 93066

(C) Up to \$2,250,000 in each fiscal year shall be used to 93067
increase access to early identification of behavioral health 93068
disorders. 93069

(D) \$250,000 in each fiscal year shall be used to support the 93070
use of LifeAct's certified suicide prevention programs in middle 93071
schools and high schools. 93072

(E) \$120,000 in each fiscal year shall be allocated to the 93073
Northeast Ohio Medical University's statewide campus safety and 93074
mental health programs, including suicide prevention. 93075

Section 337.30. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 93076
PAYMENTS 93077

The foregoing appropriation item 336415, Mental Health 93078
Facilities Lease Rental Bond Payments, shall be used to meet all 93079
payments during the period from July 1, 2021, through June 30, 93080
2023, by the Department of Mental Health and Addiction Services 93081
pursuant to leases and agreements made under section 154.20 of the 93082
Revised Code. These appropriations are the source of funds pledged 93083
for bond service charges on obligations issued pursuant to Chapter 93084
154. of the Revised Code. 93085

Section 337.40. CONTINUUM OF CARE SERVICES 93086

The foregoing appropriation item 336421, Continuum of Care 93087
Services, shall be used as follows: 93088

(A) A portion of this appropriation shall be allocated to 93089
boards of alcohol, drug addiction, and mental health services in 93090
accordance with a distribution methodology determined by the 93091

Director of Mental Health and Addiction Services for the boards to 93092
purchase mental health and addiction services permitted under 93093
Chapter 340. of the Revised Code. Boards may use a portion of the 93094
funds allocated: 93095

(1) To provide subsidized support for psychotropic medication 93096
needs of indigent citizens in the community to reduce unnecessary 93097
hospitalization due to lack of medication; and 93098

(2) To provide subsidized support for medication-assisted 93099
treatment costs. 93100

(B) A portion of this appropriation may be distributed to 93101
boards of alcohol, drug addiction, and mental health services, 93102
community addiction and/or mental health services providers, 93103
courts, or other governmental entities to provide specific grants 93104
in support of initiatives concerning mental health and addiction 93105
services. 93106

(C) Of the foregoing appropriation item 336421, Continuum of 93107
Care Services, \$1,500,000 in each fiscal year shall be allocated 93108
by the Department of Mental Health and Addiction Services to 93109
boards of alcohol, drug addiction, and mental health services. The 93110
boards shall use their allocations to establish and administer, in 93111
collaboration with the other boards that serve the same state 93112
psychiatric hospital region, mental health crisis stabilization 93113
centers or, upon approval from the Director of Mental Health and 93114
Addiction Services, boards may use these funds in conjunction with 93115
funds earmarked in division (A) of Section 337.130 of this act, to 93116
establish and administer crisis stabilization centers that have 93117
the ability to serve individuals with substance use and/or mental 93118
health needs. There shall be at least one center located in each 93119
state psychiatric hospital region. 93120

Boards of alcohol, drug addiction, and mental health services 93121
shall ensure that each mental health crisis stabilization center 93122

established and administered under division (C) of this section 93123
complies with all of the following: 93124

(1) It serves individuals before and after the individuals 93125
receive treatment and care at hospital emergency departments or 93126
freestanding emergency departments. 93127

(2) It serves individuals before and after the individuals 93128
are confined in state or local correctional facilities. 93129

(3) It has a Medicaid provider agreement. 93130

(4) It serves individuals who present as needing the crisis 93131
stabilization services provided by the center. 93132

(5) It connects individuals when they are discharged from the 93133
center with community-based continuum of care services and 93134
supports as described in section 340.032 of the Revised Code. 93135

(D) Boards of alcohol, drug addiction, and mental health 93136
services shall submit to the Director of Mental Health and 93137
Addiction Services for approval a plan for establishing and 93138
administering crisis stabilization centers pursuant to division 93139
(C) of this section and division (A) of Section 337.130 of this 93140
act that meet the mental health and substance use needs of 93141
individuals within their service districts. 93142

(E) As used in division (C) of this section: 93143

(1) "State or local correctional facility" means any of the 93144
following: 93145

(a) A "state correctional institution," as defined in section 93146
2967.01 of the Revised Code; 93147

(b) A "local correctional facility," as defined in section 93148
2903.13 of the Revised Code; 93149

(c) A correctional facility that is privately operated and 93150
managed pursuant to section 9.06 of the Revised Code. 93151

(2) "State psychiatric hospital regions" means the six 93152
districts into which the Department of Mental Health and Addiction 93153
Services has divided the state pursuant to division (B) (2) of 93154
section 5119.14 of the Revised Code. 93155

(F) Of the foregoing appropriation item 336421, Continuum of 93156
Care Services, up to \$5,500,000 in each fiscal year shall be used 93157
to develop a strategic approach to strengthening cross-systems 93158
collaboration efforts to serve adults with serious mental illness 93159
who are involved in multiple behavioral health, health, human 93160
services, and criminal justice systems. 93161

(G) Of the foregoing appropriation item 336421, Continuum of 93162
Care Services, up to \$2,500,000 in each fiscal year shall be used 93163
to develop, evaluate, and expand crisis services infrastructure to 93164
provide support for adults, children, and families in a variety of 93165
settings. 93166

(H) Of the foregoing appropriation item 336421, Continuum of 93167
Care Services, \$2,000,000 in each fiscal year shall be used to 93168
support new or expand existing confidential treatment and 93169
monitoring programs offered by occupational licensing boards to 93170
licensed healthcare workers with mental health or substance use 93171
disorders, including by allowing an occupational licensing board 93172
to contract with a monitoring organization to administer a 93173
confidential treatment and monitoring program, but only if the 93174
organization meets all of the following requirements: 93175

(1) Is organized as a not-for-profit entity and exempt from 93176
federal income taxation under subsection 501(c)(3) of the Internal 93177
Revenue Code; 93178

(2) Contracts with or employs to serve as the organization's 93179
medical director an individual who is authorized under Chapter 93180
4731. of the Revised Code to practice medicine and surgery or 93181
osteopathic medicine and surgery and specializes or has training 93182

and expertise in addiction medicine or psychiatry; 93183

(3) Contracts with or employs one or more individuals 93184
licensed under Chapter 4732., 4757., or 4758. of the Revised Code 93185
as necessary for the organization's operation. 93186

(I) Of the foregoing appropriation item 336421, Continuum of 93187
Care Services, \$1,000,000 in each fiscal year shall be used to 93188
operate the two-year pilot program established in Section 337.205 93189
of this act. 93190

(J) Of the foregoing appropriation item 336421, Continuum of 93191
Care Services, \$519,514 in each fiscal year shall be provided to 93192
the Near West Side Multi-Service Corporation dba May Dugan Center. 93193

(K) Of the foregoing appropriation item 336421, Continuum of 93194
Care Services, up to \$475,000 in each fiscal year shall be used to 93195
support the operation of a statewide, twenty-four-hour, 93196
seven-days-a-week, behavioral health support line. 93197

(L) Of the foregoing appropriation item 336421, Continuum of 93198
Care Services, \$1,400,000 in each fiscal year shall be provided to 93199
the Bellefaire Jewish Children's Bureau to be used for 93200
unanticipated operating expenditures resulting from the COVID-19 93201
pandemic that are not reimbursed by any other sources of state or 93202
federal funding. Expenditures may include, but are not limited to, 93203
personnel costs of health care and social workers. 93204

(M) Of the foregoing appropriation item 336421, Continuum of 93205
Care Services, \$325,000 in each fiscal year shall be distributed 93206
to OhioGuidestone for the Adverse Childhood Experiences Pilot 93207
Project. 93208

(N) Of the foregoing appropriation item 336421, Continuum of 93209
Care Services, \$225,000 in each fiscal year shall be distributed 93210
to LifeTown Columbus to provide additional support for facility 93211
renovations and operations, including professional development, 93212
curriculum development, educational materials, equipment, 93213

marketing, and recruitment. 93214

(O) Of the foregoing appropriation item 336421, Continuum of 93215
Care Services, \$100,000 in fiscal year 2022 shall be distributed 93216
to Applewood Centers, Inc. to be used for information technology 93217
operations related to telehealth and electronic health records. 93218

(P) Of the foregoing appropriation item 336421, Continuum of 93219
Care Services, \$100,000 in each fiscal year shall be distributed 93220
to The Refuge, Inc. for facility improvements. 93221

(Q) Of the foregoing appropriation item 336421, Continuum of 93222
Care Services, \$591,750 in fiscal year 2022 shall be distributed 93223
to the Ashland Center for Addictions Project. 93224

(R) Of the foregoing appropriation item 336421, Continuum of 93225
Care Services, \$100,000 in each fiscal year shall be used to 93226
provide loan repayment and forgiveness, scholarships, and other 93227
forms of tuition assistance for pediatric behavioral health 93228
providers practicing in pediatric inpatient and outpatient 93229
settings, including Ohio's children's hospitals, and other 93230
community behavioral health care settings. 93231

(S) Of the foregoing appropriation item 336421, Continuum of 93232
Care Services, \$100,000 in each fiscal year shall be used to fund 93233
fellowships for the pediatric behavioral health workforce program 93234
established in Section 337.210 of this act. 93235

Section 337.50. CRIMINAL JUSTICE SERVICES 93236

Except as otherwise provided in this act, the foregoing 93237
appropriation item 336422, Criminal Justice Services, shall be 93238
used to provide forensic psychiatric evaluations to courts of 93239
common pleas and to conduct evaluations of patients of forensic 93240
status in facilities operated or designated by the Department of 93241
Mental Health and Addiction Services prior to conditional release 93242
to the community. A portion of this appropriation may be allocated 93243

through boards of alcohol, drug addiction, and mental health 93244
services to community addiction and/or mental health services 93245
providers in accordance with a distribution methodology as 93246
determined by the Director of Mental Health and Addiction 93247
Services. 93248

Of the foregoing appropriation item, 336422, Criminal Justice 93249
Services, up to \$3,000,000 in each fiscal year shall be allocated 93250
to the Psychotropic Drug Reimbursement Program established in 93251
section 5119.19 of the Revised Code. 93252

On July 1, 2022, or as soon as possible thereafter, the 93253
Director of Mental Health and Addiction Services shall certify to 93254
the Director of Budget and Management the amount of the 93255
unexpended, unencumbered balance of this earmark in fiscal year 93256
2022. The amount certified is hereby reappropriated to the 93257
appropriation item in fiscal year 2023 for the same purpose. 93258

Of the foregoing appropriation item 336422, Criminal Justice 93259
Services, up to \$2,000,000 in each fiscal year shall be allocated 93260
to the reimbursement program, established in section 5119.191 of 93261
the Revised Code, for drugs used in medication-assisted treatment 93262
or drugs used in withdrawal management or detoxification. 93263

The foregoing appropriation item 336422, Criminal Justice 93264
Services, may also be used to: 93265

(A) Provide forensic monitoring and tracking of individuals 93266
on conditional release; 93267

(B) Provide forensic training; 93268

(C) Support projects that assist courts and law enforcement 93269
to identify and develop appropriate alternative services to 93270
incarceration for nonviolent mentally ill offenders; 93271

(D) Provide specialized re-entry services to offenders 93272
leaving prisons and jails; 93273

(E) Provide specific grants in support of addiction services alternatives to incarceration;	93274 93275
(F) Support therapeutic communities;	93276
(G) Support specialty dockets and expand or create new certified court programs;	93277 93278
(H) Establish and administer outpatient competency restoration services.	93279 93280
Section 337.60. SUBSTANCE USE DISORDER TREATMENT IN SPECIALIZED DOCKET PROGRAMS	93281 93282
(A) As used in this section:	93283
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	93284 93285
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	93286 93287
(3) "Drug used in medication-assisted treatment" means a drug approved by the United States Food and Drug Administration for use in medication-assisted treatment.	93288 93289 93290
(4) "Drug used in withdrawal management or detoxification" means a drug approved by the United States Food and Drug Administration for use in, or a drug in standard use for, mitigating alcohol or opioid withdrawal symptoms or assisting with detoxification.	93291 93292 93293 93294 93295
(5) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.	93296 93297
(6) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs and that uses medication-assisted treatment as part of its specialized docket	93298 93299 93300 93301 93302

program: a common pleas court, municipal court, or county court, 93303
or a division of any of those courts. 93304

(7) "Prescriber" has the same meaning as in section 4729.01 93305
of the Revised Code. 93306

(8) "Recovery supports" has the same meaning as in section 93307
5119.01 of the Revised Code. 93308

(9) "Substance use disorder treatment" has the same meaning 93309
as "alcohol and drug addiction services" as defined in section 93310
5119.01 of the Revised Code. 93311

(B) (1) The Department of Mental Health and Addiction Services 93312
shall conduct a program to provide substance use disorder 93313
treatment to persons who are eligible to participate in a 93314
medication-assisted treatment drug court program and are selected 93315
under this section to be participants in a MAT drug court program 93316
because of a substance use disorder. The substance use disorder 93317
treatment provided under the Department's program may include the 93318
following: 93319

(a) Drugs used in medication-assisted treatment; 93320

(b) Services involved in providing medication-assisted 93321
treatment; 93322

(c) Drugs used in withdrawal management or detoxification; 93323

(d) Services involved in providing withdrawal management or 93324
detoxification; 93325

(e) Recovery supports. 93326

(2) The Department shall conduct its program in collaboration 93327
with any counties in Ohio that are conducting MAT drug court 93328
programs. 93329

(3) In addition to conducting its program in accordance with 93330
division (B) (2) of this section, the Department may conduct its 93331
program in collaboration with any other court that is conducting a 93332

MAT drug court program. 93333

(C) In conducting its program, the Department shall 93334
collaborate with the Supreme Court, the Department of 93335
Rehabilitation and Correction, and any agency of the state that 93336
the Department of Mental Health and Addiction Services determines 93337
may be of assistance in accomplishing the objectives of the 93338
Department's program. The Department may collaborate with the 93339
boards of alcohol, drug addiction, and mental health services and 93340
with local law enforcement agencies that serve the counties in 93341
which a court participating in the Department's program is 93342
located. 93343

(D) (1) A MAT drug court program participating in the 93344
Department's program shall select the persons who are to be its 93345
participants for purposes of the Department's program. To be 93346
selected, a person must be a criminal offender, including an 93347
offender under a community control sanction, or be involved in a 93348
drug or family dependency court. A person shall not be selected to 93349
be a participant unless the person meets the legal and clinical 93350
eligibility criteria for the MAT drug court program and is an 93351
active participant in the MAT drug court program, or unless the 93352
offender is under a community control sanction with the program's 93353
participating judge. 93354

(2) After a MAT drug court program enrolls a person as a 93355
participant for purposes of the Department's program, the 93356
participant shall comply with all requirements of the MAT drug 93357
court program. 93358

(E) The substance use disorder treatment provided under the 93359
Department's program in collaboration with a MAT drug court 93360
program, including any recovery supports that are provided, shall 93361
be provided by a community addiction services provider. The 93362
provider shall do all of the following: 93363

- (1) Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the community addiction services provider; 93364
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93366
- (2) Conduct professional, comprehensive substance abuse and mental health diagnostic assessments of a person under consideration for selection as a program participant to determine whether the person would benefit from substance use disorder treatment and monitoring; 93367
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- (3) Determine, based on the assessment described in division (E) (2) of this section, the treatment needs of the program participants served by the community addiction services provider; 93372
93373
93374
- (4) Develop, for program participants served by the community addiction services provider, individualized goals and objectives; 93375
93376
- (5) Subject to division (F) of this section, provide access to both of the following drug therapies to the extent they are included in the program's substance use disorder treatment: drugs used in medication-assisted treatment and drugs used in withdrawal management or detoxification; 93377
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- (6) Provide other types of therapies, including psychosocial therapies, for both substance use disorder and any disorders that are considered by the community addiction services provider to be co-occurring disorders; 93382
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- (7) Monitor program compliance through the use of regular drug testing, including urinalysis, of the program participants served by the community addiction services provider; 93386
93387
93388
- (8) Provide access to time-limited recovery supports that help eliminate barriers to treatment and are specific to the participant's needs, including assistance with housing, transportation, child care, job training, obtaining a driver's license or state identification card, and any other matter considered relevant by the provider. 93389
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(F) With regard to the drug therapies included in the substance use disorder treatment provided under the Department's program, both of the following apply:

(1) One or more drugs may be used, but each drug that is used must constitute either or both of the following:

(a) Long-acting antagonist therapy, partial agonist therapy, or full agonist therapy;

(b) Alpha-2 agonist therapy for withdrawal management or detoxification.

(2) If a drug constituting partial or full agonist therapy is used, the program shall provide safeguards to minimize abuse and diversion of the drug, including such safeguards as routine drug testing of program participants.

(G) It is anticipated and expected that MAT drug court programs will expand their ability to serve more drug court participants as a result of increased access to commercial or publicly funded health insurance. In order to ensure that funds appropriated to support the Department's program are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director, in collaboration with major Ohio health care plans, shall develop plans consistent with this division. There shall be no prior authorizations or step therapy for program participants to have access to any drug therapy included in the substance use disorder treatment provided under the Department's program. The plans developed under this division shall ensure all of the following:

(1) The development of an efficient and timely process for review of eligibility for health benefits for all persons selected to participate in the program;

(2) A rapid conversion to reimbursement for all health care services by the participant's health care plan following approval

for coverage of health care benefits; 93426

(3) The development of a consistent benefit package that 93427
provides ready access to and reimbursement for essential health 93428
care services including, but not limited to, primary health care 93429
services, alcohol and opioid detoxification services, appropriate 93430
psychosocial services, drugs used in medication-assisted 93431
treatment, and drugs used in withdrawal management or 93432
detoxification; 93433

(4) The development of guidelines that require the provision 93434
of all treatment services, including medication, with minimal 93435
administrative barriers and within a time frame that meets the 93436
requirements of individual patient care plans. 93437

(H) Of the foregoing appropriation item 336422, Criminal 93438
Justice Services, up to \$5,000,000 in each fiscal year shall be 93439
used to support the substance use disorder treatment included in 93440
the Department's program for drug court specialized docket 93441
programs and to support the administrative expenses of courts and 93442
community addiction services providers participating in the 93443
Department's program. 93444

Section 337.70. RECOVERY HOUSING 93445

The foregoing appropriation item 336424, Recovery Housing, 93446
shall be used to expand and support access to recovery housing as 93447
defined in section 340.01 of the Revised Code and in accordance 93448
with section 340.034 of the Revised Code. For expenditures that 93449
are capital in nature, the Department of Mental Health and 93450
Addiction Services shall develop procedures to administer these 93451
funds in a manner that is consistent with current community 93452
capital assistance guidelines. 93453

Section 337.80. SPECIALIZED DOCKET SUPPORT 93454

(A) Of the foregoing appropriation item 336425, Specialized 93455

Docket Support, \$250,000 in each fiscal year shall be distributed 93456
to the Participating in Victory of Transition (PIVOT) pilot 93457
program in Seneca County. 93458

(B) The remainder of appropriation item 336425, Specialized 93459
Docket Support, shall be used to defray a portion of the annual 93460
payroll costs associated with the specialized docket of a common 93461
pleas court, municipal court, county court, juvenile court, or 93462
family court that meets all of the eligibility requirements in 93463
division (C) of this section, including a family dependency 93464
treatment docket. The foregoing appropriation item 336425, 93465
Specialized Docket Support, may also be used to defray costs 93466
associated with treatment services and recovery supports for 93467
participants. 93468

(C) To be eligible, the specialized docket must have received 93469
Supreme Court of Ohio initial or final certification and include 93470
participants with behavioral health needs in its target 93471
population. 93472

(D) Of the foregoing appropriation item 336425, Specialized 93473
Docket Support, the Department of Mental Health and Addiction 93474
Services shall use up to one per cent of the funds appropriated in 93475
each fiscal year to pay the cost it incurs in administering the 93476
duties established in this section. 93477

(E) The Department, in consultation with the Supreme Court of 93478
Ohio, may adopt funding distribution methodology, guidelines, and 93479
procedures as necessary to carry out the purposes of this section. 93480

Section 337.90. COMMUNITY INNOVATIONS 93481

The foregoing appropriation item 336504, Community 93482
Innovations, may be used by the Department of Mental Health and 93483
Addiction Services to make targeted investments in programs, 93484
projects, or systems operated by or under the authority of other 93485

state agencies, governmental entities, or private not-for-profit 93486
agencies that impact, or are impacted by, the operations and 93487
functions of the Department, with the goal of achieving a net 93488
reduction in expenditure of state general revenue funds and/or 93489
improved outcomes for Ohio citizens without a net increase in 93490
state general revenue fund spending. 93491

The Director shall identify and evaluate programs, projects, 93492
or systems proposed or operated, in whole or in part, outside of 93493
the authority of the Department, where targeted investment of 93494
these funds in the program, project, or system is expected to 93495
decrease demand for the Department or other resources funded with 93496
state general revenue funds, and/or to measurably improve outcomes 93497
for Ohio citizens with mental illness or with alcohol, drug, or 93498
gambling addictions. The Director shall have discretion to provide 93499
funds from this appropriation item to private not-for-profit 93500
entities in amounts, and subject to conditions, that the Director 93501
determines most likely to achieve state savings and/or improved 93502
outcomes. Distribution of funds from this appropriation item shall 93503
not be subject to sections 9.23 to 9.239 or Chapter 125. of the 93504
Revised Code. 93505

The Department shall enter into an agreement with each 93506
recipient of community innovation funds, identifying: allowable 93507
expenditure of the funds; other commitment of funds or other 93508
resources to the program, project, or system; expected state 93509
savings and/or improved outcomes and proposed mechanisms for 93510
measurement of such savings or outcomes; and required reporting 93511
regarding expenditure of funds and savings or outcomes achieved. 93512

Of the foregoing appropriation item 336504, Community 93513
Innovations, up to \$6,000,000 in each fiscal year shall be used 93514
for operating expenses that result in improved quality of life for 93515
adults with severe mental illness living in class two and class 93516
three residential facilities. 93517

Of the foregoing appropriation item 336504, Community 93518
Innovations, up to \$4,000,000 in each fiscal year shall be used to 93519
provide funding for community projects across the state that focus 93520
on support for families, assisting families in avoiding crisis, 93521
and crisis intervention. 93522

Of the foregoing appropriation item 336504, Community 93523
Innovations, up to \$3,500,000 in each fiscal year shall be used to 93524
support workforce development initiatives. 93525

Of the foregoing appropriation item 336504, Community 93526
Innovations, up to \$1,500,000 in each fiscal year shall be used to 93527
improve behavioral health outcomes for racial and ethnic 93528
minorities. 93529

Of the foregoing appropriation item 336504, Community 93530
Innovations, \$500,000 in each fiscal year shall be distributed to 93531
the Values-in-Action Foundation for the organization's Just Be 93532
Kind Program and Values-in-Action Workforce Training. 93533

Section 337.100. RESIDENTIAL STATE SUPPLEMENT 93534

(A) The foregoing appropriation item 336510, Residential 93535
State Supplement, may be used by the Department of Mental Health 93536
and Addiction Services to provide training and other supports for 93537
residential facilities providing accommodations, supervision, and 93538
personal care services to three to sixteen unrelated adults with 93539
mental illness and to make payments to residential state 93540
supplement recipients. 93541

(B) The Department of Mental Health and Addiction Services 93542
shall adopt rules establishing eligibility criteria and payment 93543
amounts under section 5119.41 of the Revised Code. 93544

Section 337.110. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 93545
CONSULTATION 93546

The foregoing appropriation item 336511, Early Childhood Mental Health Counselors and Consultation, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool to third grade classroom expulsions. Funds shall be used by the Department of Mental Health and Addiction Services to support early childhood mental health credentialed counselors and consultation services, as well as administration and workforce development for the program.

Section 337.115. APPALACHIAN CHILDREN COALITION 93556

The foregoing appropriation item 336516, Appalachian Children Coalition, shall be provided to the Appalachian Children Coalition to address systemic challenges children face in southeast Ohio. The coalition shall use the funds as follows: \$1,000,000 in each fiscal year shall be used to provide funding for the training, hiring, and retention of entry-level child mental and behavioral health workers in school settings, and \$250,000 in each fiscal year shall be used to enhance child mental health outcomes, promote implementation of whole-child models of care, and to expand the mental health workforce in the region.

Section 337.120. MEDICAID SUPPORT 93567

The foregoing appropriation item 652321, Medicaid Support, shall be used to fund specified Medicaid Services as delegated by the state's single agency responsible for the Medicaid Program.

Section 337.125. COVID Response - Mental Health 93571

Of the foregoing appropriation item 336513, COVID Response - Mental Health, \$2,500,000 in each fiscal year shall be distributed to community behavioral health organizations certified by the Department of Mental Health and Addiction Services and used to

develop and sustain workforce recruitment and retention 93576
initiatives and to offer supervision support. 93577

Section 337.130. SUBSTANCE ABUSE STABILIZATION CENTERS 93578

(A) The foregoing appropriation item 336600, Substance Abuse 93579
Stabilization Centers, shall be used to establish and administer, 93580
in collaboration with the other boards that serve the same state 93581
psychiatric hospital region, substance use stabilization centers 93582
or, upon approval from the Director of Mental Health and Addiction 93583
Services, boards may use these funds in conjunction with funds 93584
earmarked in division (C) of Section 337.40 of this act to 93585
establish and administer crisis stabilization centers that have 93586
the ability to serve individuals with substance use and/or mental 93587
health needs. There shall be a minimum of one center located in 93588
each state psychiatric hospital region. 93589

(B) Boards of alcohol, drug addiction, and mental health 93590
services shall submit to the Director of Mental Health and 93591
Addiction Services for approval a plan for establishing and 93592
administering crisis stabilization centers pursuant to division 93593
(A) of this section and division (C) of Section 337.40 of this act 93594
that meet the needs of individuals within their service districts. 93595

(C) As used in this section, "state psychiatric hospital 93596
regions" means the six districts into which the Department of 93597
Mental Health and Addiction Services has divided the state 93598
pursuant to division (B) (2) of section 5119.14 of the Revised 93599
Code. 93600

Section 337.140. ADAMHS BOARDS 93601

(A) Of the foregoing appropriation item 336643, ADAMHS 93602
Boards, \$5,000,000 in each fiscal year shall be allocated as 93603
follows: 93604

(1) Each board shall receive \$50,000 in each fiscal year for 93605

each of the counties that are part of the board's district. 93606

(2) Each board shall receive a percentage of any remaining 93607
amount to be determined by a formula developed by the Director of 93608
Mental Health and Addiction Services. 93609

(B) Of the foregoing appropriation item 336643, ADAMHS 93610
Boards, up to \$6,000,000 in each fiscal year shall be used to fund 93611
a continuum of crisis stabilization and crisis prevention services 93612
and supports to allow individuals to be served in the least 93613
restrictive setting. 93614

(C) Boards of alcohol, drug addiction, and mental health 93615
services shall submit for approval by the Director of Mental 93616
Health and Addiction Services a plan for establishing and 93617
administering crisis services in conjunction with the plan 93618
submitted pursuant to division (D) of Section 337.40 and division 93619
(B) of Section 337.130 of this act. 93620

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION 93621

A portion of appropriation item 336629, Problem Gambling and 93622
Casino Addiction, shall be allocated to boards of alcohol, drug 93623
addiction, and mental health services in accordance with a 93624
distribution methodology determined by the Director of Mental 93625
Health and Addiction Services. 93626

Section 337.170. ACCESS SUCCESS II PROGRAM 93627

To the extent cash is available, the Director of Budget and 93628
Management may transfer cash from a fund designated by the 93629
Medicaid Director, to the Sale of Goods and Services Fund (Fund 93630
1490), used by the Department of Mental Health and Addiction 93631
Services. The transferred cash is hereby appropriated. 93632

The Department of Mental Health and Addiction Services shall 93633
use the transferred funds to administer the Access Success II 93634

Program to help non-Medicaid patients in any hospital established, 93635
controlled, or supervised by the Department under Chapter 5119. of 93636
the Revised Code to transition from inpatient status to a 93637
community setting. 93638

Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS 93639
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 93640
FUND 93641

On a schedule determined by the Director of Budget and 93642
Management, the Director of Mental Health and Addiction Services 93643
shall certify to the Director of Budget and Management the amount 93644
of excess license reinstatement fees that are available pursuant 93645
to division (F)(2)(c) of section 4511.191 of the Revised Code to 93646
be transferred from the Indigent Drivers Alcohol Treatment Fund 93647
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 93648
4750). Upon certification, the Director of Budget and Management 93649
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 93650
to the Statewide Treatment and Prevention Fund. 93651

Section 337.185. CASH TRANSFER FROM THE MILITARY INJURY 93652
RELIEF FUND TO THE ELECTROENCEPHALOGRAM (EEG) COMBINED 93653
TRANSCRANIAL MAGNETIC STIMULATION FUND 93654

Notwithstanding section 5902.05 of the Revised Code, on July 93655
1, 2021, or as soon as possible thereafter, the Director of Budget 93656
and Management shall transfer \$1,500,000 cash from the Military 93657
Injury Relief Fund (Fund 5DB0) to the Electroencephalogram (EEG) 93658
Combined Transcranial Magnetic Stimulation Fund (Fund 5VV0). 93659

Section 337.190. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 93660

The foregoing appropriation item 336645, Transcranial 93661
Magnetic Stimulation Program, shall be used for the 93662
electroencephalogram (EEG) combined transcranial magnetic 93663

stimulation program as described in section 5902.09 of the Revised Code. These funds shall also be used to serve up to three hundred additional veterans and up to three hundred additional first responders and law enforcement officers.

Section 337.200. The two-year licensing period established by section 5119.37 of the Revised Code, as amended by this act, does not affect the scheduled expiration date of an opioid treatment program license that was issued prior to the effective date of this section. If the license is renewed, the Department of Mental Health and Addiction Services shall, except as provided in division (E)(2) of that section, renew the license for a two-year period.

Section 337.205. (A) As used in this section:

(1) "Controlled substance" and "schedule II" have the same meanings as in section 3719.01 of the Revised Code.

(2) "Lockable container" means a container that meets both of the following requirements:

(a) Has special packaging;

(b) Has a locking mechanism that can be unlocked in any of the following ways:

(i) Physically by using a key or other object capable of unlocking a locked container;

(ii) Physically by entering a numeric or alphanumeric combination code that is selected by the patient or an individual acting on behalf of the patient;

(iii) Electronically by entering a password or code that is selected by the patient or an individual acting on behalf of the patient.

(3) "Special packaging" has the same meaning as in the

"Poison Prevention Packaging Act of 1970," 15 U.S.C. 1471. 93693

(4) "Tamper-evident container" means a container that meets 93694
both of the following requirements: 93695

(a) Has special packaging; 93696

(b) Displays a visual sign when there is unauthorized entry 93697
into the container or has a numerical display of the time that the 93698
container was last opened. 93699

(5) "Third-party payer" has the same meaning as in section 93700
3901.38 of the Revised Code. 93701

(B) (1) Subject to division (C) of this section, the 93702
Department of Mental Health and Addiction Services shall operate a 93703
two-year pilot program under which all schedule II controlled 93704
substances in solid oral dosage formulations are dispensed by 93705
participating pharmacies in lockable containers or tamper-evident 93706
containers. Under the pilot program, the Department shall 93707
reimburse participating pharmacies for the expenses they incur in 93708
participating in the program, including a fee determined by the 93709
Department for dispensing all schedule II controlled substances in 93710
solid oral dosage formulations in those containers. 93711

(2) Pharmacy participation in the pilot program is voluntary. 93712
Any pharmacy may volunteer to participate in the pilot program by 93713
notifying the Department. 93714

(3) In each of the pilot program's participating pharmacies, 93715
all of the following apply: 93716

(a) A pharmacist shall dispense a schedule II controlled 93717
substance in a solid oral dosage formulation in a lockable 93718
container or tamper-evident container unless the patient or an 93719
individual acting on behalf of the patient requests that the drug 93720
not be dispensed in such a container. 93721

(b) The expenses that the pharmacy incurs for the containers 93722

shall not be included in any amount that is to be paid by a 93723
patient, an individual acting on behalf of the patient, or a 93724
third-party payer. 93725

(4) A pharmacist, pharmacist's delegate, or pharmacy is not 93726
liable for damages in any civil action, subject to prosecution in 93727
any criminal proceeding, or subject to professional disciplinary 93728
action for actions taken in good faith in accordance with this 93729
section, including either of the following: 93730

(a) Disclosing information to aid a patient or an individual 93731
acting on the patient's behalf in obtaining entry into a lockable 93732
container or tamper-evident container; 93733

(b) Dispensing a drug in a lockable container or 93734
tamper-evident container that fails to restrict unauthorized 93735
access into the container. 93736

(5) Not later than six months after the pilot program ends, 93737
the Department shall prepare a report describing its findings 93738
regarding the impact of the program. In evaluating the pilot 93739
program's impact, the Department shall contract with a third-party 93740
research organization to assess whether a measured decrease in 93741
diversion of schedule II controlled substances occurred regarding 93742
drugs dispensed through the program as compared with those 93743
dispensed outside of the program. On completion of the report, the 93744
Department shall submit the report to the General Assembly in 93745
accordance with section 101.68 of the Revised Code. 93746

(C) The pilot program shall be operated for two years or 93747
until funds appropriated for the program are expended, whichever 93748
occurs first. 93749

(D) The Department may adopt rules to administer the pilot 93750
program. Any rules shall be adopted in accordance with Chapter 93751
119. of the Revised Code. 93752

(E) Nothing in this section precludes a pharmacy that is not 93753

participating in the pilot program from stocking lockable 93754
containers or tamper-evident containers and offering to have drugs 93755
containing a schedule II controlled substance dispensed in those 93756
containers. 93757

Section 337.210. The Department of Mental Health and 93758
Addiction Services shall establish a program for the purpose of 93759
attracting, training, supporting, and retaining individuals 93760
involved in the behavioral health workforce to improve access for 93761
pediatric patients to evidence-based prevention and inpatient and 93762
outpatient services, including at Ohio's children's hospitals. 93763

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 93764

General Revenue Fund 93765

GRF	149321	Operating Expenses	\$	733,463	\$	767,026	93766
GRF	149501	Demonstration Grants	\$	852,606	\$	852,606	93767
GRF	149502	Lupus Program	\$	113,680	\$	113,680	93768
GRF	149503	Infant Mortality	\$	3,389,967	\$	3,356,404	93769

Health Grants

TOTAL GRF	General Revenue Fund	\$	5,089,716	\$	5,089,716	93770
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Dedicated Purpose Fund Group 93771

4C20	149601	Minority Health	\$	35,000	\$	35,000	93772
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Conference

TOTAL DPF	Dedicated Purpose Fund	\$	35,000	\$	35,000	93773
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	5,124,716	\$	5,124,716	93774
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Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD 93776

Dedicated Purpose Fund Group 93777

4K90	865601	Operating Expenses	\$	636,389	\$	636,389	93778
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TOTAL DPF	Dedicated Purpose Fund	\$	636,389	\$	636,389	93779
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	636,389	\$	636,389	93780
Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES						93782
General Revenue Fund						93783
GRF 725401	Division of	\$	1,595,700	\$	1,595,700	93784
	Wildlife-Operating					
	Subsidy					
GRF 725413	Parks and Recreational	\$	64,000,000	\$	76,500,000	93785
	Facilities Lease					
	Rental Bond Payments					
GRF 725456	Canal Lands	\$	117,855	\$	117,855	93786
GRF 725505	Healthy Lake Erie	\$	900,000	\$	900,000	93787
	Program					
GRF 725507	Coal and Mine Safety	\$	2,800,000	\$	2,900,000	93788
	Programs					
GRF 725903	Natural Resources	\$	20,600,000	\$	23,000,000	93789
	General Obligation					
	Bond Debt Service					
GRF 727321	Division of Forestry	\$	6,965,023	\$	6,965,023	93790
GRF 729321	Office of Information	\$	181,478	\$	181,478	93791
	Technology					
GRF 730321	Parks and Recreation	\$	39,829,739	\$	39,829,739	93792
GRF 736321	Division of	\$	2,035,650	\$	2,035,650	93793
	Engineering					
GRF 737321	Division of Water	\$	1,692,044	\$	1,692,044	93794
	Resources					
GRF 738321	Office of Real Estate	\$	728,322	\$	728,322	93795
	and Land Management					
GRF 741321	Division of Natural	\$	3,696,134	\$	3,696,134	93796
	Areas and Preserves					
TOTAL GRF General Revenue Fund		\$	145,141,945	\$	160,141,945	93797
Dedicated Purpose Fund Group						93798

2270	725406	Parks Projects Personnel	\$	2,009,943	\$	2,062,630	93799
4300	725671	Canal Lands	\$	998,229	\$	1,002,531	93800
4S90	725622	NatureWorks Personnel	\$	341,177	\$	351,329	93801
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	93802
5090	725602	State Forest	\$	8,312,871	\$	8,312,871	93803
5110	725646	Ohio Geological Mapping	\$	8,599,989	\$	5,799,989	93804
5110	725679	Geographic Information System Centralized Services	\$	641,719	\$	646,449	93805
5120	725605	State Parks Operations	\$	39,062,070	\$	35,412,070	93806
5140	725606	Lake Erie Shoreline	\$	2,446,910	\$	2,446,910	93807
5160	725620	Water Management	\$	3,007,006	\$	3,007,006	93808
5180	725643	Oil and Gas Regulation and Safety	\$	28,446,157	\$	29,523,770	93809
5180	725677	Oil and Gas Well Plugging	\$	22,481,036	\$	22,849,836	93810
5210	725627	Off-Road Vehicle Trails	\$	460,000	\$	460,000	93811
5220	725656	Natural Areas and Preserves	\$	1,725,494	\$	1,582,122	93812
5290	725639	Mining Regulation and Safety	\$	4,750,000	\$	4,800,000	93813
5310	725648	Reclamation Forfeiture	\$	2,530,000	\$	2,530,000	93814
5CV1	725697	Coronavirus Relief DNR COVID Safety		2,500,000	\$	0	93815
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	93816
5EM0	725613	Natural Resources Law Enforcement	\$	34,000	\$	34,000	93817
5HK0	725625	Ohio Nature Preserves	\$	100,000	\$	100,000	93818

5P20	725634	Wildlife Boater Angler Administration	\$	5,000,000	\$	5,000,000	93819
5TD0	725514	Park Maintenance	\$	1,481,150	\$	1,481,150	93820
6150	725661	Dam Safety	\$	1,166,602	\$	1,266,602	93821
6970	725670	Submerged Lands	\$	717,155	\$	717,155	93822
6H20	725681	H2Ohio	\$	25,000,000	\$	25,000,000	93823
7015	740401	Division of Wildlife Conservation	\$	65,482,330	\$	65,482,330	93824
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	93825
7086	739401	Watercraft Operations	\$	34,527,175	\$	34,007,086	93826
8150	725636	Cooperative Management Projects	\$	650,000	\$	650,000	93827
8160	725649	Wetlands Habitat	\$	2,366,885	\$	966,885	93828
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	93829
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	93830
8190	725685	Ohio River Management	\$	150,000	\$	150,000	93831
81B0	725688	Wildlife Habitats	\$	2,000,000	\$	2,000,000	93832
TOTAL DPF		Dedicated Purpose Fund Group	\$	276,793,569	\$	267,448,392	93833
Internal Service Activity Fund Group							93834
1550	725601	Departmental Projects	\$	1,800,392	\$	1,625,481	93835
1550	725676	Hocking Hills State Park Lodge	\$	3,000,000	\$	3,000,000	93836
1570	725651	Program Support	\$	21,956,264	\$	22,290,566	93837
5100	725631	Maintenance - State-owned Residences	\$	189,611	\$	189,611	93838
TOTAL ISA		Internal Service Activity Fund Group	\$	26,946,267	\$	27,105,658	93839
Capital Projects Fund Group							93840

7061	725405	Clean Ohio Trail	\$	301,796	\$	301,796	93841
		Operating					
TOTAL	CPF	Capital Projects Fund	\$	301,796	\$	301,796	93842
		Group					
		Fiduciary Fund Group					93843
4M80	725675	FOP Contract	\$	20,219	\$	20,219	93844
TOTAL	FID	Fiduciary Fund Group	\$	20,219	\$	20,219	93845
		Holding Account Fund Group					93846
R017	725659	Performance Cash Bond	\$	554,730	\$	554,730	93847
		Refunds					
R043	725624	Forestry	\$	2,400,000	\$	2,400,000	93848
TOTAL	HLD	Holding Account Fund	\$	2,954,730	\$	2,954,730	93849
		Group					
		Federal Fund Group					93850
3320	725669	Federal Mine Safety	\$	335,000	\$	335,000	93851
		Grant					
3B30	725640	Federal Forest	\$	500,000	\$	500,000	93852
		Pass-Thru					
3B40	725641	Federal Flood	\$	125,000	\$	125,000	93853
		Pass-Thru					
3B50	725645	Federal Abandoned	\$	13,825,000	\$	14,145,000	93854
		Mine Lands					
3B60	725653	Federal Land and	\$	10,800,000	\$	10,800,000	93855
		Water Conservation					
		Grants					
3B70	725654	Reclamation -	\$	1,800,000	\$	1,800,000	93856
		Regulatory					
3P10	725632	Geological Survey -	\$	260,000	\$	260,000	93857
		Federal					
3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000	93858
3P30	725650	Coastal Management -	\$	2,820,185	\$	2,820,185	93859
		Federal					

3P40	725660	Federal - Soil and Water Resources	\$	251,310	\$	264,746	93860
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	1,000,000	\$	1,000,000	93861
3Z50	725657	Federal Recreation and Trails	\$	3,159,175	\$	3,161,429	93862
TOTAL FED	Federal Fund Group		\$	35,022,670	\$	35,358,360	93863
TOTAL ALL BUDGET FUND GROUPS			\$	487,181,196	\$	493,331,100	93864

Section 343.20. PROGRAM SUPPORT FUND 93866

The Department of Natural Resources shall use a methodology 93867
for determining each division's payments into the Program Support 93868
Fund (Fund 1570). The methodology used shall contain the 93869
characteristics of administrative ease and uniform application in 93870
compliance with federal grant requirements. It may include direct 93871
cost charges for specific services provided. Payments to Fund 1570 93872
shall be made using an intrastate transfer voucher. 93873

The foregoing appropriation item 725401, Division of 93874
Wildlife-Operating Subsidy, shall be used to pay the direct and 93875
indirect costs of the Division of Wildlife. 93876

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 93877

The foregoing appropriation item 725413, Parks and 93878
Recreational Facilities Lease Rental Bond Payments, shall be used 93879
to meet all payments during the period from July 1, 2021, through 93880
June 30, 2023, by the Department of Natural Resources pursuant to 93881
leases and agreements made under section 154.22 of the Revised 93882
Code. These appropriations are the source of funds pledged for 93883
bond service charges on related obligations issued under Chapter 93884
154. of the Revised Code. 93885

HEALTHY LAKE ERIE PROGRAM 93886

The foregoing appropriation item 725505, Healthy Lake Erie 93887

Program, shall be used by the Director of Natural Resources, in 93888
support of the following: (1) conservation measures in the Western 93889
Lake Erie Basin as determined by the Director; (2) funding 93890
assistance for soil testing, winter cover crops, edge of field 93891
testing, tributary monitoring, animal waste abatement; and (3) any 93892
additional efforts to reduce nutrient runoff as the Director may 93893
decide. The Director shall give priority to recommendations that 93894
encourage farmers to adopt agricultural production guidelines 93895
commonly known as 4R nutrient stewardship practices. 93896

COAL AND MINE SAFETY PROGRAMS 93897

The foregoing appropriation item 725507, Coal and Mine Safety 93898
Programs, shall be used for the administration of the Mine Safety 93899
Program and the Coal Regulation Program. 93900

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 93901

The foregoing appropriation item 725903, Natural Resources 93902
General Obligation Bond Debt Service, shall be used to pay all 93903
debt service and related financing costs during the period July 1, 93904
2021, through June 30, 2023, on obligations issued under sections 93905
151.01 and 151.05 of the Revised Code. 93906

Section 343.30. STATE PARK OPERATIONS 93907

Of the foregoing appropriation item, 725605, State Park 93908
Operations, \$3,650,000 over the biennium ending June 30, 2023, 93909
shall be used to make lease or mortgage payments and pay the 93910
operating costs for the Geneva Lodge and Conference Center prior 93911
to and upon execution of the agreement specified in Section 715.20 93912
of this act. An amount equal to \$3,650,000 less any amount used 93913
for lease or mortgage payments or to pay the operating costs for 93914
the Geneva Lodge and Concurrence center in fiscal year 2022 is 93915
hereby appropriated for the same purpose in fiscal year 2023. 93916

OIL AND GAS WELL PLUGGING 93917

The foregoing appropriation item 725677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. This appropriation item shall not be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributable to the plugging of an idle or orphan well. In addition, this appropriation item shall not be used to transfer cash to any other fund or appropriation item.

H2OHIO FUND

On July 1, 2022, or as soon as possible thereafter, the Director of Natural Resources may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 725681, H2Ohio, at the end of fiscal year 2022 to be reappropriated in fiscal year 2023. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

WELL LOG FILING FEES

The Chief of the Division of Water Resources shall deposit fees forwarded to the Division pursuant to section 1521.05 of the Revised Code into the Water Management Fund (Fund 5160) for the purposes described in that section.

PARKS CAPITAL EXPENSES FUND

The Director of Natural Resources shall submit to the Director of Budget and Management the estimated design, engineering, and planning costs of capital-related work to be done by Department of Natural Resources staff for parks projects within the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7035

appropriation item C725E6, Project Planning, for those purposes. 93949
Upon release of the appropriations, the Department of Natural 93950
Resources shall pay for these expenses from the Parks Capital 93951
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 93952
reimbursed by Fund 7035 using an intrastate transfer voucher. 93953

NATUREWORKS CAPITAL EXPENSES FUND 93954

The Department of Natural Resources shall submit to the 93955
Director of Budget and Management the estimated design, planning, 93956
and engineering costs of capital-related work to be done by 93957
Department of Natural Resources staff for each capital improvement 93958
project within the Ohio Parks and Natural Resources Fund (Fund 93959
7031). If the Director of Budget and Management approves the 93960
estimated costs, the Director may release appropriations from Fund 93961
7031 appropriation item C725E5, Project Planning, for those 93962
purposes. Upon release of the appropriations, the Department of 93963
Natural Resources shall pay for these expenses from the Capital 93964
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 93965
reimbursed by Fund 7031 using an intrastate transfer voucher. 93966

PARK MAINTENANCE 93967

The foregoing appropriation item 725514, Park Maintenance, 93968
shall be used by the Department of Natural Resources to pay the 93969
costs of projects supported by the State Park Maintenance Fund 93970
(Fund 5TD0) under section 1501.08 of the Revised Code. 93971

On July 1 of each fiscal year or as soon as possible 93972
thereafter, the Director of Natural Resources shall certify the 93973
amount of five percent of the average of the previous five years 93974
of deposits in the State Park Fund (Fund 5120) to the Director of 93975
Budget and Management. The Director of Budget and Management may 93976
transfer up to \$1,600,000 from Fund 5120 to the State Park 93977
Maintenance Fund (Fund 5TD0). 93978

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES				93979
The foregoing appropriation item 725405, Clean Ohio Trail				93980
Operating, shall be used by the Department of Natural Resources in				93981
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant				93982
to section 1519.05 of the Revised Code.				93983
Section 345.10. NUR STATE BOARD OF NURSING				93984
Dedicated Purpose Fund Group				93985
4K90	884609	Operating Expenses	\$ 11,378,121 \$ 11,689,893	93986
5AC0	884602	Nurse Education Grant	\$ 1,513,000 \$ 1,513,000	93987
Program				
5P80	884601	Nursing Special	\$ 500 \$ 500	93988
Issues				
TOTAL DPF Dedicated Purpose				93989
Fund Group				\$ 12,891,621 \$ 13,203,393 93990
TOTAL ALL BUDGET FUND GROUPS				\$ 12,891,621 \$ 13,203,393 93991
Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,				93993
AND ATHLETIC TRAINERS BOARD				93994
Dedicated Purpose Fund Group				93995
4K90	890609	Operating Expenses	\$ 1,168,045 \$ 1,168,045	93996
TOTAL DPF Dedicated Purpose Fund				\$ 1,168,045 \$ 1,168,045 93997
Group				
TOTAL ALL BUDGET FUND GROUPS				\$ 1,168,045 \$ 1,168,045 93998
Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH				94000
DISABILITIES AGENCY				94001
General Revenue Fund				94002
GRF	415402	Independent Living	\$ 252,000 \$ 252,000	94003
Council				
GRF	415406	Assistive Technology	\$ 25,819 \$ 25,819	94004

GRF	415431	Brain Injury	\$	550,000	\$	550,000	94005
GRF	415506	Services for Individuals with Disabilities	\$	18,418,244	\$	18,418,244	94006
GRF	415508	Services for the Deaf	\$	27,580	\$	27,580	94007
GRF	415511	Centers for Independent Living	\$	500,000	\$	500,000	94008
GRF	415512	Visually Impaired Reading Services	\$	50,000	\$	50,000	94009
TOTAL GRF	General Revenue Fund		\$	19,823,643	\$	19,823,643	94010
Dedicated Purpose Fund Group							94011
4670	415609	Business Enterprise Operating Expenses	\$	1,545,498	\$	1,555,368	94012
4680	415618	Third Party Services Funding	\$	8,000,000	\$	8,000,000	94013
4L10	415619	Services for Rehabilitation	\$	3,000,000	\$	3,000,000	94014
TOTAL DPF	Dedicated Purpose Fund Group		\$	12,545,498	\$	12,555,368	94015
Internal Service Activity Fund Group							94016
4W50	415606	Program Management	\$	15,865,315	\$	16,138,415	94017
TOTAL ISA	Internal Service Activity Fund Group		\$	15,865,315	\$	16,138,415	94018
Federal Fund Group							94019
3170	415620	Disability Determination	\$	84,246,693	\$	85,518,074	94020
3790	415616	Federal - Vocational Rehabilitation	\$	129,098,355	\$	130,495,615	94021
3GH0	415602	Personal Care Assistance	\$	3,133,972	\$	3,139,040	94022
3GH0	415604	Community Centers for the Deaf	\$	950,000	\$	950,000	94023

3GH0	415613	Independent Living	\$	737,411	\$	737,411	94024
3L10	415608	Social Security	\$	9,100,000	\$	9,100,000	94025
		Vocational Rehabilitation					
3L40	415614	Buisness Enterprise	\$	1,031,161	\$	0	94026
		Federal Relief					
3L40	415615	Federal - Supported	\$	850,000	\$	850,000	94027
		Employment					
3L40	415617	Independent Living	\$	2,545,971	\$	1,733,658	94028
		Older Blind					
TOTAL FED	Federal Fund Group		\$	231,693,563	\$	232,523,798	94029
TOTAL ALL BUDGET FUND GROUPS			\$	279,928,019	\$	281,041,224	94030

Section 353.20. INDEPENDENT LIVING 94032

The foregoing appropriation item 415402, Independent Living Council, shall be used to support the state independent living programs and centers under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 94033-94037

Of the foregoing appropriation item 415402, Independent Living Council, \$67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities. 94038-94041

The foregoing appropriation item 415511, Centers for Independent Living, shall be used to support the operations of the Centers for Independent Living in accordance with the State Plan for Independent Living. 94042-94045

ASSISTIVE TECHNOLOGY 94046

The foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the State of Ohio. 94047-94050

BRAIN INJURY 94051

The foregoing appropriation item 415431, Brain Injury, shall 94052
be provided to The Ohio State University College of Medicine to 94053
support the Brain Injury Program established under section 3335.60 94054
of the Revised Code. 94055

SERVICES FOR INDIVIDUALS WITH DISABILITIES 94056

In addition to funding the general vocational rehabilitation 94057
program, the foregoing appropriation item 415506, Services for 94058
Individuals with Disabilities, shall be used as state match to: 94059
continue partnerships with certified drug courts to expand access 94060
to employment through vocational rehabilitation services and 94061
increase employment outcomes that promote recovery and 94062
rehabilitation; continue partnerships with community colleges and 94063
state universities to ensure college students with disabilities 94064
can compete for in-demand jobs in tomorrow's labor market and 94065
increase the median earnings of individuals who obtain employment; 94066
create paid on-the-job work experiences for eligible candidates 94067
placed in state agencies to develop work skills needed to pursue 94068
permanent employment and increase the number of individuals with 94069
disabilities employed in state government; and increase access to 94070
vocational rehabilitation services for eligible students enrolled 94071
at the Ohio State School for the Blind and the Ohio School for the 94072
Deaf that will prepare students who are blind or deaf for 94073
transition to college or employment. 94074

SERVICES FOR THE DEAF 94075

The foregoing appropriation item 415508, Services for the 94076
Deaf, shall be used to support community centers for the deaf. 94077

VISUALLY IMPAIRED READING SERVICES 94078

The foregoing appropriation item 415512, Visually Impaired 94079
Reading Services, shall be used to support VOICEcorps Reading 94080
Services to provide reading services for blind individuals. 94081

SIGHT CENTERS 94082

Of the foregoing appropriation item 415617, Independent 94083
Living Older Blind, \$30,000 in each fiscal year shall be used to 94084
contract in equal amounts with the Cleveland Sight Center, the 94085
Cincinnati Association for the Blind and Visually Impaired, and 94086
the Sight Center of Northwest Ohio to provide independent living 94087
services to the community of individuals with blindness or low 94088
vision. 94089

Section 361.10. PEN PENSION SUBSIDIES 94090

General Revenue Fund 94091

GRF	090524	Police and Fire	\$	1,000	\$	1,000	94092
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Disability Pension
Fund

GRF	090534	Police and Fire Ad	\$	22,000	\$	22,000	94093
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Hoc Cost of Living

GRF	090554	Police and Fire	\$	201,000	\$	201,000	94094
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Survivor Benefits

GRF	090575	Police and Fire Death	\$	35,000,000	\$	35,250,000	94095
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Benefits

TOTAL GRF General Revenue Fund	\$	35,224,000	\$	35,474,000	94096
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TOTAL ALL BUDGET FUND GROUPS	\$	35,224,000	\$	35,474,000	94097
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Section 361.20. POLICE AND FIRE DEATH BENEFIT FUND 94099

The foregoing appropriation item 090575, Police and Fire 94100
Death Benefits, shall be disbursed quarterly by the Treasurer of 94101
State at the beginning of each quarter of each fiscal year to the 94102
Board of Trustees of the Ohio Police and Fire Pension Fund, which 94103
serves as trustees of the Ohio Public Safety Officers Death 94104
Benefit Fund pursuant to section 742.62 of the Revised Code. The 94105
Treasurer of State shall certify such amounts quarterly to the 94106
Director of Budget and Management. By the twentieth day of June of 94107

each fiscal year, the Board of Trustees shall certify to the 94108
Treasurer of State the amount disbursed in the current fiscal year 94109
to make the payments required by sections 124.824 and 742.63 of 94110
the Revised Code and shall return to the Treasurer of State moneys 94111
received from this appropriation item but not disbursed. 94112

Notwithstanding any provision of section 124.824 of the 94113
Revised Code to the contrary, for each death benefit fund 94114
recipient who participates in health, medical, hospital, dental, 94115
surgical, or vision benefits under section 124.824 of the Revised 94116
Code, the Board of Trustees of the Ohio Police and Fire Pension 94117
Fund shall forward as a pass-through from the revenue received 94118
from the foregoing appropriation item 090575, Police and Fire 94119
Death Benefits, the percentage of the cost for the applicable 94120
benefits that would be paid by a state employer for a state 94121
employee who elects that coverage and any applicable 94122
administrative costs, which shall not exceed two per cent of the 94123
total cost of the benefits. The Board of Trustees shall also 94124
withhold from the benefits paid to a death benefit fund recipient 94125
under section 742.63 of the Revised Code the percentage of the 94126
cost for such benefits that would be paid by a state employee, and 94127
forward the withheld amounts to the Department of Administrative 94128
Services from the revenue received from the foregoing 94129
appropriation item 090575, Police and Fire Death Benefits. 94130

In fiscal year 2022 or 2023, if it is determined by the 94131
Director of Administrative Services, in consultation with the 94132
Chairperson of the Board of Trustees of the Ohio Police and Fire 94133
Pension Fund, or designee, that additional amounts are necessary 94134
to pay the cost of providing benefits under section 124.824 or 94135
742.63 of the Revised Code, the Director of Administrative 94136
Services may certify the additional amount necessary to the 94137
Director of Budget and Management. The amount certified is hereby 94138
appropriated. 94139

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK				94140
RELEASE COMPENSATION BOARD				94141
Dedicated Purpose Fund Group				94142
6910	810632	Petroleum Underground	\$ 1,470,292 \$ 1,489,689	94143
Storage Tank Release				
Compensation Board -				
Operating				
TOTAL DPF Dedicated Purpose Fund			\$ 1,470,292 \$ 1,489,689	94144
Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 1,470,292 \$ 1,489,689	94145
 Section 367.10. PRX STATE BOARD OF PHARMACY				94147
Dedicated Purpose Fund Group				94148
4A50	887605	Drug Law Enforcement	\$ 50,000 \$ 50,000	94149
4K90	658605	OARRS Integration -	\$ 265,000 \$ 265,000	94150
STATE				
4K90	887609	Operating Expenses	\$ 11,750,000 \$ 12,200,000	94151
5SG0	887612	Drug Database	\$ 100,000 \$ 100,000	94152
5SY0	887613	Medical Marijuana	\$ 3,150,000 \$ 3,250,000	94153
Control Program				
TOTAL DPF Dedicated Purpose Fund			\$ 15,315,000 \$ 15,865,000	94154
Group				
Federal Fund Group				94155
3HD0	887614	Pharmacy Federal	\$ 1,050,000 \$ 1,050,000	94156
Grants				
3HH0	658601	OARRS Integration -	\$ 2,500,000 \$ 2,500,000	94157
Federal				
3HM0	887615	Equitable Sharing	\$ 5,000 \$ 5,000	94158
Treasury				
3HN0	887616	Equitable Sharing	\$ 30,000 \$ 30,000	94159
Justice				

TOTAL FED Federal Fund Group	\$	3,585,000	\$	3,585,000	94160
TOTAL ALL BUDGET FUND GROUPS	\$	18,900,000	\$	19,450,000	94161

Section 369.10. PSY STATE BOARD OF PSYCHOLOGY 94163

Dedicated Purpose Fund Group					94164
4K90 882609 Operating Expenses	\$	679,000	\$	696,000	94165
TOTAL DPF Dedicated Purpose					94166
Fund Group	\$	679,000	\$	696,000	94167
TOTAL ALL BUDGET FUND GROUPS	\$	679,000	\$	696,000	94168

Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION 94170

General Revenue Fund					94171
GRF 019401 State Legal Defense	\$	6,944,609	\$	7,419,884	94172
Services					
GRF 019403 Multi-County: State	\$	4,881,554	\$	5,076,816	94173
Share					
GRF 019404 Trumbull County -	\$	2,063,870	\$	2,146,425	94174
State Share					
GRF 019405 Training Account	\$	50,000	\$	50,000	94175
GRF 019501 County Reimbursement	\$	129,197,392	\$	133,138,934	94176
TOTAL GRF General Revenue Fund	\$	143,137,425	\$	147,832,059	94177
Dedicated Purpose Fund Group					94178
1010 019607 Juvenile Legal	\$	205,000	\$	205,000	94179
Assistance					
4060 019603 Training and	\$	25,000	\$	25,000	94180
Publications					
4070 019604 County Representation	\$	285,000	\$	285,000	94181
4080 019605 Client Payments	\$	737,389	\$	737,389	94182
4C70 019601 Multi-County: County	\$	149,879	\$	272,016	94183
Share					
4N90 019613 Gifts and Grants	\$	13,440	\$	13,440	94184
4X70 019610 Trumbull County -	\$	47,699	\$	86,568	94185

		County Share				
5740	019606	Civil Legal Aid	\$	14,500,000	\$	14,500,000 94186
5CX0	019617	Civil Case Filing Fee	\$	542,904	\$	602,904 94187
5DY0	019618	Indigent Defense	\$	25,896,000	\$	27,888,000 94188
		Support - County Share				
5DY0	019619	Indigent Defense	\$	6,684,000	\$	6,684,000 94189
		Support - State Office				
TOTAL DPF	Dedicated Purpose Fund Group		\$	49,086,311	\$	51,299,317 94190
	Federal Fund Group					94191
3S80	019608	Federal Representation	\$	38,315	\$	38,315 94192
TOTAL FED	Federal Fund Group		\$	38,315	\$	38,315 94193
TOTAL ALL BUDGET FUND GROUPS			\$	192,262,051	\$	199,169,691 94194
	INDIGENT DEFENSE OFFICE					94195
	The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.					94196 94197 94198
	MULTI-COUNTY OFFICE					94199
	The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office Program.					94200 94201 94202 94203
	TRAINING ACCOUNT					94204
	The foregoing appropriation item 019405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represent at least one indigent defendant at no cost, and for state and county public defenders and attorneys who contract with					94205 94206 94207 94208 94209

the Ohio Public Defender to provide indigent defense services.	94210
CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID FUND	94211
	94212
On July 1 of each fiscal year, or as soon as possible	94213
thereafter, the Director of Budget and Management shall transfer	94214
\$500,000 cash from the General Revenue Fund to the Legal Aid Fund	94215
(Fund 5740). The transferred cash shall be distributed by the Ohio	94216
Access to Justice Foundation to Ohio's civil legal aid societies	94217
as follows: \$250,000 in each fiscal year for the sole purpose of	94218
providing legal services for economically disadvantaged	94219
individuals and families seeking assistance with legal issues	94220
arising as a result of substance abuse disorders, and \$250,000 in	94221
each fiscal year for the sole purpose of providing legal services	94222
for veterans. None of the funds shall be used for administrative	94223
costs, including, but not limited to, salaries, benefits, or	94224
travel reimbursements.	94225
FEDERAL REPRESENTATION	94226
The foregoing appropriation item 019608, Federal	94227
Representation, shall be used to support representation provided	94228
by the Ohio Public Defender in federal court cases.	94229
Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY	94230
General Revenue Fund	94231
GRF 761403 Recovery Ohio Law \$ 13,075,000 \$ 13,155,000	94232
Enforcement	
GRF 763403 EMA Operating \$ 5,878,897 \$ 5,868,428	94233
GRF 763513 Security Grants \$ 4,250,000 \$ 4,250,000	94234
GRF 767420 Investigative Unit \$ 14,545,000 \$ 14,875,000	94235
Operating	
GRF 768425 Justice Program \$ 13,320,000 \$ 13,350,000	94236
Services	

GRF	769406	Homeland Security - Operating	\$	3,376,000	\$	3,455,000	94237
GRF	769407	Youthful Driver Safety	\$	500,000	\$	500,000	94238
GRF	769501	School Safety	\$	2,705,500	\$	2,705,500	94239
TOTAL GRF		General Revenue Fund	\$	57,650,397	\$	58,158,928	94240
		Dedicated Purpose Fund Group					94241
4P60	768601	Justice Program Services	\$	226,500	\$	226,500	94242
4V30	763662	EMA Service and Reimbursements	\$	915,000	\$	840,000	94243
5330	763601	State Disaster Relief	\$	1,875,000	\$	1,875,000	94244
5B90	766632	Private Investigator and Security Guard Provider	\$	2,035,000	\$	2,035,000	94245
5BK0	768687	Criminal Justice Services - Operating	\$	550,000	\$	550,000	94246
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	94247
5CV1	763691	Coronavirus Relief-DPS	\$	29,000,000	\$	0	94248
5ET0	768625	Drug Law Enforcement	\$	4,000,000	\$	4,000,000	94249
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946	94250
5ML0	769635	Infrastructure Protection	\$	80,000	\$	80,000	94251
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	94252
5RS0	768621	Community Police Relations	\$	1,150,000	\$	1,150,000	94253
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	10,000	\$	10,000	94254

6220	767615	Investigative, Contraband, and Forfeiture	\$	1,000,000	\$	1,000,000	94255
6570	763652	Utility Radiological Safety	\$	1,368,624	\$	1,378,304	94256
6810	763653	SARA Title III Hazmat Planning	\$	287,310	\$	287,994	94257
TOTAL DPF Dedicated Purpose Fund Group			\$	45,798,380	\$	16,733,744	94258
Federal Fund Group							94259
3370	763515	COVID Relief - Federal	\$	150,000,000	\$	150,000,000	94260
3370	763609	Federal Disaster Relief	\$	69,948,672	\$	69,948,672	94261
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	30,000	\$	30,000	94262
3GL0	768619	Justice Assistance Grants - FFY15	\$	12,500,000	\$	12,500,000	94263
3GT0	767691	Investigative Unit Federal Equity Share	\$	100,000	\$	100,000	94264
3GU0	769610	Investigations Grants - Food Stamps, Liquor and Tobacco Laws	\$	1,400,000	\$	1,400,000	94265
3GU0	769631	Homeland Security Disaster Grants	\$	800,000	\$	800,000	94266
3HT0	768699	Coronavirus Emergency Support Funding	\$	5,000,000	\$	850,000	94267
3L50	768604	Justice Program	\$	12,600,000	\$	12,600,000	94268
TOTAL FED Federal Fund Group			\$	252,378,672	\$	248,228,672	94269
TOTAL ALL BUDGET FUND GROUPS			\$	355,827,449	\$	323,121,344	94270

Of the foregoing appropriation item 761403, Recovery Ohio Law 94273
Enforcement, up to \$6,575,000 in fiscal year 2022 and \$6,655,000 94274
in fiscal year 2023 may be used to operate and maintain a highly 94275
specialized Narcotics Intelligence Center consisting of personnel 94276
assigned to intelligence and computer forensic analysis that will 94277
assist Ohio narcotics task forces and law enforcement agencies. 94278

Of the foregoing appropriation item 761403, Recovery Ohio Law 94279
Enforcement, up to \$3,400,000 in each fiscal year may be used by 94280
the Office of Criminal Justice Services to support local law 94281
enforcement narcotics task forces that focus on cartel trafficking 94282
interdiction. The interdiction task forces shall be designated 94283
Ohio Organized Crime Commission task forces subject to approval 94284
and supervision of the Commission. This earmarked amount may also 94285
be used to provide funding to local law enforcement agencies, the 94286
Commission for task force related equipment purchases, and for 94287
operating expenses of the Office of Criminal Justice Services 94288
related to the narcotics interdiction task force program. 94289

Of the foregoing appropriation item 761403, Recovery Ohio Law 94290
Enforcement, up to \$2,500,000 in each fiscal year may be used by 94291
the Office of Criminal Justice Services for Ohio's narcotics task 94292
forces in order to build new and strengthen existing partnerships 94293
with local law enforcement. This earmarked amount may also be used 94294
to provide funding to local law enforcement agencies and for 94295
operating expenses of the Office of Criminal Justice Services 94296
related to the Ohio narcotics task force program. 94297

Of the foregoing appropriation item 761403, Recovery Ohio Law 94298
Enforcement, up to \$600,000 in each fiscal year may be used to 94299
partner with the Office of Information Technology in the 94300
Department of Administrative Services to enhance and maintain a 94301
uniform records management and data intelligence system, and 94302
provide case management, collaboration, data sharing, and data 94303
analytics tools for Ohio narcotics task forces and law enforcement 94304

agencies. 94305

LAKE COUNTY EMERGENCY MANAGEMENT AGENCY 94306

Of the foregoing appropriation item 763403, EMA Operating, 94307
\$300,000 in fiscal year 2022 shall be distributed to the Lake 94308
County Emergency Management Agency to improve wireless and 94309
microwave communication for emergency operations. 94310

JUSTICE PROGRAM SERVICES 94311

Of the foregoing appropriation item 768425, Justice Program 94312
Services, up to \$5,000,000 in each fiscal year shall be used by 94313
the Office of Criminal Justice Services to administer and 94314
distribute grants to state and local law enforcement agencies to 94315
implement or enhance body-worn camera programs. 94316

Of the foregoing appropriation item 768425, Justice Program 94317
Services, up to \$4,000,000 in each fiscal year shall be used by 94318
the Office of Criminal Justice Services to administer and 94319
distribute grants to state and local law enforcement agencies to 94320
assist local communities in reducing and preventing crime through 94321
the use of promising or proven crime reduction strategies. The use 94322
of the grants includes, but is not limited to, overtime, 94323
equipment, technical assistance, and analytical support to 94324
implement crime reduction strategies. The disbursement of the 94325
grants requires approval by the Controlling Board. 94326

Of the foregoing appropriation item 768425, Justice Program 94327
Services, up to \$1,000,000 in each fiscal year shall be used by 94328
the Office of Criminal Justice Services to distribute grants to 94329
state and/or local law enforcement to conduct investigations on 94330
sexual assault kit testing results and related expenses. 94331

Of the foregoing appropriation item 768425, Justice Program 94332
Services, up to \$500,000 in each fiscal year shall be used by the 94333
Office of Criminal Justice Services to support state and local law 94334
enforcement agencies in the recruitment, hiring, and training of 94335

qualified individuals to serve as peace officers. 94336

Of the foregoing appropriation item 768425, Justice Program 94337
Services, up to \$200,000 in each fiscal year shall be used by the 94338
Office of Criminal Justice Services to implement recommendations 94339
of the Governor's Warrant Task Force. 94340

YOUTHFUL DRIVER SAFETY 94341

The foregoing appropriation item 769407, Youthful Driver 94342
Safety, shall be used to enhance driver training for a statewide 94343
youthful driver safety program. The program will use best 94344
practices and technology to focus on behind-the-wheel driver 94345
training for drivers aged sixteen to twenty-four in order to 94346
reduce the number of at-fault youthful fatal car crashes. 94347

SCHOOL SAFETY 94348

The foregoing appropriation item 769501, School Safety, shall 94349
be used by the Department of Public Safety for the operations of 94350
the Ohio School Safety Center, including maintaining and promoting 94351
the Safer Ohio Schools Tip Line and assisting local schools and 94352
first responders in preventing, preparing for, and responding to 94353
threats and acts of violence, including self-harm, through a 94354
holistic, solutions-based approach to improving school safety. 94355

LOCAL DISASTER ASSISTANCE 94356

An amount equal to the unexpended, unencumbered balance of 94357
appropriation item 763511, Local Disaster Assistance, at the end 94358
of fiscal year 2021 is hereby reappropriated for the April 17, 94359
2018, and April 8, 2019, Major Disaster Declarations for fiscal 94360
year 2022. 94361

An amount equal to the unexpended, unencumbered balance of 94362
appropriation item 763511, Local Disaster Assistance, at the end 94363
of fiscal year 2022 is hereby reappropriated for the April 17, 94364
2018, and April 8, 2019, Major Disaster Declarations for fiscal 94365

year 2023. 94366

STATE DISASTER RELIEF 94367

On July 1 of each fiscal year, or as soon as possible 94368
thereafter, the Director of Budget and Management may transfer 94369
\$1,875,000 cash from the Disaster Services Fund (Fund 5E20) to the 94370
State Disaster Relief Fund (Fund 5330) to be used to pay for 94371
estimated program administrative costs and Emergency Operations 94372
Center activation costs for that fiscal year. 94373

The State Disaster Relief Fund (Fund 5330) may accept 94374
transfers of cash or appropriations from Controlling Board 94375
appropriation items for the Ohio Emergency Management Agency 94376
disaster response costs and disaster program management costs, and 94377
may also be used for the following purposes: 94378

(A) To accept transfers of cash or appropriations from 94379
Controlling Board appropriation items for Ohio Emergency 94380
Management Agency recovery and mitigation program match costs to 94381
reimburse eligible local governments and private nonprofit 94382
organizations for costs related to disasters; 94383

(B) To accept transfers of cash or appropriations from 94384
Controlling Board appropriation items to cover costs incurred and 94385
to reimburse government entities for Emergency Management 94386
Assistance Compact (EMAC) missions; 94387

(C) To accept disaster related reimbursement from federal, 94388
state, and local governments. The Director of Budget and 94389
Management may transfer cash from reimbursements received by this 94390
fund to other funds of the state from which transfers were 94391
originally approved by the Controlling Board. 94392

(D) To accept transfers of cash or appropriations from 94393
Controlling Board appropriation items to fund the State Disaster 94394
Relief Program, for disasters that qualify for the program by 94395
written authorization of the Governor, and the State Individual 94396

Assistance Program for disasters that have been declared by the 94397
federal Small Business Administration and that qualify for the 94398
program by written authorization from the Governor. 94399

(E) The State Disaster Relief Fund (Fund 5330) may accept, 94400
hold, administer, and expend any cash received from a gift, 94401
donation, bequest, devise, or contribution. 94402

Section 373.30. TRANSFER FROM STATE FIRE MARSHAL FUND TO 94403
EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 94404

On July 1 of each fiscal year, or as soon as possible 94405
thereafter, the Director of Budget and Management shall transfer 94406
\$450,000 cash from the State Fire Marshall Fund (Fund 5460) to the 94407
Emergency Management Agency Service and Reimbursement Fund (Fund 94408
4V30). 94409

Of the foregoing appropriation item 763662, EMA Service and 94410
Reimbursements, \$200,000 in each fiscal year shall be distributed 94411
to the Ohio Task Force One - Urban Search and Rescue Unit, other 94412
similar urban search and rescue units around the state, and for 94413
maintenance of the statewide fire emergency response plan by an 94414
entity recognized by the Ohio Emergency Management Agency. 94415

Of the foregoing appropriation item 763662, EMA Service and 94416
Reimbursements, \$250,000 in each fiscal year shall be distributed 94417
to the Ohio Task Force One - Urban Search and Rescue Unit to pay 94418
for its operating expenses and developing new programs. 94419

DRUG LAW ENFORCEMENT FUND 94420

Notwithstanding division (D) of section 5502.68 of the 94421
Revised Code, in each of fiscal years 2022 and 2023, the 94422
cumulative amount of funding provided to any single drug task 94423
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 94424
exceed \$500,000 in any calendar year. 94425

COMMUNITY POLICE RELATIONS 94426

The foregoing appropriation item 768621, Community Police Relations, shall be used to implement key recommendations of the Ohio Task Force on Community-Police Relations, including a public awareness campaign and state-provided assistance with policy-making and manuals.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

SECURITY GRANTS

(A) The foregoing appropriation item 763513, Security Grants, shall be used to make competitive grants of up to \$100,000 to nonprofit organizations, houses of worship, chartered nonpublic schools, and licensed preschools for eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism, to acquire or retain the services of a resource officer, special duty police officer, or licensed armed security guards, or for the purchase of qualified equipment, including equipment for emergency and crisis communication, crisis management, or trauma and crisis response to assist in preventing, preparing for, or responding to acts of terrorism.

The Emergency Management Agency shall allow for a portion of the funds granted to acquire or retain the services of a resource officer, special duty police officer, or licensed armed security guard to be used for training, licensing, or certification of such as resource officers.

(B) The Emergency Management Agency shall administer and award the grants described in division (A) of this section. The Agency shall establish procedures and forms by which applicants

may apply for a grant, a competitive process for ranking 94458
applicants and awarding the grants, and procedures for 94459
distributing grants to recipients. The procedures shall require 94460
each applicant to do all of the following: 94461

(1) Identify and substantiate prior threats or attacks by a 94462
terrorist organization, network, or cell against the nonprofit 94463
organization, house of worship, chartered nonpublic school, or 94464
licensed preschool; 94465

(2) Indicate the symbolic or strategic value of one or more 94466
sites that renders the site a possible target of terrorism; 94467

(3) Discuss potential consequences to the organization if the 94468
site is damaged, destroyed, or disrupted by a terrorist; 94469

(4) Describe how the grant will be used to integrate 94470
organizational preparedness with broader state and local 94471
preparedness efforts; 94472

(5) Submit either a vulnerability assessment conducted by 94473
experienced security, law enforcement, or military personnel, or a 94474
credible intelligence and threat analysis from one or more 94475
qualified homeland security, counterintelligence, or 94476
anti-terrorism experts, and a description of how the grant will be 94477
used to address the vulnerabilities identified in the assessment. 94478

The Agency shall consider all of the above factors in 94479
evaluating grant applications. The grantee shall have twenty-four 94480
months from the date of the first disbursement to meet program 94481
requirements. 94482

The Emergency Management Agency may prioritize a portion of 94483
funding, but not more than \$1,000,000 in each fiscal year, for 94484
innovative community-public safety partnerships addressing 94485
counterterrorism prevention, provided the grantee is eligible to 94486
receive the grant as a nonprofit organization that is at risk of 94487
terror attack. 94488

(C) Any grant submission described in division (I) of section 3313.536 of the Revised Code or section 149.433 of the Revised Code is not a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section.

(D) The Emergency Management Agency may use up to two and one-half per cent of the total amount appropriated to administer the program, a portion of which may be used to pay costs incurred by the Department of Public Safety to provide security-related or specialized assistance in reviewing vulnerability assessments and prioritizing grant applications.

(E) As used in this section:

(1) "Eligible security improvements" means any of the following:

(a) Physical security enhancement equipment or inspection and screening equipment included on the Authorized Equipment List published by the United States Department of Homeland Security;

(b) Attendance fees and associated materials, supplies, and equipment costs for security-related training courses and programs regarding the protection of critical infrastructure and key resources, physical and cyber security, target hardening, or terrorism awareness or preparedness. Personnel and travel costs associated with training shall not be considered an eligible expense of the grant;

(c) The purchase, upgrade, or maintenance of high-speed internet for those utilizing it for security purposes.

(2) "Nonprofit organization" means a corporation, association, group, institution, society, or other organization that is exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501(c)(3), as amended.

(3) "Resource officer" means any law enforcement officer of 94520
an accredited local law enforcement agency providing special duty 94521
services in a school setting to create or maintain a safe, secure, 94522
and orderly environment. A resource officer may include a special 94523
duty police officer, off-duty police officer, deputy sheriff, or 94524
other peace officer of the applicable local law enforcement agency 94525
in which the chartered nonpublic school or licensed preschool is 94526
located or qualifying personnel of an accredited local law 94527
enforcement agency for any jurisdiction in this state. 94528

(4) "Terrorism" means any act taken by a group or individual 94529
used to intimidate or coerce a nonprofit organization, house of 94530
worship, chartered nonpublic school, or licensed preschool, its 94531
employees, and anyone who is or in the future may be associated 94532
with it, as well as their families; to influence the policy of the 94533
nonprofit organization, house of worship, chartered nonpublic 94534
school, or licensed preschool; and to affect the conduct of the 94535
nonprofit organization, house of worship, chartered nonpublic 94536
school, or licensed preschool. 94537

(F) Effective July 1, 2021, the Director of Budget and 94538
Management shall cancel any existing encumbrances against 94539
appropriation item 763514, Security Grants - Personnel, and 94540
reestablish them against appropriation item 763513, Security 94541
Grants. The reestablished encumbrance amounts are hereby 94542
appropriated. 94543

(G) An amount equal to the unexpended, unencumbered balance 94544
of the foregoing appropriation item 763513, Security Grants, at 94545
the end of fiscal year 2021 is hereby reappropriated for the same 94546
purpose in fiscal year 2022. 94547

(H) An amount equal to the unexpended, unencumbered balance 94548
of the foregoing appropriation item 763513, Security Grants, at 94549
the end of fiscal year 2022 is hereby reappropriated for the same 94550
purpose in fiscal year 2023. 94551

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO				94552
Dedicated Purpose Fund Group				94553
4A30	870614	Grade Crossing Protection Devices-State	\$ 2,200,000 \$	2,200,000 94554
4L80	870617	Pipeline Safety-State	\$ 346,253 \$	346,253 94555
5610	870606	Power Siting Board	\$ 1,205,185 \$	1,205,185 94556
5F60	870622	Utility and Railroad Regulation	\$ 36,615,760 \$	36,615,760 94557
5F60	870624	NARUC/NRRI Subsidy	\$ 85,000 \$	85,000 94558
5LT0	870640	Intrastate Registration	\$ 195,000 \$	195,000 94559
5LT0	870641	Unified Carrier Registration	\$ 450,000 \$	450,000 94560
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$ 299,942 \$	299,942 94561
5LT0	870644	Hazardous Materials Civil Forfeiture	\$ 1,165,000 \$	1,165,000 94562
5LT0	870645	Motor Carrier Enforcement	\$ 4,919,696 \$	4,919,696 94563
5Q50	870626	Telecommunications Relay Service	\$ 3,000,000 \$	3,000,000 94564
5QR0	870646	Underground Facilities Protection	\$ 50,000 \$	50,000 94565
5QS0	870647	Underground Facilities Administration	\$ 316,000 \$	316,000 94566
TOTAL DPF Dedicated Purpose Fund Group			\$ 50,847,836 \$	50,847,836 94567
Federal Fund Group				94568
3330	870601	Gas Pipeline Safety	\$ 1,397,959 \$	1,397,959 94569

3500	870608	Motor Carrier Safety	\$	10,082,069	\$	10,082,069	94570
3500	870648	Motor Carrier	\$	450,000	\$	450,000	94571
		Administration High Priority Activities Grants and Cooperative Agreements					
3V30	870604	Commercial Vehicle	\$	21,000	\$	0	94572
		Information Systems/Networks					
TOTAL FED Federal Fund Group			\$	11,951,028	\$	11,930,028	94573
TOTAL ALL BUDGET FUND GROUPS			\$	62,798,864	\$	62,777,864	94574
 Section 377.10. PWC PUBLIC WORKS COMMISSION							94576
General Revenue Fund							94577
GRF	150904	Conservation General	\$	50,500,000	\$	53,500,000	94578
		Obligation Bond Debt Service					
GRF	150907	Infrastructure	\$	246,500,000	\$	237,000,000	94579
		Improvement General Obligation Bond Debt Service					
TOTAL GRF General Revenue Fund			\$	297,000,000	\$	290,500,000	94580
Capital Projects Fund Group							94581
7038	150321	State Capital	\$	937,244	\$	946,036	94582
		Improvements Program - Operating Expenses					
7056	150403	Clean Ohio	\$	304,822	\$	307,922	94583
		Conservation Operating					
TOTAL CPF Capital Projects Fund Group			\$	1,242,066	\$	1,253,958	94584

TOTAL ALL BUDGET FUND GROUPS	\$ 298,242,066	\$ 291,753,958	94585
Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT			94587
SERVICE			94588
The foregoing appropriation item 150904, Conservation General			94589
Obligation Bond Debt Service, shall be used to pay all debt			94590
service and related financing costs during the period from July 1,			94591
2021, through June 30, 2023, on obligations issued under sections			94592
151.01 and 151.09 of the Revised Code.			94593
INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT			94594
SERVICE			94595
The foregoing appropriation item 150907, Infrastructure			94596
Improvement General Obligation Bond Debt Service, shall be used to			94597
pay all debt service and related financing costs during the period			94598
from July 1, 2021, through June 30, 2023, on obligations issued			94599
under sections 151.01 and 151.08 of the Revised Code.			94600
CLEAN OHIO CONSERVATION OPERATING			94601
The foregoing appropriation item 150403, Clean Ohio			94602
Conservation Operating, shall be used by the Ohio Public Works			94603
Commission in administering Clean Ohio Conservation Fund (Fund			94604
7056) projects pursuant to sections 164.20 to 164.27 of the			94605
Revised Code.			94606
STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES			94607
The foregoing appropriation item 150321, State Capital			94608
Improvements Program - Operating Expenses, shall be used by the			94609
Ohio Public Works Commission to administer the State Capital			94610
Improvement Program under sections 164.01 to 164.16 of the Revised			94611
Code.			94612
DISTRICT ADMINISTRATION COSTS			94613
The Director of the Public Works Commission is authorized to			94614
create a District Administration Costs Program from proceeds of			94615

the Capital Improvements Fund and Local Transportation Improvement 94616
Program Fund. The program shall be used to provide for the direct 94617
costs of district administration of the nineteen public works 94618
districts. Districts choosing to participate in the program shall 94619
only expend State Capital Improvements Fund moneys for State 94620
Capital Improvements Fund costs and Local Transportation 94621
Improvement Program Fund moneys for Local Transportation 94622
Improvement Program Fund costs. The District Administration Costs 94623
Program account shall not exceed \$1,235,000 per fiscal year. Each 94624
public works district may be eligible for up to \$65,000 per fiscal 94625
year from its district allocation as provided in sections 164.08 94626
and 164.14 of the Revised Code. 94627

The Director, by rule, shall define allowable and 94628
non-allowable costs for the purpose of the District Administration 94629
Costs Program. Non-allowable costs include indirect costs, elected 94630
official salaries and benefits, and project-specific costs. No 94631
district public works committee may participate in the District 94632
Administration Costs Program without the approval of those costs 94633
by the district public works committee under section 164.04 of the 94634
Revised Code. 94635

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 94636

The Director of the Public Works Commission is authorized to 94637
create a District Administration Costs Program for districts 94638
represented by natural resource assistance councils. This program 94639
shall be funded from proceeds of the Clean Ohio Conservation Fund. 94640
The program shall be used by natural resource assistance councils 94641
in order to provide for administration costs of the nineteen 94642
natural resource assistance councils for the direct costs of 94643
council administration. Councils choosing to participate in this 94644
program may be eligible for up to \$15,000 per fiscal year from its 94645
district allocation as provided in section 164.27 of the Revised 94646
Code. 94647

The Director shall define allowable and non-allowable costs 94648
for the purpose of the District Administration Costs Program. 94649
Non-allowable costs include indirect costs, elected official 94650
salaries and benefits, and project-specific costs. 94651

Section 379.10. RAC STATE RACING COMMISSION 94652

Dedicated Purpose Fund Group 94653

5620 875601 Thoroughbred \$ 1,200,000 \$ 1,200,000 94654
Development

5630 875602 Standardbred \$ 1,550,000 \$ 1,550,000 94655
Development

5650 875604 Racing Commission \$ 4,070,948 \$ 4,070,948 94656
Operating

5JK0 875610 Horse Racing \$ 8,512,095 \$ 8,512,095 94657
Development-Casino

5NL0 875611 Revenue \$ 8,200,000 \$ 8,200,000 94658
Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 23,533,043 \$ 23,533,043 94659
Group

Fiduciary Fund Group 94660

5C40 875607 Simulcast Horse \$ 7,000,000 \$ 7,000,000 94661
Racing Purse

TOTAL FID Fiduciary Fund Group \$ 7,000,000 \$ 7,000,000 94662

Holding Account Fund Group 94663

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 94664

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 94665

Group

TOTAL ALL BUDGET FUND GROUPS \$ 30,633,043 \$ 30,633,043 94666

Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION 94668

General Revenue Fund 94669

GRF 235321 Operating Expenses \$ 5,742,147 \$ 5,914,411 94670

GRF 235402	Sea Grants	\$	299,250	\$	299,250	94671
GRF 235406	Articulation and Transfer	\$	1,818,947	\$	1,873,515	94672
GRF 235408	Midwest Higher Education Compact	\$	116,725	\$	118,476	94673
GRF 235414	Grants and Scholarship Administration	\$	850,729	\$	876,251	94674
GRF 235417	Technology Maintenance and Operations	\$	3,530,641	\$	3,636,561	94675
GRF 235428	Appalachian New Economy Workforce Partnership	\$	4,041,600	\$	4,041,600	94676
GRF 235438	Choose Ohio First Scholarship	\$	25,000,000	\$	28,000,000	94677
GRF 235443	Adult Basic and Literacy Education - State	\$	7,083,344	\$	7,083,344	94678
GRF 235444	Ohio Technical Centers	\$	21,310,120	\$	21,810,120	94679
GRF 235474	Area Health Education Centers Program Support	\$	873,000	\$	873,000	94680
GRF 235492	Campus Safety and Training	\$	612,000	\$	630,360	94681
GRF 235495	Northeast Ohio Medical University Dental School	\$	1,000,000	\$	1,000,000	94682
GRF 235501	State Share of Instruction	\$	2,056,678,116	\$	2,075,761,402	94683
GRF 235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$	14,000,000	\$	15,500,000	94684
GRF 235507	OhioLINK	\$	5,654,164	\$	5,752,427	94685

GRF 235508	Air Force Institute of Technology	\$	1,824,219	\$	1,863,387	94686
GRF 235510	Ohio Supercomputer Center	\$	4,294,160	\$	4,422,984	94687
GRF 235511	The Ohio State University Extension Service	\$	24,563,453	\$	24,761,619	94688
GRF 235514	Central State Supplement	\$	11,551,202	\$	11,685,515	94689
GRF 235515	Case Western Reserve University School of Medicine	\$	2,038,940	\$	2,038,940	94690
GRF 235519	Family Practice	\$	3,007,876	\$	3,007,876	94691
GRF 235520	Shawnee State Supplement	\$	4,636,500	\$	5,409,250	94692
GRF 235525	Geriatric Medicine	\$	496,043	\$	496,043	94693
GRF 235526	Primary Care Residencies	\$	1,425,000	\$	1,425,000	94694
GRF 235533	Program and Project Support	\$	1,340,925	\$	653,000	94695
GRF 235535	Ohio Agricultural Research and Development Center	\$	35,785,072	\$	36,086,454	94696
GRF 235536	The Ohio State University Clinical Teaching	\$	9,185,494	\$	9,185,494	94697
GRF 235537	University of Cincinnati Clinical Teaching	\$	8,334,944	\$	8,334,944	94698
GRF 235538	University of Toledo Clinical Teaching	\$	5,888,670	\$	5,888,670	94699
GRF 235539	Wright State University Clinical	\$	2,860,830	\$	2,860,830	94700

	Teaching					
GRF 235540	Ohio University	\$	2,765,651	\$	2,765,651	94701
	Clinical Teaching					
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,844,469	\$	2,844,469	94702
GRF 235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$	450,000	\$	500,000	94703
GRF 235546	Central State Agricultural Research and Development	\$	4,883,340	\$	4,883,340	94704
GRF 235548	Central State Cooperative Extension Services	\$	5,084,568	\$	5,084,568	94705
GRF 235552	Capital Component	\$	1,584,491	\$	1,584,491	94706
GRF 235555	Library Depositories	\$	1,310,702	\$	1,326,762	94707
GRF 235556	Ohio Academic Resources Network	\$	2,915,605	\$	2,978,512	94708
GRF 235558	Long-term Care Research	\$	309,035	\$	309,035	94709
GRF 235563	Ohio College Opportunity Grant	\$	105,256,352	\$	111,000,000	94710
GRF 235569	The Ohio State University College of Veterinary Medicine Supplement	\$	4,000,000	\$	5,000,000	94711
GRF 235572	The Ohio State University Clinic Support	\$	728,206	\$	728,206	94712
GRF 235578	Federal Research Network	\$	4,950,000	\$	4,950,000	94713

GRF 235591	Co-Op Internship Program	\$	815,000	\$	815,000	94714
GRF 235598	Rural University Program	\$	400,000	\$	400,000	94715
GRF 235599	National Guard Scholarship Program	\$	19,000,000	\$	19,000,000	94716
GRF 235909	Higher Education General Obligation Bond Debt Service	\$	331,000,000	\$	301,000,000	94717
TOTAL GRF General Revenue Fund		\$	2,754,141,530	\$	2,756,460,757	94718
Dedicated Purpose Fund Group						94719
2200 235614	Program Approval and Reauthorization	\$	800,485	\$	825,000	94720
4560 235603	Sales and Services	\$	199,250	\$	199,250	94721
4E80 235602	Higher Educational Facility Commission Administration	\$	63,000	\$	65,000	94722
5D40 235675	Conference/Special Purposes	\$	1,000,000	\$	1,000,000	94723
5FR0 235650	State and Non-Federal Grants and Award	\$	1,402,150	\$	1,402,150	94724
5JC0 235649	MAGNET Apprenticeship Program	\$	200,000	\$	200,000	94725
5NH0 235517	Short-Term Certificates	\$	5,000,000	\$	5,000,000	94726
5P30 235663	Variable Savings Plan	\$	8,049,501	\$	8,159,165	94727
5RA0 235616	Workforce and Higher Education Programs	\$	1,000,000	\$	1,000,000	94728
5YD0 235494	Second Chance Grant Pilot Program	\$	3,000,000		0	94729
6450 235664	Guaranteed Savings Plan	\$	1,035,116	\$	1,047,209	94730
6820 235606	Nursing Loan Program	\$	1,116,842	\$	1,116,842	94731
TOTAL DPF Dedicated Purpose Fund		\$	22,866,344	\$	20,014,616	94732

Group

Bond Research and Development Fund Group				94733
7011	235634	Research Incentive	\$ 6,000,000 \$ 6,000,000	94734
		Third Frontier		
7014	235639	Research Incentive	\$ 3,000,000 \$ 3,000,000	94735
		Third Frontier - Tax		
TOTAL BRD Bond Research and Development Fund Group				94736
Federal Fund Group				94737
3120	235577	Education, Research, Development, and Dissemination	\$ 25,691 \$ 25,691	94738
3120	235611	Gear-up Grant	\$ 2,000,000 \$ 2,000,000	94739
3120	235612	Carl D. Perkins Grant/Plan Administration	\$ 1,350,000 \$ 1,350,000	94740
3120	235641	Adult Basic and Literacy Education - Federal	\$ 17,600,000 \$ 17,600,000	94741
3BG0	235651	Gear Up Grant Scholarships	\$ 1,750,000 \$ 1,750,000	94742
3N60	235658	John R. Justice Student Loan Repayment Program	\$ 70,000 \$ 70,000	94743
TOTAL FED Federal Fund Group				94744
TOTAL ALL BUDGET FUND GROUPS				94745

Section 381.20. SEA GRANTS 94747

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the

economic value, public utilization, and responsible management of 94752
Lake Erie and Ohio's coastal resources. 94753

Section 381.30. ARTICULATION AND TRANSFER 94754

The foregoing appropriation item 235406, Articulation and 94755
Transfer, shall be used by the Chancellor of Higher Education to 94756
maintain and expand the work of the Articulation and Transfer 94757
Network Advisory Council to develop a system of transfer policies 94758
to ensure that students at state institutions of higher education 94759
can transfer and have coursework apply to their majors and degrees 94760
at any other state institution of higher education without 94761
unnecessary duplication or institutional barriers under sections 94762
3333.16, 3333.161, 3333.162, and 3333.164 of the Revised Code. 94763

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT 94764

The foregoing appropriation item 235408, Midwest Higher 94765
Education Compact, shall be distributed by the Chancellor of 94766
Higher Education under section 3333.40 of the Revised Code. 94767

Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION 94768

The foregoing appropriation item 235414, Grants and 94769
Scholarship Administration, shall be used by the Chancellor of 94770
Higher Education to manage and administer student financial aid 94771
programs created by the General Assembly and grants for which the 94772
Department of Higher Education is responsible. The appropriation 94773
item also shall be used to support all state financial aid audits 94774
and student financial aid programs created by Congress, and to 94775
provide fiscal and administrative services for the Ohio National 94776
Guard Scholarship Program. 94777

Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS 94778

The foregoing appropriation item 235417, Technology 94779

Maintenance and Operations, shall be used by the Chancellor of 94780
Higher Education to support the development and implementation of 94781
information technology solutions designed to improve the 94782
performance and capacity of the Department of Higher Education. 94783
The information technology solutions may be provided by the Ohio 94784
Technology Consortium (OH-TECH). 94785

Of the foregoing appropriation item 235417, Technology 94786
Maintenance and Operations, a portion in each fiscal year may be 94787
used by the Chancellor to support the continued implementation of 94788
eStudent Services, a consortium organized under division (T) of 94789
section 3333.04 of the Revised Code to expand access to dual 94790
enrollment opportunities for high school students, as well as 94791
adult and higher education opportunities through technology. The 94792
funds shall be used by eStudent Services to develop and promote 94793
learning and assessment through the use of technology, to test and 94794
provide advice on emerging learning-directed technologies, to 94795
facilitate cost-effectiveness through shared educational 94796
technology investments, and for any other strategic priorities of 94797
the Chancellor of Higher Education. 94798

Of the foregoing appropriation item 235417, Technology 94799
Maintenance and Operations, a portion in each fiscal year shall be 94800
used by the Chancellor to implement a high priority data 94801
warehouse, advanced analytics, and visualization integration 94802
services associated with the Higher Education Information (HEI) 94803
system. The services may be facilitated by OH-TECH. 94804

Of the foregoing appropriation item 235417, Technology 94805
Maintenance and Operations, \$150,000 in each fiscal year shall be 94806
used to support Ohio Reach to provide mentoring and support 94807
services to former foster youth attending college. 94808

Section 381.70. APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP 94809

Of the foregoing appropriation item 235428, Appalachian New 94810

Economy Workforce Partnership, \$500,000 in each fiscal year shall 94811
be allocated to the Mahoning Valley Innovation and 94812
Commercialization Center. 94813

The remainder of the foregoing appropriation item 235428, 94814
Appalachian New Economy Workforce Partnership, shall be 94815
distributed to Ohio University to continue a multi-campus and 94816
multi-agency coordinated effort to link Appalachia to the new 94817
economy. Ohio University shall use these funds to provide 94818
leadership in the development and implementation of initiatives in 94819
the areas of entrepreneurship, management, education, and 94820
technology. 94821

Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP 94822

The foregoing appropriation item 235438, Choose Ohio First 94823
Scholarship, shall be used to operate the program prescribed in 94824
sections 3333.60 to 3333.69 of the Revised Code. 94825

During each fiscal year, the Chancellor of Higher Education, 94826
as soon as possible after cancellation, may certify to the 94827
Director of Budget and Management the amount of canceled 94828
prior-year encumbrances in appropriation item 235438, Choose Ohio 94829
First Scholarship. Upon receipt of the certification, the Director 94830
of Budget and Management may transfer cash, up to the certified 94831
amount, from the General Revenue Fund to the Choose Ohio First 94832
Scholarship Reserve Fund (Fund 5PV0). 94833

Section 381.90. ASPIRE 94834

The foregoing appropriation item 235443, Adult Basic and 94835
Literacy Education - State, shall be used to support the Aspire 94836
program. The supported programs shall satisfy the state match and 94837
maintenance of effort requirements for the state-administered 94838
grant program. 94839

Section 381.100. OHIO TECHNICAL CENTERS FUNDING 94840

The foregoing appropriation item 235444, Ohio Technical 94841
Centers, shall be used by the Chancellor of Higher Education to 94842
support post-secondary adult career-technical education. The 94843
Chancellor shall provide coordination for Ohio Technical Centers 94844
through program approval processes, data collection of program and 94845
student outcomes, and subsidy disbursements from the foregoing 94846
appropriation item 235444, Ohio Technical Centers. 94847

(A) (1) As soon as possible in each fiscal year, in accordance 94848
with instructions of the Chancellor, each Ohio Technical Center 94849
shall report its actual data, consistent with the definitions in 94850
the Higher Education Information (HEI) system's files, to the 94851
Chancellor. 94852

(a) In defining the number of full-time equivalent students 94853
for state subsidy purposes, the Chancellor shall exclude all 94854
students who are not residents of Ohio. 94855

(b) A full-time equivalent student shall be defined as a 94856
student who completes 450 hours. Those students that complete some 94857
portion of 450 hours shall be counted as a partial full-time 94858
equivalent for funding purposes, while students that complete more 94859
than 450 hours shall be counted as proportionally greater than one 94860
full-time equivalent. 94861

(c) In calculating each Ohio Technical Center's full-time 94862
equivalent students, the Chancellor shall use a three-year 94863
average. 94864

(d) Ohio Technical Centers shall operate with, or be an 94865
active candidate for, accreditation by an accreditor authorized by 94866
the United States Department of Education to be eligible to 94867
receive subsidies from the foregoing appropriation item 235444, 94868
Ohio Technical Centers. 94869

(2) In each fiscal year, 25 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis.

(3) In each fiscal year, 20 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention.

(4) In each fiscal year, 50 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Strengthening Career and Technical Education for the 21st Century Act, 20 U.S.C. 2323 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study.

(5) In each fiscal year, five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have earned a credential from an industry-recognized third party.

(B) Of the foregoing appropriation item 235444, Ohio Technical Centers, up to 2.38 per cent in each fiscal year may be distributed by the Chancellor to the Ohio Central School System, up to \$48,000 in each fiscal year may be utilized for assistance

for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 94902
year may be distributed by the Chancellor to Ohio Technical 94903
Centers that provide customized training and business consultation 94904
services with matching local dollars, with preference to 94905
industries on the in-demand jobs list created under section 94906
6301.11 of the Revised Code, industries in regionally emerging 94907
fields, or local businesses and industries. Each center meeting 94908
this requirement shall receive at least \$25,000 but not more than 94909
a maximum amount determined by the Chancellor. 94910

(C) The remainder of the foregoing appropriation item 235444, 94911
Ohio Technical Centers, in each fiscal year shall be distributed 94912
in accordance with division (A) of this section. 94913

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 94914
CENTERS 94915

(1) In each fiscal year, no Ohio Technical Center shall 94916
receive performance funding calculated under division (A) of this 94917
section, excluding funding for third party credentials calculated 94918
under division (A)(5) of this section, that is less than 50 per 94919
cent of the average allocation the Center received, excluding 94920
funding for third party credentials, in the three prior fiscal 94921
years. 94922

(2) In order to ensure that no Center receives less than the 94923
amounts identified for each fiscal year in accordance with 94924
division (D)(1) of this section, funds shall be made available to 94925
support the phase-in allocation by proportionally reducing formula 94926
earnings from each Center not receiving phase-in funding. 94927

Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM 94928
SUPPORT 94929

The foregoing appropriation item 235474, Area Health 94930
Education Centers Program Support, shall be used by the Chancellor 94931

of Higher Education to support the medical school regional area 94932
health education centers' educational programs for the continued 94933
support of medical and other health professions education and for 94934
support of the Area Health Education Center Program. 94935

Section 381.120. CAMPUS SAFETY AND TRAINING 94936

The foregoing appropriation item 235492, Campus Safety and 94937
Training, shall be used by the Chancellor of Higher Education for 94938
the purpose of developing model best practices for preventing and 94939
responding to sexual violence on campus. The Chancellor, in 94940
consultation with state institutions of higher education as 94941
defined in section 3345.011 of the Revised Code and private 94942
nonprofit institutions of higher education holding certificates of 94943
authorization under Chapter 1713. of the Revised Code, shall 94944
continue to develop model best practices in line with emerging 94945
trends, research, and evidence-based training for preventing and 94946
responding to sexual violence and protecting students and staff 94947
who are victims of sexual violence on campus. The Chancellor shall 94948
convene state institutions of higher education and private 94949
nonprofit institutions of higher education in the training and 94950
implementation of best practices regarding campus sexual violence. 94951

NORTHEAST OHIO MEDICAL UNIVERSITY DENTAL SCHOOL 94952

The foregoing appropriation item 235495, Northeast Ohio 94953
Medical University Dental School, shall be distributed to 94954
Northeast Ohio Medical University to support the creation of its 94955
dental school, which shall meet all of the accreditation standards 94956
of the Commission on Dental Accreditation to train dental students 94957
and award only a Doctor of Dental Surgery (D.D.S.) or a Doctor of 94958
Dental Medicine (D.M.D.) degree. Northeast Ohio Medical University 94959
shall match any moneys it receives from the state and report to 94960
the Chancellor of Higher Education how it is using moneys it 94961
received from the foregoing appropriation item 235495, Northeast 94962

Ohio Medical University Dental School. 94963

Section 381.140. STATE SHARE OF INSTRUCTION FORMULAS 94964

The Chancellor of Higher Education shall establish procedures 94965
to allocate the foregoing appropriation item 235501, State Share 94966
of Instruction, based on the formulas detailed in this section 94967
that utilize the enrollment, course completion, degree attainment, 94968
and student achievement factors reported annually by each state 94969
institution of higher education participating in the Higher 94970
Education Information (HEI) system. 94971

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 94972
COMPLETIONS 94973

(1) As soon as possible during each fiscal year of the 94974
biennium ending June 30, 2023, in accordance with instructions of 94975
the Department of Higher Education, each state institution of 94976
higher education shall report its actual data, consistent with the 94977
definitions in the Higher Education Information (HEI) system's 94978
enrollment files, to the Chancellor of Higher Education. 94979

(2) In defining the number of full-time equivalent students 94980
for state subsidy instructional cost purposes, the Chancellor 94981
shall exclude all undergraduate students who are not residents of 94982
Ohio or who do not meet the definition of residency for state 94983
subsidy and tuition surcharge purposes, except those charged 94984
in-state fees in accordance with reciprocity agreements made under 94985
section 3333.17 of the Revised Code or employer contracts entered 94986
into under section 3333.32 of the Revised Code. 94987

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 94988

For purposes of calculating state share of instruction 94989
allocations, the total instructional costs per full-time 94990
equivalent student shall be: 94991

Model Fiscal Year 2022 Fiscal Year 2023 94992

ARTS AND HUMANITIES 1	\$9,482	\$9,663	94993
ARTS AND HUMANITIES 2	\$13,675	\$13,936	94994
ARTS AND HUMANITIES 3	\$16,402	\$16,715	94995
ARTS AND HUMANITIES 4	\$24,051	\$24,511	94996
ARTS AND HUMANITIES 5	\$42,322	\$43,131	94997
ARTS AND HUMANITIES 6	\$40,174	\$40,942	94998
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$9,167	\$9,342	94999
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,756	\$9,943	95000
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,701	\$12,944	95001
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$14,599	\$14,878	95002
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$23,626	\$24,077	95003
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$26,009	\$26,507	95004
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$36,053	\$36,742	95005
DOCTORAL 1	\$49,062	\$50,000	95006
DOCTORAL 2	\$53,655	\$54,681	95007
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$9,077	\$9,251	95008
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$11,912	\$12,139	95009
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$13,624	\$13,884	95010
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$15,737	\$16,038	95011

MEDICINE 4			
SCIENCE, TECHNOLOGY,	\$19,380	\$19,750	95012
ENGINEERING, MATHEMATICS,			
MEDICINE 5			
SCIENCE, TECHNOLOGY,	\$21,044	\$21,446	95013
ENGINEERING, MATHEMATICS,			
MEDICINE 6			
SCIENCE, TECHNOLOGY,	\$25,629	\$26,119	95014
ENGINEERING, MATHEMATICS,			
MEDICINE 7			
SCIENCE, TECHNOLOGY,	\$40,444	\$41,217	95015
ENGINEERING, MATHEMATICS,			
MEDICINE 8			
SCIENCE, TECHNOLOGY,	\$54,427	\$55,467	95016
ENGINEERING, MATHEMATICS,			
MEDICINE 9			
Doctoral I and Doctoral II models shall be allocated in			95017
accordance with division (D)(2) of this section.			95018
Medical I and Medical II models shall be allocated in			95019
accordance with divisions (D)(3) and (D)(4) of this section.			95020
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,			95021
AND GRADUATE WEIGHTS			95022
For the purpose of implementing the recommendations of the			95023
2006 State Share of Instruction Consultation and the Higher			95024
Education Funding Study Council that priority be given to			95025
maintaining state support for science, technology, engineering,			95026
mathematics, medicine, and graduate programs, the costs in			95027
division (B) of this section shall be weighted by the amounts			95028
provided below:			95029
Model	Fiscal Year 2022	Fiscal Year 2023	95030
ARTS AND HUMANITIES 1	1.0000	1.0000	95031
ARTS AND HUMANITIES 2	1.0000	1.0000	95032

ARTS AND HUMANITIES 3	1.0000	1.0000	95033
ARTS AND HUMANITIES 4	1.0000	1.0000	95034
ARTS AND HUMANITIES 5	1.0425	1.0425	95035
ARTS AND HUMANITIES 6	1.0425	1.0425	95036
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	95037
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	95038
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	95039
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	95040
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	95041
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	95042
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	95043
DOCTORAL 1	1.0000	1.0000	95044
DOCTORAL 2	1.0000	1.0000	95045
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	95046
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	95047
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	95048
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	95049
SCIENCE, TECHNOLOGY,	1.4222	1.4222	95050

ENGINEERING, MATHEMATICS, MEDICINE 5			
SCIENCE, TECHNOLOGY,	1.8798	1.8798	95051
ENGINEERING, MATHEMATICS, MEDICINE 6			
SCIENCE, TECHNOLOGY,	1.4380	1.4380	95052
ENGINEERING, MATHEMATICS, MEDICINE 7			
SCIENCE, TECHNOLOGY,	1.5675	1.5675	95053
ENGINEERING, MATHEMATICS, MEDICINE 8			
SCIENCE, TECHNOLOGY,	1.1361	1.1361	95054
ENGINEERING, MATHEMATICS, MEDICINE 9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			95055
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			95056
(1) Of the foregoing appropriation item 235501, State Share			95057
of Instruction, 50 per cent of the appropriation for universities,			95058
as established in division (A) (2) of the section of this act			95059
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND			95060
2023," in each fiscal year shall be reserved for support of			95061
associate, baccalaureate, master's, and professional level degree			95062
attainment.			95063
The degree attainment funding shall be allocated to			95064
universities in proportion to each campus's share of the total			95065
statewide degrees granted, weighted by the cost of the degree			95066
programs. The degree cost calculations shall include the model			95067
cost weights for the science, technology, engineering,			95068
mathematics, and medicine models as established in division (C) of			95069
this section.			95070
For degrees including credits earned at multiple			95071
institutions, degree attainment funding shall be allocated to			95072

universities in proportion to each campus's share of the 95073
student-specific cost of earned credits for the degree. Each 95074
institution shall receive its prorated share of degree funding for 95075
credits earned at that institution. Cost of credits not earned at 95076
a university main or regional campus shall be credited to the 95077
degree-granting institution for the first degree earned by a 95078
student at each degree level. The cost credited to the 95079
degree-granting institution shall not be eligible for at-risk 95080
weights and shall be limited to 12.5 per cent of the 95081
student-specific degree costs. However, the 12.5 per cent 95082
limitation shall not apply if the student transferred 12 or fewer 95083
credits into the degree granting institution. 95084

In calculating the subsidy entitlements for degree attainment 95085
for universities, the Chancellor shall use the following count of 95086
degrees and degree costs: 95087

(a) The subsidy eligible undergraduate degrees shall be 95088
defined as follows: 95089

(i) The subsidy eligible degrees conferred to students 95090
identified as residents of the state of Ohio in any term of their 95091
studies, as reported through the Higher Education Information 95092
(HEI) system student enrollment file, shall be weighted by a 95093
factor of 1. 95094

(ii) The subsidy eligible degrees conferred to students 95095
identified as out-of-state residents during all terms of their 95096
studies, as reported through the Higher Education Information 95097
(HEI) system student enrollment file, who remain in the state of 95098
Ohio at least one year after graduation, as calculated based on 95099
the three-year average in-state residency rate using the 95100
Unemployment Wage data for out-of-state graduates at each 95101
institution, shall be weighted by a factor of 50 per cent. 95102

(iii) Subsidy eligible associate degrees are defined as those 95103

earned by students attending any state-supported university main 95104
or regional campus. 95105

(b) In calculating each campus's count of degrees, the 95106
Chancellor shall use the three-year average associate, 95107
baccalaureate, master's, and professional degrees awarded for the 95108
most recent completed three-year period that is practicable as 95109
agreed to by the Inter-University Council and the Chancellor. 95110

(i) If a student is awarded an associate degree and, 95111
subsequently, is awarded a baccalaureate degree, the amount funded 95112
for the baccalaureate degree shall be limited to either the 95113
difference in cost between the cost of the baccalaureate degree 95114
and the cost of the associate degree paid previously, or if the 95115
associate degree has a higher cost than the baccalaureate degree, 95116
the cost of the credits earned by the student after the associate 95117
degree was awarded. 95118

(ii) If a student earns an associate degree then, 95119
subsequently, earns a baccalaureate degree, the associate degree 95120
granting institution shall only receive the prorated share of the 95121
baccalaureate degree funding for the credits earned at that 95122
institution after the associate degree is awarded. 95123

(iii) If a student earns more than one degree at the same 95124
institution at the same degree level in the same fiscal year, the 95125
funding for the highest cost degree shall be prorated among 95126
institutions based on where the credits were earned and additional 95127
degrees shall be funded at 25 per cent of the cost of the degrees. 95128

(c) Associate degrees and baccalaureate degrees earned by a 95129
student defined as at-risk based on academic underpreparation, 95130
age, minority status, financial status, or first generation 95131
post-secondary status based on neither parent completing any 95132
education beyond high school, shall be defined as degrees earned 95133
by an at-risk student and shall be weighted by the following: 95134

A student-specific degree completion weight, where the weight is calculated based on the at-risk factors of the individual student, determined by calculating the difference between the percentage of students with each risk factor who earned a degree and the percentage of non-at-risk students who earned a degree.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In each fiscal year, the doctoral set-aside funding allocation shall be allocated to universities as follows:

(a) 25 per cent of the doctoral set-aside shall be allocated to universities in proportion to their share of the statewide total earnings of each state institution's three-year average course completions. The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file. Course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor for all doctoral enrollments in graduate-level models.

(b) 50 per cent of the doctoral set-aside shall be allocated to universities in proportion to each campus's share of the total statewide doctoral degrees, weighted by the cost of the doctoral discipline. In calculating each campus's doctoral degrees the

Chancellor shall use the three-year average doctoral degrees 95167
awarded for the most recent completed three-year period that is 95168
practicable as agreed to by the Inter-University Council and the 95169
Chancellor. 95170

(c) 25 per cent of the doctoral set-aside shall be allocated 95171
to universities in proportion to their share of research grant 95172
activity. Funding for this component shall be allocated to 95173
eligible universities in proportion to their share of research 95174
grant activity published by the National Science Foundation. Grant 95175
awards from the Department of Health and Human Services shall be 95176
weighted at 50 per cent. 95177

(3) Of the foregoing appropriation item 235501, State Share 95178
of Instruction, 6.41 per cent of the appropriation for 95179
universities, as established in division (A)(2) of the section of 95180
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 95181
2022 AND 2023," in each fiscal year shall be reserved for support 95182
of Medical II FTEs. The amount so reserved shall be referred to as 95183
the medical II set-aside. 95184

The medical II set-aside shall be allocated to universities 95185
in proportion to their share of the statewide total of each state 95186
institution's three-year average Medical II FTEs as calculated in 95187
division (A) of this section. 95188

In calculating the core subsidy entitlements for Medical II 95189
models only, students repeating terms may be no more than five per 95190
cent of current year enrollment. 95191

(4) Of the foregoing appropriation item 235501, State Share 95192
of Instruction, 1.48 per cent of the appropriation for 95193
universities, as established in division (A)(2) of the section of 95194
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 95195
2022 AND 2023," in each fiscal year shall be reserved for support 95196
of Medical I FTEs. The amount so reserved shall be referred to as 95197

the medical I set-aside. 95198

The medical I set-aside shall be allocated to universities in 95199
proportion to their share of the statewide total of each state 95200
institution's three-year average Medical I FTEs as calculated in 95201
division (A) of this section. 95202

(5) In calculating the course completion funding for 95203
universities, the Chancellor shall use the following count of FTE 95204
students: 95205

(a) The subsidy eligible enrollments by model shall equal 95206
only those FTE students who successfully complete the course as 95207
defined and reported through the Higher Education Information 95208
(HEI) system course enrollment file; 95209

(b) Those undergraduate FTE students with successful course 95210
completions, identified in division (D) (5) (a) of this section, 95211
that are defined as at-risk based on academic under-preparation or 95212
financial status shall have their eligible completions weighted by 95213
the following: 95214

(i) Institution-specific course completion indexes, where the 95215
indexes are calculated based upon the number of at-risk students 95216
enrolled during the 2018-2020 academic years; and 95217

(ii) A statewide average at-risk course completion weight 95218
determined for each subsidy model. The statewide average at-risk 95219
course completion weight shall be determined by calculating the 95220
difference between the percentage of traditional students who 95221
complete a course and the percentage of at-risk students who 95222
complete the same course. 95223

(c) The course completion earnings shall be determined by 95224
multiplying the amounts listed above in divisions (B) and (C) of 95225
this section by the subsidy-eligible FTEs for the most recent 95226
completed three-year period that is practicable as agreed to by 95227
the Inter-University Council and the Chancellor for all models 95228

except Medical I and Medical II. 95229

(d) For universities, the Chancellor shall compute the course 95230
completion earnings by dividing the appropriation for 95231
universities, established in division (A) (2) of the section of 95232
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 95233
2022 AND 2023," less the degree attainment funding as calculated 95234
in division (D) (1) of this section, less the doctoral set-aside, 95235
less the medical I set-aside, and less the medical II set-aside, 95236
by the sum of all campuses' instructional costs as calculated in 95237
division (D) (5) of this section. 95238

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 95239
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 95240

(1) Of the foregoing appropriation item 235501, State Share 95241
of Instruction, 50 per cent of the appropriation for 95242
state-supported community colleges, state community colleges, and 95243
technical colleges as established in division (A) (1) of the 95244
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 95245
FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved 95246
for course completion FTEs as aggregated by the subsidy models 95247
defined in division (B) of this section. 95248

The course completion funding shall be allocated to campuses 95249
in proportion to each campus's share of the total sector's course 95250
completions, weighted by the instructional cost of the subsidy 95251
models. 95252

To calculate the subsidy entitlements for course completions 95253
at community colleges, state community colleges, and technical 95254
colleges, the Chancellor shall use the following calculations: 95255

(a) In calculating each campus's count of FTE course 95256
completions, the Chancellor shall use a three-year average for 95257
course completions for the three year period ending in the prior 95258
year for students identified as residents of the state of Ohio in 95259

any term of their studies, as reported through the Higher 95260
Education Information (HEI) system student enrollment file. 95261

(b) The subsidy eligible enrollments by model shall equal 95262
only those FTE students who successfully complete the course as 95263
defined and reported through the Higher Education Information 95264
(HEI) system course enrollment file. 95265

(c) Those students with successful course completions, that 95266
are defined as access students based on financial status, minority 95267
status, age, or academic under-preparation shall have their 95268
eligible course completions weighted by a statewide access weight. 95269
The weight given to any student that meets any access factor shall 95270
be 15 per cent for all course completions. 95271

(d) The model costs as used in the calculation shall be 95272
augmented by the model weights for science, technology, 95273
engineering, mathematics, and medicine models as established in 95274
division (C) of this section. 95275

(2) Of the foregoing appropriation item 235501, State Share 95276
of Instruction, 25 per cent of the appropriation for 95277
state-supported community colleges, state community colleges, and 95278
technical colleges as established in division (A)(1) of the 95279
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 95280
FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved 95281
for colleges in proportion to their share of college student 95282
success factors. 95283

Student success factors shall be awarded at the institutional 95284
level for each subsidy-eligible student that successfully: 95285

(a) Completes a college-level math course within the first 30 95286
hours of completed coursework. 95287

(b) Completes a college-level English course within the first 95288
30 hours of completed coursework. 95289

(c) Completes 12 semester credit hours of college-level coursework.	95290 95291
(d) Completes 24 semester credit hours of college-level coursework.	95292 95293
(e) Completes 36 semester credit hours of college-level coursework.	95294 95295
(3) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved for completion milestones.	95296 95297 95298 95299 95300 95301 95302
Completion milestones shall include associate degrees, technical certificates over 30 credit hours as designated by the Department of Higher Education, and students transferring to any four-year institution with at least 12 credit hours of college-level coursework earned at that community college, state community college, or technical college.	95303 95304 95305 95306 95307 95308
The completion milestone funding shall be allocated to colleges in proportion to each institution's share of the sector's total completion milestones, weighted by the instructional cost of the associate degree, certificate, or transfer models. Costs for technical certificates over 30 hours shall be weighted at one-half of the associate degree model costs and transfers with at least 12 credit hours of college-level coursework shall be weighted at one-fourth of the average cost for all associate degree model costs.	95309 95310 95311 95312 95313 95314 95315 95316 95317
(4) To calculate the subsidy entitlements for completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:	95318 95319 95320

(a) In calculating each campus's count of completions, the Chancellor shall use a three-year average for completion milestones awarded to students identified as subsidy eligible in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file.

(b) The subsidy eligible completion milestones by model shall equal only those students who successfully complete an associate degree or technical certificate over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework as defined and reported in the Higher Education Information (HEI) system. Student completions reported in HEI shall have an accompanying course enrollment record in order to be subsidy eligible.

(c) Those students with successful completions for associate degrees, technical certificates over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework, identified in division (E)(3) of this section, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible completions weighted by a statewide access weight. The weight shall be 25 per cent for students with one access factor, 66 per cent for students with two access factors, 150 per cent for students with three access factors, and 200 per cent for students with four access factors.

(d) For those students who complete more than one completion milestone, funding for each additional associate degree or technical certificate over 30 credit hours designated as such by the Department of Higher Education shall be funded at 50 per cent of the model costs as defined in division (E)(3) of this section.

(5) For purposes of the calculations made in division (E) of this section, the Chancellor shall only include subsidy-eligible students identified as residents of the state of Ohio in any term

of their studies, as reported through the Higher Education 95353
Information (HEI) system student enrollment file. The Chancellor 95354
shall be prohibited from including nonresident students as 95355
subsidy-eligible except for those students otherwise identified as 95356
subsidy-eligible in division (A) (2) of this section. 95357

(F) CAPITAL COMPONENT DEDUCTION 95358

After all other adjustments have been made, state share of 95359
instruction earnings shall be reduced for each campus by the 95360
amount, if any, by which debt service charged in H.B. 16 of the 95361
126th General Assembly, H.B. 699 of the 126th General Assembly, 95362
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 127th 95363
General Assembly for that campus exceeds that campus's capital 95364
component earnings. The sum of the amounts deducted shall be 95365
transferred to appropriation item 235552, Capital Component, in 95366
each fiscal year. 95367

(G) EXCEPTIONAL CIRCUMSTANCES 95368

Adjustments may be made to the state share of instruction 95369
payments and other subsidies distributed by the Chancellor of 95370
Higher Education to state colleges and universities for 95371
exceptional circumstances. No adjustments for exceptional 95372
circumstances may be made without the recommendation of the 95373
Chancellor and the approval of the Controlling Board. 95374

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 95375
INSTRUCTION 95376

The standard provisions of the state share of instruction 95377
calculation as described in the preceding sections of temporary 95378
law shall apply to any reductions made to appropriation item 95379
235501, State Share of Instruction, before the Chancellor has 95380
formally approved the final allocation of the state share of 95381
instruction funds for any fiscal year. 95382

Any reductions made to appropriation item 235501, State Share 95383

of Instruction, after the Chancellor has formally approved the 95384
final allocation of the state share of instruction funds for any 95385
fiscal year, shall be uniformly applied to each campus in 95386
proportion to its share of the final allocation. 95387

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 95388

The state share of instruction payments to the institutions 95389
shall be in substantially equal monthly amounts during the fiscal 95390
year, unless otherwise determined by the Director of Budget and 95391
Management pursuant to section 126.09 of the Revised Code. 95392
Payments during the first six months of the fiscal year may be 95393
based upon the state share of instruction appropriation estimates 95394
made for the various institutions of higher education and payments 95395
during the last six months of the fiscal year may be based on the 95396
final data from the Chancellor. If agreed to by the Chancellor and 95397
the Inter-University Council, payments to universities in each 95398
month of a fiscal year shall be based on final data in the higher 95399
education information system for the selected three-year period 95400
that is acceptable to both parties. 95401

(J) STUDY ON THE USE OF AT-RISK WEIGHTS IN THE STATE SHARE OF 95402
INSTRUCTION FORMULAS 95403

The Chancellor of Higher Education, with the assistance of 95404
the Inter-University Council and the Ohio Association of Community 95405
Colleges, shall study the most appropriate definitions of at-risk 95406
students and formula weights for at-risk students that may be used 95407
in the distribution to universities and community colleges from 95408
the foregoing appropriation item 235501, State Share of 95409
Instruction, beginning in fiscal year 2024. The study shall do all 95410
of the following: 95411

(1) Examine and evaluate the impact on formula distributions 95412
of the at-risk weights that have been used in the state share of 95413
instruction formulas since the inception of a performance-based 95414

funding model in Ohio, including the overall level of at-risk 95415
funding, the distribution of such funding among the state 95416
institutions of higher education, and the impact of such funding 95417
on institutional outcomes such as course completion and degree or 95418
certificate completion; 95419

(2) Research the use of at-risk weights in the funding 95420
formulas of other states; 95421

(3) Survey the academic research on at-risk weights in higher 95422
education allocation formulas, particularly in the context of 95423
performance-based funding; 95424

(4) Make recommendations on the definitions of at-risk 95425
students, the funding formula weights for such identified 95426
students, and the level of funding for at-risk students. The 95427
recommendations should have as their objectives fairness, 95428
simplicity, transparency, and the provision of sufficient 95429
incentives to increase the course completion and degree completion 95430
of at-risk students in state institutions of higher education. 95431
Separate definitions and weighting schemes may be considered 95432
within each sector's share of the foregoing appropriation item 95433
235501, State Share of Instruction. 95434

The study shall be completed by June 30, 2022. 95435

Section 381.150. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 95436
2022 AND 2023 95437

(A) The foregoing appropriation item 235501, State Share of 95438
Instruction, shall be distributed according to the section of this 95439
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 95440

(1) Of the foregoing appropriation item 235501, State Share 95441
of Instruction, \$474,064,305 in fiscal year 2022 and \$478,463,002 95442
in fiscal year 2023 shall be distributed to state-supported 95443
community colleges, state community colleges, and technical 95444

colleges. 95445

(2) Of the foregoing appropriation item 235501, State Share 95446
of Instruction, \$1,582,613,811 in fiscal year 2022 and 95447
\$1,597,298,400 in fiscal year 2023 shall be distributed to 95448
state-supported university main and regional campuses. 95449

(B) Any increases in the amount distributed to an institution 95450
from appropriation item 235501, State Share of Instruction, above 95451
the prior year may be used by the institution to provide 95452
need-based aid and to provide counseling, support services, and 95453
workforce preparation services to students. 95454

Section 381.160. RESTRICTION ON FEE INCREASES 95455

(A) In fiscal years 2022 and 2023, the boards of trustees of 95456
state institutions of higher education shall restrain increases in 95457
in-state undergraduate instructional and general fees. 95458

(1) For the 2021-2022 and 2022-2023 academic years, all of 95459
the following shall apply: 95460

(a) Each state university or college, as defined in section 95461
3345.12 of the Revised Code and university branch established 95462
under Chapter 3355. of the Revised Code shall not increase its 95463
in-state undergraduate instructional and general fees by more than 95464
two per cent over what the institution charged for the previous 95465
academic year. 95466

(b) Each community college established under Chapter 3354., 95467
state community college established under Chapter 3358., or 95468
technical college established under Chapter 3357. of the Revised 95469
Code may increase its in-state undergraduate instructional and 95470
general fees by not more than five dollars per credit hour over 95471
what the institution charged for the previous academic year. 95472

(c) For state institutions of higher education, as defined in 95473
section 3345.011 of the Revised Code, increases for all other 95474

special fees, including the creation of new special fees, shall be 95475
subject to the approval of the Chancellor of Higher Education. 95476

(2) The limitations under division (A)(1) of this section do 95477
not apply to fees for auxiliary goods or services provided to 95478
students at the cost incurred to the institution, fees assessed to 95479
students as a pass-through for licensure and certification 95480
examinations, fees in elective courses associated with travel 95481
experiences, elective service charges, fines, and voluntary sales 95482
transactions. 95483

(B) The limitations under this section shall not apply to 95484
increases required to comply with institutional covenants related 95485
to their obligations or to meet unfunded legal mandates or legally 95486
binding obligations incurred or commitments made prior to the 95487
effective date of this section with respect to which the 95488
institution had identified such fee increases as the source of 95489
funds. Any increase required by such covenants and any such 95490
mandates, obligations, or commitments shall be reported by the 95491
Chancellor of Higher Education to the Controlling Board. These 95492
limitations may also be modified by the Chancellor, with the 95493
approval of the Controlling Board, to respond to exceptional 95494
circumstances as identified by the Chancellor. 95495

(C) Institutions offering an undergraduate tuition guarantee 95496
pursuant to section 3345.48 of the Revised Code may increase 95497
instructional and general fees pursuant to that section. 95498

Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES 95499

(A) Funds appropriated for instructional subsidies at 95500
colleges and universities may be used to provide such branch or 95501
other off-campus undergraduate courses of study and such master's 95502
degree courses of study as may be approved by the Chancellor of 95503
Higher Education. 95504

(B) In providing instructional and other services to 95505
students, boards of trustees of state institutions of higher 95506
education shall supplement state subsidies with income from 95507
charges to students. Except as otherwise provided in this act, 95508
each board shall establish the fees to be charged to all students, 95509
including an instructional fee for educational and associated 95510
operational support of the institution and a general fee for 95511
noninstructional services, including locally financed student 95512
services facilities used for the benefit of enrolled students. The 95513
instructional fee and the general fee shall encompass all charges 95514
for services assessed uniformly to all enrolled students. Each 95515
board may also establish special purpose fees, service charges, 95516
and fines as required; such special purpose fees and service 95517
charges shall be for services or benefits furnished individual 95518
students or specific categories of students and shall not be 95519
applied uniformly to all enrolled students. A tuition surcharge 95520
shall be paid by all students who are not residents of Ohio. 95521

The board of trustees of a state institution of higher 95522
education shall not authorize a waiver or nonpayment of 95523
instructional fees or general fees for any particular student or 95524
any class of students other than waivers specifically authorized 95525
by law or approved by the Chancellor. This prohibition is not 95526
intended to limit the authority of boards of trustees to provide 95527
for payments to students for services rendered the institution, 95528
nor to prohibit the budgeting of income for staff benefits or for 95529
student assistance in the form of payment of such instructional 95530
and general fees. 95531

Each state institution of higher education in its statement 95532
of charges to students shall separately identify the instructional 95533
fee, the general fee, the tuition charge, and the tuition 95534
surcharge. Fee charges to students for instruction shall not be 95535
considered to be a price of service but shall be considered to be 95536

an integral part of the state government financing program in 95537
support of higher educational opportunity for students. 95538

(C) The boards of trustees of state institutions of higher 95539
education shall ensure that faculty members devote a proper and 95540
judicious part of their work week to the actual instruction of 95541
students. Total class credit hours of production per academic term 95542
per full-time faculty member is expected to meet the standards set 95543
forth in the budget data submitted by the Chancellor of Higher 95544
Education. 95545

(D) The authority of government vested by law in the boards 95546
of trustees of state institutions of higher education shall in 95547
fact be exercised by those boards. Boards of trustees may consult 95548
extensively with appropriate student and faculty groups. 95549
Administrative decisions about the utilization of available 95550
resources, about organizational structure, about disciplinary 95551
procedure, about the operation and staffing of all auxiliary 95552
facilities, and about administrative personnel shall be the 95553
exclusive prerogative of boards of trustees. Any delegation of 95554
authority by a board of trustees in other areas of responsibility 95555
shall be accompanied by appropriate standards of guidance 95556
concerning expected objectives in the exercise of such delegated 95557
authority and shall be accompanied by periodic review of the 95558
exercise of this delegated authority to the end that the public 95559
interest, in contrast to any institutional or special interest, 95560
shall be served. 95561

Section 381.180. WAR ORPHANS AND SEVERELY DISABLED VETERANS' 95562
CHILDREN SCHOLARSHIPS 95563

The foregoing appropriation item 235504, War Orphans and 95564
Severely Disabled Veterans' Children Scholarships, shall be used 95565
to reimburse state institutions of higher education for waivers of 95566
instructional fees and general fees provided by them, to provide 95567

grants to institutions that have received a certificate of 95568
authorization from the Chancellor of Higher Education under 95569
Chapter 1713. of the Revised Code, in accordance with the 95570
provisions of section 5910.04 of the Revised Code, and to fund 95571
additional scholarship benefits provided by section 5910.032 of 95572
the Revised Code. 95573

During each fiscal year, the Chancellor, as soon as possible 95574
after cancellation, may certify to the Director of Budget and 95575
Management the amount of canceled prior-year encumbrances in 95576
appropriation item 235504, War Orphans and Severely Disabled 95577
Veterans' Children Scholarships. Upon receipt of the 95578
certification, the Director of Budget and Management may transfer 95579
cash, up to the certified amount, from the General Revenue Fund to 95580
the War Orphans and Severely Disabled Veterans' Children 95581
Scholarship Reserve Fund (Fund 5PW0). 95582

Section 381.200. OHIOLINK 95583

The foregoing appropriation item 235507, OhioLINK, shall be 95584
used by the Chancellor of Higher Education to support OhioLINK, a 95585
consortium organized under division (T) of section 3333.04 of the 95586
Revised Code to serve as the state's electronic library 95587
information and retrieval system, which provides access statewide 95588
to an extensive set of electronic databases and resources, the 95589
library holdings of Ohio's public and participating private 95590
nonprofit colleges and universities, and the State Library of 95591
Ohio. 95592

Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY 95593

Of the foregoing appropriation item 235508, Air Force 95594
Institute of Technology, \$75,000 in each fiscal year shall be 95595
allocated to the Aerospace Professional Development Center in 95596
Dayton for statewide workforce development services in the 95597

aerospace industry. 95598

The remainder of the foregoing appropriation item 235508, Air 95599
Force Institute of Technology, shall be used to: (A) strengthen 95600
the research and educational linkages between the Wright Patterson 95601
Air Force Base and institutions of higher education in Ohio; and 95602
(B) support the Defense Associated Graduate Student Innovators, an 95603
engineering graduate consortium of Wright State University, the 95604
University of Dayton, and the Air Force Institute of Technology, 95605
with the participation of the University of Cincinnati and The 95606
Ohio State University. 95607

Section 381.220. OHIO SUPERCOMPUTER CENTER 95608

The foregoing appropriation item 235510, Ohio Supercomputer 95609
Center, shall be used by the Chancellor of Higher Education to 95610
support the operation of the Ohio Supercomputer Center, a 95611
consortium organized under division (T) of section 3333.04 of the 95612
Revised Code, located at The Ohio State University. The Ohio 95613
Supercomputer Center is a statewide resource available to Ohio 95614
research universities both public and private. It is also intended 95615
that the center be made accessible to private industry as 95616
appropriate. 95617

The Ohio Supercomputer Center's services shall support Ohio's 95618
colleges, universities, and businesses to make Ohio a leader in 95619
using computational science, modeling, and simulation to promote 95620
higher education, research, and economic competitiveness. 95621

Section 381.230. THE OHIO STATE UNIVERSITY EXTENSION SERVICE 95622

The foregoing appropriation item 235511, The Ohio State 95623
University Extension Service, shall be disbursed through the 95624
Chancellor of Higher Education to The Ohio State University in 95625
monthly payments, unless otherwise determined by the Director of 95626
Budget and Management under section 126.09 of the Revised Code. 95627

Section 381.240. CENTRAL STATE SUPPLEMENT 95628

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred. 95629
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Section 381.250. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE 95635
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The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities. 95637
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Section 381.260. FAMILY PRACTICE 95644

The foregoing appropriation item 235519, Family Practice, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a family practice and graduates practicing in a family practice. 95645
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Section 381.270. SHAWNEE STATE SUPPLEMENT 95649

The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of Higher Education to Shawnee State University. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region. 95650
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Section 381.280. GERIATRIC MEDICINE 95656

The Chancellor of Higher Education shall distribute 95657
appropriation item 235525, Geriatric Medicine, consistent with 95658
existing criteria and guidelines. 95659

Section 381.285. PRIMARY CARE RESIDENCIES 95660

The foregoing appropriation item 235526, Primary Care 95661
Residencies, shall be distributed in each fiscal year, based on 95662
each medical school's share of residents placed in a primary care 95663
field and graduates practicing in a primary care field. 95664

Section 381.287. PROGRAM AND PROJECT SUPPORT 95665

Of the foregoing appropriation item 235533, Program and 95666
Project Support, \$500,000 in each fiscal year shall be used to 95667
support the Ohio Aerospace Institute's Space Grant Consortium. 95668

Of the foregoing appropriation item 235533, Program and 95669
Project Support, \$487,925 in fiscal year 2022 shall be allocated 95670
to support the Ashland University Military and Veterans Resource 95671
Center Project. 95672

Of the foregoing appropriation item 235533, Program and 95673
Project Support, \$200,000 in fiscal year 2022 shall be allocated 95674
to Youngstown State University to provide for initial staffing of 95675
the Mahoning Valley Workforce Partnership. 95676

Of the foregoing appropriation item 235533, Program and 95677
Project Support, \$125,000 in each fiscal year shall be used by the 95678
Chancellor of Higher Education to support the expansion of an 95679
unmanned aviation STEM pilot program at Emmanuel Christian Academy 95680
for public and nonpublic high school students in Clark County. 95681

Of the foregoing appropriation item 235533, Program and 95682
Project Support, \$28,000 in each fiscal year shall be allocated to 95683

support Cincinnati Hillel at the University of Cincinnati. 95684

Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 95685
CENTER 95686

The foregoing appropriation item 235535, Ohio Agricultural 95687
Research and Development Center, shall be disbursed through the 95688
Chancellor of Higher Education to The Ohio State University in 95689
monthly payments, unless otherwise determined by the Director of 95690
Budget and Management under section 126.09 of the Revised Code. 95691

The Ohio Agricultural Research and Development Center, an 95692
entity of the College of Food, Agricultural, and Environmental 95693
Sciences of The Ohio State University, shall further its mission 95694
of enhancing Ohio's economic development and job creation by 95695
continuing to internally allocate on a competitive basis 95696
appropriated funding of programs based on demonstrated 95697
performance. Academic units, faculty, and faculty-driven programs 95698
shall be evaluated and rewarded consistent with agreed-upon 95699
performance expectations as called for in the College's 95700
Expectations and Criteria for Performance Assessment. 95701

Section 381.300. STATE UNIVERSITY CLINICAL TEACHING 95702

The foregoing appropriation items 235536, The Ohio State 95703
University Clinical Teaching; 235537, University of Cincinnati 95704
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 95705
235539, Wright State University Clinical Teaching; 235540, Ohio 95706
University Clinical Teaching; and 235541, Northeast Ohio Medical 95707
University Clinical Teaching, shall be distributed through the 95708
Chancellor of Higher Education. 95709

Of the foregoing appropriation item 235537, University of 95710
Cincinnati Clinical Teaching, \$500,000 in each fiscal year shall 95711
be provided to People Working Cooperatively for the Safe and 95712
Healthy at Home Initiative. The funds shall be used to make 95713

critical home modifications and emergency repairs for low-income 95714
and elderly homeowners and for health care and housing 95715
partnerships to address chronic housing related health care 95716
issues. 95717

Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND 95718
DEVELOPMENT 95719

The foregoing appropriation item 235546, Central State 95720
Agricultural Research and Development, shall be used in 95721
conjunction with appropriation item 235548, Central State 95722
Cooperative Extension Services, by Central State University for 95723
its state match requirement as an 1890 land grant university. 95724

Section 381.320. CAPITAL COMPONENT 95725

The foregoing appropriation item 235552, Capital Component, 95726
shall be used by the Chancellor of Higher Education to provide 95727
funding for prior commitments made pursuant to the state's former 95728
capital funding policy for state colleges and universities that 95729
was originally established in H.B. 748 of the 121st General 95730
Assembly. Appropriations from this item shall be distributed to 95731
all campuses for which the estimated campus debt service 95732
attributable to qualifying capital projects was less than the 95733
campus's formula-determined capital component allocation. Campus 95734
allocations shall be determined by subtracting the estimated 95735
campus debt service attributable to qualifying capital projects 95736
from the campus's formula-determined capital component allocation. 95737
Moneys distributed from this appropriation item shall be 95738
restricted to capital-related purposes. 95739

Any campus for which the estimated campus debt service 95740
attributable to qualifying capital projects is greater than the 95741
campus's formula-determined capital component allocation shall 95742
have the difference subtracted from its State Share of Instruction 95743

allocation in each fiscal year. Appropriation equal to the sum of 95744
all such amounts shall be transferred from appropriation item 95745
235501, State Share of Instruction, to appropriation item 235552, 95746
Capital Component. 95747

Section 381.330. LIBRARY DEPOSITORIES 95748

The foregoing appropriation item 235555, Library 95749
Depositories, shall be distributed to the state's five regional 95750
depository libraries for the cost-effective storage of and access 95751
to lesser-used materials in university library collections. The 95752
depositories shall be administrated by the Chancellor of Higher 95753
Education, or by OhioLINK at the discretion of the Chancellor. 95754

Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 95755

The foregoing appropriation item 235556, Ohio Academic 95756
Resources Network, shall be used by the Chancellor of Higher 95757
Education to support the operations of the Ohio Academic Resources 95758
Network, a consortium organized under division (T) of section 95759
3333.04 of the Revised Code, which shall include support for 95760
Ohio's colleges and universities in maintaining and enhancing 95761
network connections, using new network technologies to improve 95762
research, education, and economic development programs, and 95763
sharing information technology services. To the extent network 95764
capacity is available, OARnet shall support allocating bandwidth 95765
to eligible programs directly supporting Ohio's economic 95766
development. 95767

Section 381.350. LONG-TERM CARE RESEARCH 95768

The foregoing appropriation item 235558, Long-term Care 95769
Research, shall be disbursed to Miami University for long-term 95770
care research. 95771

Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT	95772
(A) (1) As used in this section:	95773
(a) "Eligible institution" means any institution described in divisions (B) (2) (a) to (c) of section 3333.122 of the Revised Code.	95774 95775 95776
(b) The three "sectors" of institutions of higher education consist of the following:	95777 95778
(i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;	95779 95780 95781
(ii) Eligible private nonprofit institutions of higher education;	95782 95783
(iii) Eligible private for-profit career colleges and schools.	95784 95785
(2) Awards for students attending an eligible institution shall be determined by the Chancellor.	95786 95787
For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.	95788 95789 95790
(3) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2022 and fiscal year 2023 based on the formula used in fiscal year 2021, or may follow methods established in division (C) (1) (a) or (b) of section 3333.122 of the Revised Code. If the Chancellor determines that reductions in award amounts are necessary, the Chancellor shall reduce the award amounts proportionally among the sectors of institutions specified in	95791 95792 95793 95794 95795 95796 95797 95798 95799 95800 95801

division (A) (1) of this section in a manner determined by the 95802
Chancellor. The Chancellor shall notify the Controlling Board of 95803
the distribution method. Any formula calculated under this 95804
division shall be complete and established to coincide with the 95805
start of each academic year. 95806

(B) Prior to determining the amount of funds available to 95807
award under this section and section 3333.122 of the Revised Code, 95808
the Chancellor shall use the foregoing appropriation item 235563, 95809
Ohio College Opportunity Grant, to pay for waivers of tuition and 95810
student fees for eligible students under the Ohio Safety Officer's 95811
College Memorial Fund Program under sections 3333.26 of the 95812
Revised Code. 95813

In each fiscal year, with the exception of sections 3333.121 95814
and 3333.124 of the Revised Code and the section of this act 95815
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 95816
shall not distribute or obligate or commit to be distributed an 95817
amount greater than what is appropriated under the foregoing 95818
appropriation item 235563, Ohio College Opportunity Grant. 95819

(C) The Chancellor shall establish, and post on the 95820
Department of Higher Education's web site, award tables based on 95821
any formulas created under division (A) of this section. The 95822
Chancellor shall notify students and institutions of any 95823
reductions in awards under this section. 95824

(D) Notwithstanding section 3333.122 of the Revised Code, no 95825
student shall be eligible to receive an Ohio College Opportunity 95826
Grant for more than ten semesters, fifteen quarters, or the 95827
equivalent of five academic years, less the number of semesters or 95828
quarters in which the student received an Ohio Instructional 95829
Grant. 95830

(E) During each fiscal year, the Chancellor, as soon as 95831
possible after cancellation, may certify to the Director of Budget 95832

and Management the amount of canceled prior-year encumbrances in 95833
appropriation item 235563, Ohio College Opportunity Grant. Upon 95834
receipt of the certification, the Director of Budget and 95835
Management may transfer cash, up to the certified amount, from the 95836
General Revenue Fund to the Ohio College Opportunity Grant Program 95837
Reserve Fund (Fund 5PU0). 95838

Section 381.365. THE OHIO STATE UNIVERSITY COLLEGE OF 95839
VETERINARY MEDICINE SUPPLEMENT 95840

The foregoing appropriation item 235569, The Ohio State 95841
University College of Veterinary Medicine Supplement, shall be 95842
distributed through the Chancellor of Higher Education to The Ohio 95843
State University College of Veterinary Medicine to provide 95844
supplemental support for education, research, and operations. 95845

Section 381.370. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 95846

The foregoing appropriation item 235572, The Ohio State 95847
University Clinic Support, shall be distributed through the 95848
Chancellor of Higher Education to The Ohio State University for 95849
support of dental and veterinary medicine clinics. 95850

Section 381.373. FEDERAL RESEARCH NETWORK 95851

The foregoing appropriation item 235578, Federal Research 95852
Network, shall be allocated to The Ohio State University to 95853
collaborate with federal installations in Ohio, state institutions 95854
of higher education as defined in section 3345.011 of the Revised 95855
Code, private nonprofit institutions of higher education holding 95856
certificates of authorization under Chapter 1713. of the Revised 95857
Code, and the private sector to align the state's research assets 95858
with emerging missions and job growth opportunities emanating from 95859
federal installations, strengthen related workforce development 95860
and technology commercialization programs, and better position the 95861

state's university system to directly impact new job creation in 95862
Ohio. A portion of the foregoing appropriation item 235578, 95863
Federal Research Network, shall be used to support the growth of 95864
small business federal contractors in the state and to expand the 95865
participation of Ohio businesses in the federal Small Business 95866
Innovation Research Program and related federal programs. 95867

Section 381.375. CO-OP INTERNSHIP PROGRAM 95868

Of the foregoing appropriation item 235591, Co-Op Internship 95869
Program, \$165,000 in each fiscal year shall be used to support the 95870
operations of Ohio University's Voinovich School. 95871

Of the foregoing appropriation item 235591, Co-Op Internship 95872
Program, \$150,000 in each fiscal year shall be used to support 95873
students who attend institutions of higher education in Ohio and 95874
participate in the internship program of The Washington Center. 95875

Of the foregoing appropriation item 235591, Co-Op Internship 95876
Program, \$62,500 in each fiscal year shall be used to support the 95877
operations of The Ohio State University's John Glenn College of 95878
Public Affairs. 95879

Of the foregoing appropriation item 235591, Co-Op Internship 95880
Program, \$62,500 in each fiscal year shall be used to support the 95881
Bliss Institute of Applied Politics at the University of Akron. 95882

Of the foregoing appropriation item 235591, Co-Op Internship 95883
Program, \$50,000 in each fiscal year shall be used to support the 95884
Center for Public Management and Regional Affairs at Miami 95885
University. 95886

Of the foregoing appropriation item 235591, Co-Op Internship 95887
Program, \$50,000 in each fiscal year shall be used to support the 95888
Ohio Center for the Advancement of Women in Public Service at the 95889
Maxine Goodman Levin College of Urban Affairs at Cleveland State 95890
University. 95891

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program. 95892
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the Kent State University Washington Program in National Issues. 95895
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the Kent State University Columbus Program. 95898
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center. 95901
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of the Center for Regional Development at Bowling Green State University. 95904
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$25,000 in each fiscal year shall be used to support the Shawnee State University Institute for Appalachian Public Policy. 95908
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Section 381.376. RURAL UNIVERSITY PROGRAM 95911

The foregoing appropriation item 235598, Rural University Program, shall be used for the Rural University Program, a collaboration of Bowling Green State University, Kent State University, Miami University, and Ohio University that provides rural communities with economic development, public administration, and public health services. Each of the four participating universities shall receive \$100,000 in each fiscal year to support their respective programs. 95912
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Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM 95920

The Chancellor of Higher Education shall disburse funds from 95921
appropriation item 235599, National Guard Scholarship Program. 95922
During each fiscal year, the Chancellor, as soon as possible after 95923
cancellation, may certify to the Director of Budget and Management 95924
the amount of canceled prior-year encumbrances in appropriation 95925
item 235599, National Guard Scholarship Program. Upon receipt of 95926
the certification, the Director of Budget and Management may 95927
transfer cash, up to the certified amount, from the General 95928
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 95929
5BM0) . 95930

Section 381.390. PLEDGE OF FEES 95931

Any new pledge of fees, or new agreement for adjustment of 95932
fees, made in the biennium ending June 30, 2023, to secure bonds 95933
or notes of a state institution of higher education for a project 95934
for which bonds or notes were not outstanding on the effective 95935
date of this section or to secure a refund of prior debt that is 95936
anticipated to increase the total cost of retiring the original 95937
debt shall be effective only after approval by the Chancellor of 95938
Higher Education, unless approved in a previous biennium. 95939

Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND 95940
DEBT SERVICE 95941

The foregoing appropriation item 235909, Higher Education 95942
General Obligation Bond Debt Service, shall be used to pay all 95943
debt service and related financing costs during the period from 95944
July 1, 2021, through June 30, 2023, for obligations issued under 95945
sections 151.01 and 151.04 of the Revised Code. 95946

Section 381.410. SALES AND SERVICES 95947

The Chancellor of Higher Education is authorized to charge 95948
and accept payment for the provision of goods and services. Such 95949

charges shall be reasonably related to the cost of producing the 95950
goods and services. Except as otherwise provided by law, no 95951
charges may be levied for goods or services that are produced as 95952
part of the routine responsibilities or duties of the Chancellor. 95953
All revenues received by the Chancellor shall be deposited into 95954
Fund 4560, and may be used by the Chancellor to pay for the costs 95955
of producing the goods and services. 95956

Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION 95957
ADMINISTRATION 95958

The foregoing appropriation item 235602, Higher Educational 95959
Facility Commission Administration, shall be used by the 95960
Chancellor of Higher Education for operating expenses related to 95961
the Chancellor's support of the activities of the Ohio Higher 95962
Educational Facility Commission. Upon the request of the 95963
Chancellor, the Director of Budget and Management may transfer 95964
cash in an amount up to the amount appropriated from the foregoing 95965
appropriation item 235602, Higher Educational Facility Commission 95966
Administration, in each fiscal year from the HEFC Operating 95967
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 95968
4E80). 95969

Section 381.430. MAGNET APPRENTICESHIP PROGRAM 95970

The foregoing appropriation item 235649, MAGNET 95971
Apprenticeship Program, shall be used by the Chancellor of Higher 95972
Education to support the development and implementation of an 95973
apprenticeship program administered through the Manufacturing 95974
Advocacy and Growth Network's (MAGNET) Early College Early Career 95975
Program. The apprenticeship program shall place high school 95976
students in a participating local private business that will 95977
employ the student and provide the training necessary for the 95978
student to earn a technical certification in Computer Integrated 95979

Manufacturing (CIM), machining, or welding. 95980

Section 381.440. SHORT-TERM CERTIFICATES 95981

The foregoing appropriation item 235517, Short-Term 95982
Certificates, shall be used by the Chancellor of Higher Education 95983
to award need-based financial aid to students who are enrolled in 95984
a state-supported community college, state community college, 95985
technical college, or an Ohio Technical Center in a program that 95986
may be completed in less than one year and for which a certificate 95987
or industry-recognized credential is awarded in an in-demand job. 95988

Section 381.450. WORKFORCE AND HIGHER EDUCATION PROGRAMS 95989

(A) The foregoing appropriation item 235616, Workforce and 95990
Higher Education Programs, shall be distributed by the Chancellor 95991
of Higher Education to the Ohio Academy of Science, in 95992
collaboration with Entrepreneurial Engagement Ohio, for the 95993
continuing development and implementation of recommendations of 95994
the Ohio Board of Regents that seek to create an innovation 95995
pathway between Ohio's K-12 education system and Ohio's colleges 95996
and universities and post-secondary career centers and vocational 95997
schools. The purpose of this program is to help create a "Culture 95998
of Innovation" in Ohio high schools, junior high schools, and 95999
middle schools, to encourage students to continue their educations 96000
and careers in Ohio, to provide college scholarships to encourage 96001
Ohio's most innovative and entrepreneurial high school students to 96002
remain in Ohio by focusing on the practical application of 96003
science, technology, engineering, and mathematics and related 96004
fields, and to prepare students for the future through the 96005
development of an entrepreneurial mindset and critical thinking 96006
skills that will be needed in the future by Ohio's workforce and 96007
job creators, especially as Ohio emerges from the COVID-19 96008
pandemic and seeks to rebuild the economy. 96009

(B) The STEM Entrepreneurship and Innovation Program for 96010
Students to Help Develop Ohio's Future Workforce shall include: 96011

(1) A comprehensive professional development program for 96012
teachers in grades 7-12 to help them develop a 'Culture of 96013
Innovation' in their schools; 96014

(2) In-school STEM Innovation and Entrepreneurship programs 96015
and STEM Commercialization Plan and STEM Business Plan 96016
competitions for students in grades 7-12 that include student 96017
incentive awards for competition winners and related curriculum, 96018
content, and other program support to teachers and students; 96019

(3) Mentoring programs in collaboration with Ohio colleges 96020
and universities and other innovation or entrepreneurship 96021
organizations, with a special emphasis on underserved urban and 96022
rural schools; 96023

(4) A statewide STEM Commercialization Plan and STEM Business 96024
Plan competition, open to the winners of related local high school 96025
competition award winners, that includes scholarships to attend 96026
any Ohio college, university, post-secondary career center, or 96027
vocational school; 96028

(5) A statewide STEM Scholarship Program that recognizes 96029
students in grades 11 and 12 in each Ohio Senate and Ohio House of 96030
Representatives District for their contributions to STEM 96031
innovation and entrepreneurship. Scholarships of up to \$2,500 96032
shall be awarded to students to be used at any Ohio college, 96033
university, post-secondary career center, or vocational school. 96034
The program shall also introduce participating students to the 96035
Department of Higher Education's Choose Ohio First Scholarship 96036
Program. 96037

(C) All aspects of the STEM Entrepreneurship and Innovation 96038
Program for Students to Help Develop Ohio's Future Workforce shall 96039
be open to any Ohio high school, junior high school, and middle 96040

school student, with an emphasis on minority, rural and 96041
economically disadvantaged students. 96042

(D) The STEM Entrepreneurship and Innovation Program for 96043
Students to Help Develop Ohio's Future Workforce shall collaborate 96044
with Ohio's colleges and universities, and existing STEM, 96045
innovation, and entrepreneurship programs to implement these 96046
provisions and encourage enrollment at Ohio institutions of 96047
post-secondary and higher education. 96048

Section 381.470. STATE FINANCIAL AID RECONCILIATION 96049

By the first day of September in each fiscal year, or as soon 96050
as possible thereafter, the Chancellor of Higher Education shall 96051
certify to the Director of Budget and Management the amount 96052
necessary to pay any outstanding prior year obligations to higher 96053
education institutions for the state's financial aid programs. The 96054
amounts certified are hereby appropriated to appropriation item 96055
235618, State Financial Aid Reconciliation, from revenues received 96056
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 96057

Section 381.480. SECOND CHANCE GRANT PILOT PROGRAM 96058

The foregoing appropriation item 235494, Second Chance Grant 96059
Pilot Program, shall be distributed by the Chancellor of Higher 96060
Education to qualifying institutions of higher education and Ohio 96061
Technical Centers to provide grants to eligible students under the 96062
Second Chance Grant Pilot Program. 96063

NURSING LOAN PROGRAM 96064

The foregoing appropriation item 235606, Nursing Loan 96065
Program, shall be used to administer the nurse education 96066
assistance program. 96067

Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER 96068

The foregoing appropriation items 235634, Research Incentive Third Frontier, and 235639, Research Incentive Third Frontier-Tax, shall be used by the Chancellor of Higher Education to advance collaborative research at institutions of higher education. Of the foregoing appropriation items 235634, Research Incentive Third Frontier, and 235639, Research Incentive Third Frontier - Tax, up to \$2,500,000 in each fiscal year may be allocated toward research regarding the improvement of water quality, up to \$1,500,000 in each fiscal year may be allocated for spinal cord research, up to \$1,000,000 in each fiscal year may be allocated toward research regarding the reduction of infant mortality, up to \$1,000,000 in each fiscal year may be allocated toward research regarding opiate addiction issues in Ohio, up to \$1,000,000 in each fiscal year may be used to support the Ohio Industrial Collaborative, up to \$750,000 in each fiscal year may be allocated toward research regarding cyber security initiatives, up to \$300,000 in each fiscal year may be allocated toward the I-Corps@Ohio program, and up to \$200,000 in each fiscal year may be allocated toward the Ohio Innovation Exchange program.

Section 381.530. VETERANS PREFERENCES

The Chancellor of Higher Education shall work with the Department of Veterans Services to develop specific veterans preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans preference laws.

Section 381.540. (A) As used in this section:

(1) "Board of trustees" includes the managing authority of a university branch district.

(2) "State institution of higher education" has the same

meaning as in section 3345.011 of the Revised Code. 96099

(B) The board of trustees of any state institution of higher 96100
education, notwithstanding any rule of the institution to the 96101
contrary, may adopt a policy providing for mandatory furloughs of 96102
employees, including faculty, to achieve spending reductions 96103
necessitated by institutional budget deficits. 96104

Section 381.550. EFFICIENCY REPORTS 96105

In each fiscal year, the board of trustees of each public 96106
institution of higher education shall approve the institution's 96107
efficiency report submitted to the Chancellor of Higher Education 96108
under section 3333.95 of the Revised Code. 96109

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS 96110

For each fiscal year, each institution of higher education 96111
that receives funds from the foregoing appropriation items 235515, 96112
Case Western Reserve University School of Medicine, 235519, Family 96113
Practice, 235525, Geriatric Medicine, 235526, Primary Care 96114
Residencies, 235536, The Ohio State University Clinical Teaching, 96115
235537, University of Cincinnati Clinical Teaching, 235538, 96116
University of Toledo Clinical Teaching, 235539, Wright State 96117
University Clinical Teaching, 235540, Ohio University Clinical 96118
Teaching, 235541, Northeast Ohio Medical University Clinical 96119
Teaching, 235558, Long-term Care Research, and 235572, The Ohio 96120
State University Clinic Support, shall report to the Chancellor of 96121
Higher Education the residency status of graduates from the 96122
respective programs receiving support from those appropriation 96123
items one year and five years after graduating. 96124

Section 381.580. The Chancellor of Higher Education shall 96125
support the continued development of the Ohio Innovation Exchange 96126
for the purpose of showcasing the research expertise of Ohio's 96127
university and college faculty in a variety of fields, including, 96128

but not limited to, engineering, biomedicine, and information 96129
technology, and to identify institutional research equipment 96130
available in the state. 96131

Section 381.620. FUND NAME CHANGES 96132

On July 1, 2021, or as soon as possible thereafter, the 96133
Director of Budget and Management shall rename the Publications 96134
Fund (Fund 4560) the Sales and Services Fund (Fund 4560) and the 96135
OIG Reconciliation Fund (Fund 5Y50) the State Financial Aid 96136
Reconciliation Fund (Fund 5Y50). 96137

Section 383.10. DRC DEPARTMENT OF REHABILITATION AND 96138
CORRECTION 96139

General Revenue Fund 96140

GRF 501321 Institutional \$ 1,192,004,968 \$ 1,234,125,637 96141
Operations

GRF 501405 Halfway House \$ 70,019,786 \$ 70,019,786 96142

GRF 501406 Adult Correctional \$ 85,000,000 \$ 85,000,000 96143
Facilities Lease
Rental Bond Payments

GRF 501407 Community \$ 67,644,863 \$ 67,644,863 96144
Nonresidential
Programs

GRF 501408 Community Misdemeanor \$ 9,340,276 \$ 9,340,276 96145
Programs

GRF 501501 Community Residential \$ 84,757,815 \$ 88,835,863 96146
Programs - Community
Based Correctional
Facilities

GRF 503321 Parole and Community \$ 96,680,240 \$ 106,525,655 96147
Operations

GRF 504321 Administrative \$ 24,658,204 \$ 25,132,130 96148

		Operations				
GRF	505321	Institution Medical	\$	290,898,936	\$	302,940,702 96149
		Services				
GRF	506321	Institution Education	\$	35,541,578	\$	35,665,119 96150
		Services				
TOTAL GRF	General Revenue Fund		\$	1,956,546,666	\$	2,025,230,031 96151
Dedicated Purpose Fund Group						96152
4B00	501601	Sewer Treatment	\$	1,200,000	\$	1,200,000 96153
		Services				
4D40	501603	Prisoner Programs	\$	400,000	\$	400,000 96154
4L40	501604	Transitional Control	\$	2,450,000	\$	2,450,000 96155
4S50	501608	Education Services	\$	4,660,000	\$	4,660,000 96156
5AF0	501609	State and Non-Federal	\$	1,300,000	\$	1,300,000 96157
		Awards				
5CV1	501627	Coronavirus Relief -	\$	18,000,000	\$	0 96158
		DRC				
5H80	501617	Offender Financial	\$	1,860,000	\$	1,860,000 96159
		Responsibility				
5TZ0	501610	Probation Improvement	\$	5,000,000	\$	5,000,000 96160
		and Incentive Grants				
TOTAL DPF	Dedicated Purpose Fund		\$	34,870,000	\$	16,870,000 96161
Group						
Internal Service Activity Fund Group						96162
1480	501602	Institutional	\$	2,850,000	\$	2,850,000 96163
		Services				
2000	501607	Ohio Penal Industries	\$	46,515,000	\$	46,515,000 96164
4830	501605	Leased Property	\$	2,000,000	\$	2,000,000 96165
		Maintenance and				
		Operating				
5710	501606	Corrections Training	\$	980,000	\$	980,000 96166
		Maintenance and				
		Operating				

5L60 501611	Information	\$	500,000	\$	500,000	96167
	Technology Services					
TOTAL ISA Internal Activity						96168
Fund Group		\$	52,845,000	\$	52,845,000	96169
Federal Fund Group						96170
3230 501619	Federal Grants	\$	3,040,000	\$	3,040,000	96171
3CW0 501622	Federal Equitable	\$	300,000	\$	300,000	96172
	Sharing					
TOTAL FED Federal						96173
Fund Group		\$	3,340,000	\$	3,340,000	96174
TOTAL ALL BUDGET FUND GROUPS						96175
EXPEDITED PARDON INITIATIVE						96176
Of the foregoing appropriation item 501321, Institutional						96177
Operations, up to \$100,000 in each fiscal year may be used by the						96178
Department of Rehabilitation and Correction to distribute grants						96179
to create up to five regional collaborative partnership pilot						96180
projects connecting rehabilitated citizens with community partners						96181
to advance the expedited pardon initiative and help eligible						96182
individuals navigate the process and access clemency.						96183
OSU MEDICAL CHARGES						96184
Notwithstanding section 341.192 of the Revised Code, at the						96185
request of the Department of Rehabilitation and Correction, the						96186
Ohio State University Medical Center, including the Arthur G.						96187
James Cancer Hospital and Richard J. Solove Research Institute and						96188
the Richard M. Ross Heart Hospital, shall provide necessary care						96189
to persons who are confined in state adult correctional						96190
facilities. The provision of necessary inpatient care billed to						96191
the Department shall be reimbursed at a rate not to exceed the						96192
authorized reimbursement rate for the same service established by						96193
the Department of Medicaid under the Medicaid Program.						96194
ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS						96195

The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2021, through June 30, 2023, by the Department of Rehabilitation and Correction pursuant to leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

REENTRY EMPLOYMENT GRANTS

(A) Of the foregoing appropriation item 503321, Parole and Community Operations, \$275,000 in each fiscal year shall be used by the Department of Rehabilitation and Correction to create and implement a program to award grants to at least one nonprofit organization that operates reentry employment programs that meet all of the following criteria:

(1) Serve parolees, releasees, and probationers assessed by the Department as moderate or high risk to recidivate and referred by the Adult Parole Authority or probation for services;

(2) Provide job readiness training, transitional employment, job coaching and placement, and post-placement retention services;

(3) Have been independently and rigorously evaluated and shown to reduce recidivism;

(4) Have the ability to serve multiple large jurisdictions across the state.

(B) The Department shall establish guidelines, procedures, all forms by which applicants may apply for grants, and outcome-based criteria upon which performance, under the terms of the grant awards, is evaluated. The outcomes, as defined by the Department, shall include enrollment, job placement, and job retention.

INSTITUTION EDUCATION SERVICES				96226
Of the foregoing appropriation item 506321, Institution				96227
Education Services, \$654,250 in fiscal year 2022 shall be used for				96228
the Ashland University Correctional Education Expansion Program.				96229
PROBATION IMPROVEMENT AND INCENTIVE GRANTS				96230
The foregoing appropriation item 501610, Probation				96231
Improvement and Incentive Grants, shall be allocated by the				96232
Department of Rehabilitation and Correction to municipalities as				96233
Probation Improvement and Incentive Grants with an emphasis on:				96234
(1) providing services to those addicted to opiates and other				96235
illegal substances, and (2) supplementing the programs and				96236
services funded by grants distributed from the foregoing				96237
appropriation item 501407, Community Nonresidential Programs.				96238
Section 387.10. RDF STATE REVENUE DISTRIBUTIONS				96239
General Revenue Fund Group				96240
GRF 110908 Property Tax	\$ 651,400,000	\$ 658,400,000		96241
Reimbursement - Local				
Government				
GRF 200903 Property Tax	\$ 1,183,000,000	\$ 1,195,600,000		96242
Reimbursement -				
Education				
TOTAL GRF General Revenue Fund	\$ 1,834,400,000	\$ 1,854,000,000		96243
Group				
Revenue Distribution Fund Group				96244
5JG0 110633 Gross Casino Revenue	\$ 150,000,000	\$ 153,000,000		96245
Payments-County				
5JH0 110634 Gross Casino Revenue	\$ 99,800,000	\$ 101,800,000		96246
Payments- School				
Districts				
5JJ0 110636 Gross Casino Revenue	\$ 14,700,000	\$ 15,000,000		96247

		- Host City				
7047	200902	Property Tax	\$	83,157,236	\$	72,308,288 96248
		Replacement Phase				
		Out-Education				
7049	336900	Indigent Drivers	\$	2,250,000	\$	0 96249
		Alcohol Treatment				
7050	762900	International	\$	23,000,000	\$	23,000,000 96250
		Registration Plan				
		Distribution				
7051	762901	Auto Registration	\$	328,000,000	\$	328,000,000 96251
		Distribution				
7060	110960	Gasoline Excise Tax	\$	900,000,000	\$	920,000,000 96252
		Fund				
7065	110965	Public Library Fund	\$	439,000,000	\$	454,000,000 96253
7066	800966	Undivided Liquor	\$	14,600,000	\$	14,600,000 96254
		Permits				
7069	110969	Local Government Fund	\$	428,000,000	\$	443,000,000 96255
7081	110907	Property Tax	\$	7,000,000	\$	6,000,000 96256
		Replacement Phase				
		Out-Local Government				
7082	110982	Horse Racing Tax	\$	60,000	\$	60,000 96257
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000 96258
		TOTAL RDF Revenue Distribution				96259
		Fund Group	\$	2,490,567,236	\$	2,531,768,288 96260
		Fiduciary Fund Group				96261
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000 96262
		Improvement Fund				
5VR0	110902	Municipal Net Profit	\$	70,000,000	\$	75,000,000 96263
		Tax				
6080	001699	Investment Earnings	\$	120,000,000	\$	120,000,000 96264
7001	110996	Horse Racing Tax	\$	240,000	\$	240,000 96265
		Local Government				
		Payments				

7062	110962	Resort Area Excise Tax Distribution	\$ 1,500,000	\$ 1,500,000	96266
7063	110963	Permissive Sales Tax Distribution	\$ 2,928,800,000	\$ 3,057,700,000	96267
7067	110967	School District Income Tax Distribution	\$ 560,900,000	\$ 594,000,000	96268
7085	800985	Volunteer Firemen's Dependents Fund	\$ 300,000	\$ 300,000	96269
7093	110640	Next Generation 9-1-1	\$ 1,000,000	\$ 1,000,000	96270
7094	110641	Wireless 9-1-1 Government Assistance	\$ 25,900,000	\$ 26,000,000	96271
7095	110995	Municipal Income Tax	\$ 20,000,000	\$ 20,000,000	96272
7099	762902	Permissive Tax Distribution - Auto Registration	\$ 235,000,000	\$ 242,000,000	96273
TOTAL FID Fiduciary Fund Group			\$ 3,966,740,000	\$ 4,140,840,000	96274
Holding Account Fund Group					96275
R045	110617	International Fuel Tax Distribution	\$ 56,100,000	\$ 56,100,000	96276
TOTAL HLD Holding Account Fund Group			\$ 56,100,000	\$ 56,100,000	96277
TOTAL ALL BUDGET FUND GROUPS			\$ 8,347,807,236	\$ 8,582,708,288	96278

Section 387.20. ADDITIONAL APPROPRIATIONS 96280

Appropriation items in Section 387.10 of this act shall be 96281
used for the purpose of administering and distributing the 96282
designated revenue distribution funds according to the Revised 96283
Code. If it is determined that additional appropriations are 96284
necessary for this purpose in any appropriation items in Section 96285
387.10 of this act, such amounts are hereby appropriated. 96286

GENERAL REVENUE FUND TRANSFERS 96287

Notwithstanding any provision of law to the contrary, in 96288
fiscal year 2022 and fiscal year 2023, the Director of Budget and 96289
Management may transfer from the General Revenue Fund to the Local 96290
Government Tangible Property Tax Replacement Fund (Fund 7081) and 96291
the School District Tangible Property Tax Replacement Fund (Fund 96292
7047) in the Revenue Distribution Fund Group, those amounts 96293
necessary to reimburse local taxing units and school districts 96294
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 96295
fiscal year 2022 and fiscal year 2023, the Director of Budget and 96296
Management may make temporary transfers from the General Revenue 96297
Fund to ensure sufficient balances in the Local Government 96298
Tangible Property Tax Replacement Fund (Fund 7081) and the School 96299
District Tangible Property Tax Replacement Fund (Fund 7047) and to 96300
replenish the General Revenue Fund for such transfers. 96301

PROPERTY TAX REIMBURSEMENT - EDUCATION 96302

The foregoing appropriation item 200903, Property Tax 96303
Reimbursement - Education, is appropriated to pay for the state's 96304
costs incurred because of the homestead exemption, the property 96305
tax rollback, and payments required under division (C) of section 96306
5705.2110 of the Revised Code. In cooperation with the Department 96307
of Taxation, the Department of Education shall distribute these 96308
funds directly to the appropriate school districts of the state, 96309
notwithstanding sections 321.24 and 323.156 of the Revised Code, 96310
which provide for payment of the homestead exemption and property 96311
tax rollback by the Tax Commissioner to the appropriate county 96312
treasurer and the subsequent redistribution of these funds to the 96313
appropriate local taxing districts by the county auditor. 96314

Upon receipt of these amounts, each school district shall 96315
distribute the amount among the proper funds as if it had been 96316
paid as real or tangible personal property taxes. Payments for the 96317
costs of administration shall continue to be paid to the county 96318
treasurer and county auditor as provided for in sections 319.54, 96319

321.26, and 323.156 of the Revised Code. 96320

Any sums, in addition to the amount specifically appropriated 96321
in appropriation item 200903, Property Tax Reimbursement - 96322
Education, for the homestead exemption and the property tax 96323
rollback payments, and payments required under division (C) of 96324
section 5705.2110 of the Revised Code, which are determined to be 96325
necessary for these purposes, are hereby appropriated. 96326

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 96327

The foregoing appropriation item 110908, Property Tax 96328
Reimbursement-Local Government, is hereby appropriated to pay for 96329
the state's costs incurred due to the Homestead Exemption, the 96330
Manufactured Home Property Tax Rollback, and the Property Tax 96331
Rollback. The Tax Commissioner shall distribute these funds 96332
directly to the appropriate local taxing districts, except for 96333
school districts, notwithstanding the provisions in sections 96334
321.24 and 323.156 of the Revised Code, which provide for payment 96335
of the Homestead Exemption, the Manufactured Home Property Tax 96336
Rollback, and Property Tax Rollback by the Tax Commissioner to the 96337
appropriate county treasurer and the subsequent redistribution of 96338
these funds to the appropriate local taxing districts by the 96339
county auditor. 96340

Upon receipt of these amounts, each local taxing district 96341
shall distribute the amount among the proper funds as if it had 96342
been paid as real property taxes. Payments for the costs of 96343
administration shall continue to be paid to the county treasurer 96344
and county auditor as provided for in sections 319.54, 321.26, and 96345
323.156 of the Revised Code. 96346

Any sums, in addition to the amounts specifically 96347
appropriated in appropriation item 110908, Property Tax Allocation 96348
- Local Government, for the Homestead Exemption, the Manufactured 96349
Home Property Tax Rollback, and the Property Tax Rollback 96350

payments, which are determined to be necessary for these purposes, 96351
are hereby appropriated. 96352

TANGIBLE PERSONAL PROPERTY TAX REIMBURSEMENTS 96353

Notwithstanding any provision of law to the contrary, in 96354
fiscal years 2022 and 2023, any city, local, or exempted village 96355
school district that has a nuclear power plant located within its 96356
territory shall receive the same payment amount under section 96357
5709.92 of the Revised Code as in fiscal year 2017. 96358

MUNICIPAL INCOME TAX 96359

The foregoing appropriation item 110995, Municipal Income 96360
Tax, shall be used to make payments to municipal corporations 96361
under section 5745.05 of the Revised Code. If it is determined 96362
that additional appropriations are necessary to make such 96363
payments, such amounts are hereby appropriated. 96364

MUNICIPAL NET PROFIT TAX 96365

The foregoing appropriation item 110902, Municipal Net Profit 96366
Tax, shall be used to make payments to municipal corporations 96367
under section 718.83 of the Revised Code. If it is determined that 96368
additional amounts are necessary to make such payments, such 96369
amounts are hereby appropriated. 96370

During fiscal year 2022 and fiscal year 2023, if the Tax 96371
Commissioner determines that there is insufficient cash in the 96372
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 96373
distribution obligations under section 718.83 of the Revised Code, 96374
the Tax Commissioner shall certify to the Director of Budget and 96375
Management the amount of additional cash necessary to satisfy 96376
those obligations. In addition, the Commissioner shall submit a 96377
plan to the Director requesting the necessary cash be transferred 96378
from one or a combination of the following funds: the Municipal 96379
Income Tax Administrative Fund, the Local Sales Tax Administrative 96380
Fund, the General School District Income Tax Administrative Fund, 96381

the Motor Fuel Tax Administrative Fund, the Property Tax Administrative Fund, or the General Revenue Fund. This plan shall include a proposed repayment schedule to reimburse those funds for any cash transferred in accordance with this section. After receiving the certification and funding plan from the Tax Commissioner and if the Director determines that sufficient cash is available, the Director may transfer the cash to the Municipal Net Profit Tax Fund in accordance with the plan submitted by the Tax Commissioner or as otherwise determined by the Director of Budget and Management. The Director of Budget and Management may transfer cash from the Municipal Net Profit Tax Fund to reimburse the funds from which cash was transferred for the purpose outlined in this section.

PUBLIC LIBRARY FUND

Notwithstanding the requirement in division (B) of section 131.51 of the Revised Code that the Director of Budget and Management shall credit to the Public Library Fund one and sixty-six one-hundredths per cent of the total tax revenue credited to the General Revenue Fund during the preceding month, the Director shall instead calculate these amounts during fiscal year 2022 and fiscal year 2023 using one and seven tenths as the percentage.

Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND

General Revenue Fund				96404
GRF 226321 Operations	\$	12,599,774	\$	12,801,135
TOTAL GRF General Revenue Fund	\$	12,599,774	\$	12,801,135
Dedicated Purpose Fund Group				96408
4H80 226602 Education Reform	\$	200,000	\$	200,000
Grants				
4M50 226601 Work Study and	\$	300,000	\$	300,000

		Technology Investment				
5NJ0	226622	Food Service Program	\$	10,500	\$	10,500 96411
TOTAL DPF		Dedicated Purpose Fund	\$	510,500	\$	510,500 96412
Group						
Federal Fund Group						96413
3100	226626	Federal Grants	\$	842,850	\$	842,850 96414
3DT0	226621	Ohio Transition	\$	265,000	\$	265,000 96415
Collaborative						
3P50	226643	Medicaid Professional	\$	100,000	\$	100,000 96416
Services						
Reimbursement						
TOTAL FED		Federal Fund Group	\$	1,207,850	\$	1,207,850 96417
TOTAL ALL BUDGET		FUND GROUPS	\$	14,318,124	\$	14,519,485 96418
Section 393.10. OSD OHIO SCHOOL FOR THE DEAF						96420
General Revenue Fund						96421
GRF	221321	Operations	\$	13,940,430	\$	14,164,662 96422
TOTAL GRF		General Revenue Fund	\$	13,940,430	\$	14,164,662 96423
Dedicated Purpose Fund Group						96424
4M00	221601	Educational Program	\$	200,000	\$	200,000 96425
Expenses						
4M10	221602	Education Reform	\$	210,000	\$	210,000 96426
Grants						
5H60	221609	Even Start Fees and	\$	53,000	\$	53,000 96427
Gifts						
5NK0	221610	Food Service Program	\$	10,500	\$	10,500 96428
TOTAL DPF		Dedicated Purpose Fund	\$	473,500	\$	473,500 96429
Group						
Federal Fund Group						96430
3110	221625	Federal Grants	\$	281,000	\$	281,000 96431
3R00	221684	Medicaid Professional	\$	206,000	\$	206,000 96432
Services						

Reimbursement

TOTAL FED Federal Fund Group	\$	487,000	\$	487,000	96433
TOTAL ALL BUDGET FUND GROUPS	\$	14,900,930	\$	15,125,162	96434

Section 395.10. SOS SECRETARY OF STATE 96436

General Revenue Fund 96437

GRF 050321 Operating Expenses	\$	890,000	\$	890,000	96438
GRF 050407 Poll Workers Training	\$	234,196	\$	234,196	96439
GRF 050509 County Voting Systems	\$	12,500,000	\$	12,500,000	96440

Lease Rental Payments

TOTAL GRF General Revenue Fund	\$	13,624,196	\$	13,624,196	96441
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Dedicated Purpose Fund Group 96442

4120 050609 Notary Commission	\$	475,000	\$	475,000	96443
4S80 050610 Board of Voting	\$	14,400	\$	14,400	96444

Machine Examiners

5990 050603 Business Services	\$	17,923,793	\$	16,872,298	96445
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Operating Expenses

5990 050629 Statewide Voter	\$	700,000	\$	700,000	96446
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Registration Database

5990 050630 Elections Support	\$	2,390,000	\$	2,500,000	96447
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Supplement

5FG0 050620 BOE Reimbursement and	\$	200,000	\$	200,000	96448
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Education

5SN0 050626 Address	\$	200,000	\$	200,000	96449
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Confidentiality

TOTAL DPF Dedicated Purpose Fund	\$	21,903,193	\$	20,961,698	96450
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Group

Holding Account Fund Group 96451

R002 050606 Corporate/Business	\$	85,000	\$	85,000	96452
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Filing Refunds

TOTAL HLD Holding Account Fund	\$	85,000	\$	85,000	96453
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Group

Federal Fund Group				96454
3AS0 050616 Help America Vote Act	\$	1,500,000	\$ 1,500,000	96455
(HAVA)				
TOTAL FED Federal Fund Group	\$	1,500,000	\$ 1,500,000	96456
TOTAL ALL BUDGET FUND GROUPS	\$	37,112,389	\$ 36,170,894	96457

Section 395.20. POLL WORKERS TRAINING 96459

The foregoing appropriation item 050407, Poll Workers Training, shall be used to reimburse county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050407, Poll Workers Training at the end of fiscal year 2022 is hereby reappropriated to fiscal year 2023 for the same purpose. 96460-96466

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 96467

The foregoing appropriation item 050509, County Voting Systems Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Section 4 of S.B. 135 of the 132nd General Assembly with respect to financing the costs associated with the acquisition, development, installation, and implementation of county voting systems. 96468-96474

BOARD OF VOTING MACHINE EXAMINERS 96475

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that 96476-96483

additional appropriation amounts are necessary, the Secretary of 96484
State may request that the Director of Budget and Management 96485
approve such amounts. Upon approval of the Director of Budget and 96486
Management, such amounts are hereby appropriated. 96487

BALLOT ADVERTISING COSTS 96488

Notwithstanding division (G) of section 3501.17 of the 96489
Revised Code, upon requests submitted by the Secretary of State, 96490
the Controlling Board may approve transfers from the Controlling 96491
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the 96492
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for 96493
the cost of public notices associated with statewide ballot 96494
initiatives. 96495

ABSENT VOTER'S BALLOT APPLICATION MAILING 96496

Notwithstanding division (B) of section 111.31 of the Revised 96497
Code, upon the request of the Secretary of State, the Controlling 96498
Board may approve cash and appropriation transfers from the 96499
Controlling Board Emergency Purposes/Contingencies Fund (Fund 96500
5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 96501
5RG0) to be used by the Secretary of State to pay the costs of 96502
printing and mailing unsolicited applications for absent voters' 96503
ballots for the general election to be held in November 2022. 96504

ADDRESS CONFIDENTIALITY PROGRAM 96505

Upon the request of the Secretary of State, the Director of 96506
Budget and Management may transfer up to \$200,000 per fiscal year 96507
in cash from the Business Services Operating Expenses Fund (Fund 96508
5990) to the Address Confidentiality Program Fund (Fund 5SN0). 96509

WOMEN'S SUFFRAGE CENTENNIAL COMMISSION 96510

The foregoing appropriation item 050634, Women's Suffrage 96511
Centennial Commission, shall be used to carry out the duties of 96512
the Womens' Suffrage Commission in accordance with S.B. 30 of the 96513

133rd General Assembly. An amount equal to the unexpended, 96514
unencumbered portion of the foregoing appropriation item 050634, 96515
Women's Suffrage Centennial Commission, at the end of fiscal year 96516
2021 is hereby reappropriated to fiscal year 2022 for the same 96517
purpose. 96518

An amount equal to the unexpended, unencumbered, portion of 96519
the foregoing appropriation item 050634, Women's Suffrage 96520
Centennial Commission, at the end of fiscal year 2022 is hereby 96521
reappropriated in fiscal year 2023 for the same purpose. 96522

CORPORATE/BUSINESS FILING REFUNDS 96523

The foregoing appropriation item 050606, Corporate/Business 96524
Filing Refunds, shall be used to hold revenues until they are 96525
directed to the appropriate accounts or until they are refunded. 96526
If it is determined by the Secretary of State that additional 96527
appropriation amounts are necessary, the Secretary of State may 96528
request that the Director of Budget and Management approve such 96529
amounts. Upon approval of the Director of Budget and Management, 96530
such amounts are hereby appropriated. 96531

HAVA FUNDS 96532

An amount equal to the unexpended, unencumbered portion of 96533
appropriation item 050616, Help America Vote Act (HAVA), at the 96534
end of fiscal year 2021 is hereby reappropriated for the same 96535
purpose in fiscal year 2022. 96536

An amount equal to the unexpended, unencumbered portion of 96537
appropriation item 050616, Help America Vote Act (HAVA), at the 96538
end of fiscal year 2022 is hereby reappropriated for the same 96539
purpose in fiscal year 2023. 96540

Section 397.10. SEN THE OHIO SENATE 96541

GRF 020321 Operating Expenses	\$	15,902,029	\$	15,902,029	96542
TOTAL GRF General Revenue Fund	\$	15,902,029	\$	15,902,029	96543

Internal Service Activity Fund Group				96544
1020 020602 Senate Reimbursement	\$	425,800	\$ 425,800	96545
4090 020601 Miscellaneous Sales	\$	34,497	\$ 34,497	96546
TOTAL ISA Internal Service Activity				96547
Fund Group	\$	460,297	\$ 460,297	96548
TOTAL ALL BUDGET FUND GROUPS	\$	16,362,326	\$ 16,362,326	96549

OPERATING EXPENSES 96550

On July 1, 2021, or as soon as possible thereafter, the Clerk 96551
of the Senate may certify to the Director of Budget and Management 96552
an amount up to the unexpended, unencumbered balance of the 96553
foregoing appropriation item 020321, Operating Expenses, at the 96554
end of fiscal year 2021 to be reappropriated to fiscal year 2022. 96555
The amount certified is hereby reappropriated to the same 96556
appropriation item for fiscal year 2022. 96557

On July 1, 2022, or as soon as possible thereafter, the Clerk 96558
of the Senate may certify to the Director of Budget and Management 96559
an amount up to the unexpended, unencumbered balance of the 96560
foregoing appropriation item 020321, Operating Expenses, at the 96561
end of fiscal year 2022 to be reappropriated to fiscal year 2023. 96562
The amount certified is hereby reappropriated to the same 96563
appropriation item for fiscal year 2023. 96564

Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 96565

General Revenue Fund				96566
GRF 866321 CSV Operations	\$	529,252	\$ 529,252	96567
TOTAL GRF General Revenue Fund	\$	529,252	\$ 529,252	96568
Dedicated Purpose Fund Group				96569
5GN0 866605 Serve Ohio Support	\$	30,000	\$ 30,000	96570
TOTAL DPF Dedicated Purpose Fund	\$	30,000	\$ 30,000	96571
Group				
Federal Fund Group				96572

3R70 866617 AmeriCorps Programs	\$	10,121,612	\$	10,144,716	96573
TOTAL FED Federal Fund Group	\$	10,121,612	\$	10,144,716	96574
TOTAL ALL BUDGET FUND GROUPS	\$	10,680,864	\$	10,703,968	96575

Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND 96577

Debt Service Fund Group					96578
7070 155905 Third Frontier	\$	69,000,000	\$	76,000,000	96579
Research and					
Development Bond					
Retirement Fund					
7072 155902 Highway Capital	\$	164,700,000	\$	164,700,000	96580
Improvement Bond					
Retirement Fund					
7073 155903 Natural Resources Bond	\$	20,600,000	\$	23,000,000	96581
Retirement Fund					
7074 155904 Conservation Projects	\$	50,500,000	\$	53,500,000	96582
Bond Retirement Fund					
7076 155906 Coal Research and	\$	7,300,000	\$	8,500,000	96583
Development Bond					
Retirement Fund					
7077 155907 State Capital	\$	246,500,000	\$	237,000,000	96584
Improvement Bond					
Retirement Fund					
7078 155908 Common Schools Bond	\$	427,000,000	\$	390,000,000	96585
Retirement Fund					
7079 155909 Higher Education Bond	\$	331,000,000	\$	301,000,000	96586
Retirement Fund					
7080 155901 Persian Gulf,	\$	5,375,000	\$	5,000,000	96587
Afghanistan, and Iraq					
Conflict Bond					
Retirement Fund					
7090 155912 Job Ready Site	\$	4,605,000	\$	4,605,000	96588
Development Bond					

Retirement Fund

TOTAL DSF Debt Service Fund Group	\$ 1,326,580,000	\$ 1,263,305,000	96589
TOTAL ALL BUDGET FUND GROUPS	\$ 1,326,580,000	\$ 1,263,305,000	96590

ADDITIONAL APPROPRIATIONS 96591

Appropriation items in this section are for the purpose of 96592
 paying debt service and financing costs during the period from 96593
 July 1, 2021, through June 30, 2023, on bonds or notes of the 96594
 state issued under the Ohio Constitution, Revised Code, and acts 96595
 of the General Assembly. If it is determined that additional 96596
 amounts are necessary for this purpose, such amounts are hereby 96597
 appropriated. 96598

Section 403.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY 96599
 DEVELOPMENT FOUNDATION 96600

Dedicated Purpose Fund Group 96601

5M90 945601 Operating Expenses	\$ 98,270	\$ 0	96602
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TOTAL DPF Dedicated Purpose Fund	\$ 98,270	\$ 0	96603
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Group

TOTAL ALL BUDGET FUND GROUPS	\$ 98,270	\$ 0	96604
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Section 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS 96606

BOARD 96607

Dedicated Purpose Fund Group 96608

4K90 123609 Operating Expenses	\$ 636,709	\$ 636,709	96609
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TOTAL DPF Dedicated Purpose Fund	\$ 636,709	\$ 636,709	96610
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Group

TOTAL ALL BUDGET FUND GROUPS	\$ 636,709	\$ 636,709	96611
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Section 407.10. BTA BOARD OF TAX APPEALS 96613

General Revenue Fund 96614

GRF 116321 Operating Expenses	\$ 1,753,243	\$ 1,803,160	96615
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TOTAL GRF General Revenue Fund	\$ 1,753,243	\$ 1,803,160	96616
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TOTAL ALL BUDGET FUND GROUPS		\$	1,753,243	\$	1,803,160	96617
 Section 409.10. TAX DEPARTMENT OF TAXATION						96619
General Revenue Fund						96620
GRF 110321	Operating Expenses	\$	56,240,803	\$	56,504,746	96621
GRF 110404	Tobacco Settlement	\$	150,810	\$	150,810	96622
	Enforcement					
TOTAL GRF General Revenue Fund		\$	56,391,613	\$	56,655,556	96623
 Dedicated Purpose Fund Group						96624
2280 110628	CAT Administration	\$	12,609,409	\$	12,609,409	96625
4350 110607	Local Tax	\$	31,020,628	\$	31,020,628	96626
	Administration					
4360 110608	Motor Vehicle Audit	\$	1,500,000	\$	1,500,000	96627
	Administration					
4380 110609	School District	\$	9,000,000	\$	9,000,000	96628
	Income Tax					
	Administration					
4C60 110616	International	\$	705,869	\$	705,869	96629
	Registration Plan					
	Administration					
4R60 110610	Tire Tax	\$	180,000	\$	180,000	96630
	Administration					
5BP0 110639	Wireless 9-1-1	\$	298,794	\$	298,794	96631
	Administration					
5JM0 110637	Casino Tax	\$	125,000	\$	125,000	96632
	Administration					
5N50 110605	Municipal Income Tax	\$	200,000	\$	200,000	96633
	Administration					
5N60 110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	96634
	Administration					
5NY0 110643	Petroleum Activity	\$	1,000,000	\$	1,000,000	96635
	Tax Administration					

5V70	110622	Motor Fuel Tax Administration	\$	6,000,000	\$	6,000,000	96636
5V80	110623	Property Tax Administration	\$	5,000,000	\$	5,000,000	96637
6390	110614	Cigarette Tax Enforcement	\$	1,450,000	\$	1,450,000	96638
6880	110615	Local Excise Tax Administration	\$	500,000	\$	500,000	96639
TOTAL DPF		Dedicated Purpose Fund Group	\$	69,689,700	\$	69,689,700	96640
Fiduciary Fund Group							96641
4250	110635	Tax Refunds	\$	2,179,769,300	\$	2,179,769,300	96642
5CZ0	110631	Vendor's License Application	\$	380,000	\$	380,000	96643
TOTAL FID		Fiduciary Fund Group	\$	2,180,149,300	\$	2,180,149,300	96644
Holding Account Fund Group							96645
R010	110611	Tax Distributions	\$	25,000	\$	25,000	96646
R011	110612	Miscellaneous Income Tax Receipts	\$	500	\$	500	96647
TOTAL HLD		Holding Account Fund Group	\$	25,500	\$	25,500	96648
TOTAL ALL BUDGET FUND GROUPS			\$	2,306,256,113	\$	2,306,520,056	96649

Section 409.20. TAX REFUNDS 96651

The foregoing appropriation item 110635, Tax Refunds, shall 96652
be used to pay refunds under section 5703.052 of the Revised Code. 96653
If it is determined that additional appropriations are necessary 96654
for this purpose, such amounts are hereby appropriated. 96655

VENDOR'S LICENSE PAYMENTS 96656

The foregoing appropriation item 110631, Vendor's License 96657
Application, shall be used to make payments to county auditors 96658
under section 5739.17 of the Revised Code. If it is determined 96659

that additional appropriations are necessary to make such 96660
payments, such amounts are hereby appropriated. 96661

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 96662

The foregoing appropriation item 110616, International 96663
Registration Plan Administration, shall be used under section 96664
5703.12 of the Revised Code for audits of persons with vehicles 96665
registered under the International Registration Plan. 96666

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 96667

Of the foregoing appropriation item 110607, Local Tax 96668
Administration, the Tax Commissioner may disburse funds, if 96669
available, for the purposes of paying travel expenses incurred by 96670
members of Ohio's delegation to the Streamlined Sales Tax Project, 96671
as appointed under section 5740.02 of the Revised Code. Any travel 96672
expense reimbursement paid for by the Department of Taxation shall 96673
be done in accordance with applicable state laws and guidelines. 96674

TOBACCO SETTLEMENT ENFORCEMENT 96675

The foregoing appropriation item 110404, Tobacco Settlement 96676
Enforcement, shall be used by the Tax Commissioner to pay costs 96677
incurred in the enforcement of divisions (F) and (G) of section 96678
5743.03 of the Revised Code. 96679

PROPERTY TAX ADMINISTRATION 96680

Notwithstanding section 5703.80 or division (F) of section 96681
321.24 of the Revised Code, in fiscal year 2022, the Tax 96682
Commissioner shall not compute or certify the amounts calculated 96683
under divisions (A) and (B) of that section as amended by this 96684
act. The Director of Budget and Management shall not transfer any 96685
amounts from the General Revenue Fund to the Property Tax 96686
Administration Fund in fiscal year 2022. In fiscal year 2022, the 96687
Tax Commissioner shall not subtract any amounts computed under 96688
section 5703.80 of the Revised Code, as amended by this act, from 96689

the payments made from the General Revenue Fund to county 96690
 treasurers under division (F) of section 321.24 of the Revised 96691
 Code. In fiscal year 2023, the Property Tax Administration Fund 96692
 shall be funded as provided in section 5703.80 and division (F) of 96693
 section 321.24 of the Revised Code. 96694

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION 96695

General Revenue Fund 96696

GRF 772502 Local Transportation \$ 150,000 \$ 150,000 96697

Projects

GRF 776465 Rail Development \$ 2,000,000 \$ 2,000,000 96698

GRF 777471 Airport Improvements \$ 6,419,687 \$ 7,404,687 96699

- State

TOTAL GRF General Revenue Fund \$ 8,569,687 \$ 9,554,687 96700

Dedicated Purpose Fund Group 96701

5QT0 776670 Ohio Maritime \$ 11,000,000 \$ 12,000,000 96702

Assistance Program

TOTAL DPF Dedicated Purpose Fund \$ 11,000,000 \$ 12,000,000 96703

Group

TOTAL ALL BUDGET FUND GROUPS \$ 19,569,687 \$ 21,554,687 96704

Section 411.15. LOCAL TRANSPORTATION PROJECTS 96706

The foregoing appropriation item 772502, Local Transportation 96707

Projects, shall be used to support the Regional Transportation 96708

Improvement Project in Carrol, Columbiana, and Stark counties. 96709

Section 411.30. AIRPORT IMPROVEMENTS - STATE 96710

The foregoing appropriation item 777471, Airport Improvements 96711

- State, shall be used for the Ohio Airport Grant Program in 96712

supporting capital improvements, maintaining infrastructure, and 96713

ensuring safety at publicly owned, public use airports in Ohio. 96714

Section 411.40. OHIO MARITIME ASSISTANCE PROGRAM 96715

The foregoing appropriation item 776670, Ohio Maritime 96716
Assistance Program, shall be used for the Ohio Maritime Assistance 96717
Program established under Section 5501.91 of the Revised Code. 96718

Notwithstanding Chapter 166. Of the Revised Code, the 96719
Director of Budget and Management shall transfer \$11,000,000 cash 96720
in fiscal year 2022 and \$12,000,000 cash in fiscal year 2023 from 96721
the Facilities Establishment Fund (Fund 7037) to the Ohio Maritime 96722
Assistance Fund (Fund 5QT0). 96723

Section 413.10. TOS TREASURER OF STATE 96724

General Revenue Fund 96725

GRF 090321	Operating Expenses	\$	8,037,839	\$	8,037,839	96726
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GRF 090401	Office of the Sinking Fund	\$	463,662	\$	463,662	96727
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GRF 090402	Continuing Education	\$	175,000	\$	175,000	96728
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GRF 090406	Treasury Management System Lease Rental Payments	\$	1,125,000	\$	1,120,000	96729
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GRF 090613	STABLE Account Administration	\$	1,480,987	\$	1,480,987	96730
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TOTAL GRF General Revenue Fund		\$	11,282,488	\$	11,277,488	96731
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Dedicated Purpose Fund Group 96732

4E90 090603	Securities Lending Income	\$	7,843,565	\$	7,843,565	96733
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4X90 090614	Political Subdivision Obligation	\$	45,000	\$	45,000	96734
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5770 090605	Investment Pool Reimbursement	\$	1,050,000	\$	1,050,000	96735
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5C50 090602	County Treasurer Education	\$	240,057	\$	240,057	96736
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5NH0 090610	OhioMeansJobs	\$	250,000	\$	250,000	96737
	Workforce Development					
5VZ0 090615	State Pay for Success	\$	1,200,000	\$	0	96738
	Contract Fund					
6050 090609	Treasurer of State	\$	700,000	\$	700,000	96739
	Administrative Fund					
TOTAL DPF Dedicated Purpose						96740
Fund Group		\$	11,328,622	\$	10,128,622	96741
Fiduciary Fund Group						96742
4250 090635	Tax Refunds	\$	12,000,000	\$	12,000,000	96743
TOTAL FID Fiduciary Fund Group		\$	12,000,000	\$	12,000,000	96744
TOTAL ALL BUDGET FUND GROUPS		\$	34,611,110	\$	33,406,110	96745

Section 413.20. OFFICE OF THE SINKING FUND 96747

The foregoing appropriation item 090401, Office of the 96748
Sinking Fund, shall be used for costs incurred by or on behalf of 96749
the Commissioners of the Sinking Fund and the Ohio Public 96750
Facilities Commission with respect to State of Ohio general 96751
obligation bonds or notes, and the Treasurer of State with respect 96752
to State of Ohio general obligation and special obligation bonds 96753
or notes, including, but not limited to, printing, advertising, 96754
delivery, rating fees and the procurement of ratings, professional 96755
publications, membership in professional organizations, and other 96756
services referred to in division (D) of section 151.01 of the 96757
Revised Code. The General Revenue Fund shall be reimbursed for 96758
such costs relating to the issuance and administration of Highway 96759
Capital Improvement bonds or notes authorized under Ohio 96760
Constitution, Article VIII, Section 2m and Chapter 151. of the 96761
Revised Code. That reimbursement shall be made from appropriation 96762
item 155902, Highway Capital Improvement Bond Retirement Fund, by 96763
intrastate transfer voucher pursuant to a certification by the 96764
Office of the Sinking Fund of the actual amounts used. The amounts 96765
necessary to make such a reimbursement are hereby appropriated 96766

from the Highway Capital Improvement Bond Retirement Fund created 96767
in section 151.06 of the Revised Code. 96768

STABLE ACCOUNT ADMINISTRATION 96769

The foregoing appropriation item 090613, STABLE Account 96770
Administration, shall be used for administration of an Achieve a 96771
Better Living Experience (ABLE) account program. 96772

TAX REFUNDS 96773

The foregoing appropriation item 090635, Tax Refunds, shall 96774
be used to pay refunds under section 5703.052 of the Revised Code. 96775
If the Director of Budget and Management determines that 96776
additional amounts are necessary for this purpose, such amounts 96777
are hereby appropriated. 96778

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 96779
PAYMENTS 96780

The foregoing appropriation item 090406, Treasury Management 96781
System Lease Rental Payments, shall be used to make payments 96782
during the period from July 1, 2021, through June 30, 2023, 96783
pursuant to leases and agreements entered into under Section 96784
701.20 of H.B. 497 of the 130th General Assembly and other prior 96785
acts of the General Assembly with respect to financing the costs 96786
associated with the acquisition, development, implementation, and 96787
integration of the Treasury Management System. 96788

Section 413.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 96789
LOAN PROGRAM 96790

The foregoing appropriation item 090610, OhioMeansJobs 96791
Workforce Development, shall be used for the OhioMeansJobs 96792
Workforce Development Revolving Loan Program to provide loans to 96793
individuals for workforce training. 96794

Of the foregoing appropriation item 090610, OhioMeansJobs 96795

Workforce Development, up to \$250,000 in fiscal year 2022 may be 96796
used by the Treasurer of State to administer the program. 96797

Any unexpended and unencumbered portion of the foregoing 96798
appropriation item 090610, OhioMeansJobs Workforce Development, at 96799
the end of fiscal year 2022 is hereby reappropriated for the same 96800
purpose in fiscal year 2023. To the extent that reappropriated 96801
funds are available, of the foregoing appropriation item 090610, 96802
OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 96803
2023 may be used by the Treasurer of State to administer the 96804
program. 96805

The Treasurer of State shall determine, during the second 96806
half of fiscal year 2023, if the cash balance and anticipated loan 96807
repayments to the OhioMeansJobs Workforce Development Revolving 96808
Loan Fund (Fund 5NH0), will be sufficient to meet the 96809
appropriation level of \$250,000 in fiscal year 2023. If those 96810
resources are insufficient, the Treasurer of State may submit a 96811
request to the Controlling Board for a transfer of up to \$325,000 96812
cash from the Controlling Board Emergency Purposes/Contingencies 96813
Fund (Fund 5KM0), to Fund 5NH0. 96814

Section 413.50. STATE PAY FOR SUCCESS CONTRACT FUND 96815

The foregoing appropriation item 090615, State Pay for 96816
Success Contract Fund, shall be used to fund a pay for success 96817
contract pursuant to sections 113.60 to 113.62 of the Revised 96818
Code, and an independent evaluator contract. The Treasurer of 96819
State, in consultation with the Director of Administrative 96820
Services, shall enter into a pay for success contract with, a 96821
service intermediary, Foundation for Appalachian Ohio, and any 96822
service providers as required and as identified by the service 96823
intermediary, for the purpose of delivering a vision care project 96824
pursuant to a pay for success contract. As the service 96825
intermediary, Foundation for Appalachian Ohio may subcontract with 96826

one or more service providers to deliver the project, pursuant to 96827
section 113.60 of the Revised Code. The Treasurer of State, in 96828
consultation with the Director of Administrative Services, shall 96829
initiate a contract with an independent evaluator. 96830

Any unexpended and unencumbered amount of the appropriation 96831
item 090615, State Pay for Success Contract Fund, remaining at the 96832
end of fiscal year 2022 is hereby reappropriated in fiscal year 96833
2023, to be used for the same purpose. 96834

Section 414.10. VTO VETERANS' ORGANIZATIONS 96835

General Revenue Fund 96836

VAP AMERICAN EX-PRISONERS OF WAR 96837

GRF 743501 State Support \$ 40,000 \$ 40,000 96838

VAN ARMY AND NAVY UNION, USA, INC. 96839

GRF 746501 State Support \$ 75,000 \$ 75,000 96840

VKW KOREAN WAR VETERANS 96841

GRF 747501 State Support \$ 75,000 \$ 75,000 96842

VJW JEWISH WAR VETERANS 96843

GRF 748501 State Support \$ 55,000 \$ 55,000 96844

VCW CATHOLIC WAR VETERANS 96845

GRF 749501 State Support \$ 75,000 \$ 75,000 96846

VPH MILITARY ORDER OF THE PURPLE HEART 96847

GRF 750501 State Support \$ 75,000 \$ 75,000 96848

VVV VIETNAM VETERANS OF AMERICA 96849

GRF 751501 State Support \$ 275,000 \$ 275,000 96850

VAL AMERICAN LEGION OF OHIO 96851

GRF 752501 State Support \$ 400,000 \$ 400,000 96852

VII AMVETS 96853

GRF 753501 State Support \$ 400,000 \$ 400,000 96854

VAV DISABLED AMERICAN VETERANS 96855

GRF 754501 State Support \$ 400,000 \$ 400,000 96856

VMC MARINE CORPS LEAGUE 96857

GRF	756501	State Support	\$	190,000	\$	190,000	96858
		V37 37TH DIVISION VETERANS' ASSOCIATION					96859
GRF	757501	State Support	\$	15,000	\$	15,000	96860
		VFW VETERANS OF FOREIGN WARS					96861
GRF	758501	State Support	\$	400,000	\$	400,000	96862
TOTAL GRF		General Revenue Fund	\$	2,475,000	\$	2,475,000	96863
TOTAL ALL BUDGET FUND GROUPS			\$	2,475,000	\$	2,475,000	96864

Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES 96866

		General Revenue Fund					96867
GRF	900321	Veterans' Homes	\$	45,402,392	\$	45,393,691	96868
GRF	900402	Hall of Fame	\$	129,332	\$	135,813	96869
GRF	900408	Department of Veterans Services	\$	4,395,439	\$	4,197,659	96870
GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$	1,500,000	\$	1,500,000	96871
GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$	5,375,000	\$	5,000,000	96872
TOTAL GRF		General Revenue Fund	\$	56,802,163	\$	56,227,163	96873
		Dedicated Purpose Fund Group					96874
4840	900603	Veterans' Homes Services	\$	720,775	\$	771,000	96875
4E20	900602	Veterans' Homes Operating	\$	9,810,523	\$	9,444,887	96876
5CV1	900607	COVID Safety - Ohio Veterans Homes	\$	2,000,000	\$	0	96877
5DB0	900643	Military Injury Relief Program	\$	55,800	\$	55,800	96878
5NX0	900646	State Opioid Response	\$	701,752	\$	172,541	96879
6040	900604	Veterans' Homes	\$	500,000	\$	500,000	96880

Improvement			
TOTAL DPF Dedicated Purpose Fund	\$	13,788,850	\$ 10,944,228 96881
Group			
Debt Service Fund Group			96882
7041 900615	Veteran Bonus Program	\$ 187,286	\$ 163,224 96883
- Administration			
7041 900641	Persian Gulf, Afghanistan, and Iraq Compensation	\$ 609,411	\$ 221,420 96884
TOTAL DSF Debt Service			96885
Fund Group	\$	796,697	\$ 384,644 96886
Federal Fund Group			96887
3680 900614	Veterans Training	\$ 903,149	\$ 922,108 96888
3BX0 900609	Medicare Services	\$ 3,578,278	\$ 3,578,278 96889
3L20 900601	Veterans' Homes	\$ 27,183,376	\$ 29,957,759 96890
Operations - Federal			
TOTAL FED Federal Fund Group	\$	31,664,803	\$ 34,458,145 96891
TOTAL ALL BUDGET FUND GROUPS	\$	103,052,513	\$ 102,014,180 96892
VETERANS ORGANIZATIONS' RENT			96893
The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services.			96894 96895 96896 96897
VOLUNTEERS OF AMERICA CLEVELAND SHELTER FOR FEMALE VETERANS			96898
Of the foregoing appropriation item 900408, Department of Veterans Services, \$200,000 in fiscal year 2022 shall be distributed to Volunteers of America to construct temporary housing for female veterans in need and to provide related services to Ohio female veterans at their facility located in Cuyahoga County. All of this funding shall be spent in Ohio on Ohio female veterans.			96899 96900 96901 96902 96903 96904 96905

SAVE A WARRIOR				96906
Of the foregoing appropriation item 900408, Department of				96907
Veterans Services, \$100,000 in each fiscal year shall be				96908
distributed to Save a Warrior to provide post-traumatic stress				96909
rehabilitation services to Ohio veterans at their facility located				96910
in Highland County.				96911
VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE				96912
The foregoing appropriation item 900901, Veterans				96913
Compensation General Obligation Bond Debt Service, shall be used				96914
to pay all debt service and related financing costs during the				96915
period from July 1, 2021, through June 30, 2023, on obligations				96916
issued under Section 2r of Article VIII, Ohio Constitution.				96917
Section 417.10. DVM VETERINARY MEDICAL LICENSING BOARD				96918
Dedicated Purpose Fund Group				96919
4K90 888609 Operating Expenses	\$	444,238	\$ 440,278	96920
TOTAL DPF Dedicated Purpose				96921
Fund Group	\$	444,238	\$ 440,278	96922
Internal Service Activity Fund Group				96923
5BU0 888602 Veterinary Student	\$	30,000	\$ 30,000	96924
Loan Program				
TOTAL ISA Internal Service Activity				96925
Fund Group	\$	30,000	\$ 30,000	96926
TOTAL ALL BUDGET FUND GROUPS	\$	474,238	\$ 470,278	96927
Section 419.10. VPB STATE VISION PROFESSIONALS BOARD				96929
Dedicated Purpose Fund Group				96930
4K90 129609 Operating Expenses	\$	654,140	\$ 654,140	96931
TOTAL DPF Dedicated Purpose Fund	\$	654,140	\$ 654,140	96932
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	654,140	\$ 654,140	96933

Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES					96935	
General Revenue Fund					96936	
GRF	470401	RECLAIM Ohio	\$ 166,636,645	\$ 169,044,852	96937	
GRF	470412	Juvenile Correctional	\$ 16,250,000	\$ 18,900,000	96938	
Facilities Lease						
Rental Bond Payments						
GRF	470510	Youth Services	\$ 16,702,728	\$ 16,702,728	96939	
GRF	472321	Parole Operations	\$ 9,899,086	\$ 10,050,852	96940	
GRF	477321	Administrative	\$ 13,741,605	\$ 14,036,850	96941	
Operations						
TOTAL GRF	General Revenue Fund			\$ 223,230,064	\$ 228,735,282	96942
Dedicated Purpose Fund Group					96943	
1470	470612	Vocational Education	\$ 1,538,933	\$ 1,416,746	96944	
1750	470613	Education Services	\$ 2,964,749	\$ 2,546,450	96945	
4790	470609	Employee Food Service	\$ 20,300	\$ 20,300	96946	
4A20	470602	Child Support	\$ 153,968	\$ 90,968	96947	
4G60	470605	Juvenile Special	\$ 109,663	\$ 109,663	96948	
Revenue - Non-Federal						
5BN0	470629	E-Rate Program	\$ 59,000	\$ 59,000	96949	
TOTAL DPF	Dedicated Purpose				96950	
Fund Group			\$ 4,846,613	\$ 4,243,127	96951	
Federal Fund Group					96952	
3210	470601	Education	\$ 974,805	\$ 987,656	96953	
3210	470603	Juvenile Justice	\$ 2,289,557	\$ 2,294,382	96954	
Prevention						
3210	470606	Nutrition	\$ 930,000	\$ 930,000	96955	
3210	470614	Title IV-E	\$ 3,386,344	\$ 3,449,344	96956	
Reimbursements						
3V50	470604	Juvenile	\$ 1,907,500	\$ 1,907,501	96957	
Justice/Delinquency						
Prevention						

TOTAL FED Federal				96958	
Fund Group	\$	9,488,206	\$	9,568,883	96959
TOTAL ALL BUDGET FUND GROUPS	\$	237,564,883	\$	242,547,292	96960

COMMUNITY PROGRAMS 96961

For purposes of implementing juvenile sentencing reforms, and 96962
notwithstanding any provision of law to the contrary, the 96963
Department of Youth Services may use up to \$1,375,000 of the 96964
unexpended, unencumbered balance of the portion of appropriation 96965
item 470401, RECLAIM Ohio, that is allocated to juvenile 96966
correctional facilities in each fiscal year to expand Targeted 96967
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 96968
other evidence-based community programs. 96969

CLEVELAND RAPE CRISIS CENTER 96970

Of the foregoing appropriation item 470401, RECLAIM Ohio, 96971
\$300,000 in each fiscal year shall be distributed to the Cleveland 96972
Rape Crisis Center to provide services for at-risk youth through 96973
the Cleveland Rape Crisis Center Human Trafficking Drop-in Center. 96974

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 96975

The foregoing appropriation item 470412, Juvenile 96976
Correctional Facilities Lease Rental Bond Payments, shall be used 96977
to meet all payments during the period from July 1, 2021, through 96978
June 30, 2023, by the Department of Youth Services under the 96979
leases and agreements for facilities made under Chapters 152. and 96980
154. of the Revised Code. These appropriations are the source of 96981
funds pledged for bond service charges on related obligations 96982
issued under Chapters 152. and 154. of the Revised Code. 96983

EDUCATION SERVICES 96984

The foregoing appropriation item 470613, Education Services, 96985
shall be used to fund the operating expenses of providing 96986
educational services to youth supervised by the Department of 96987
Youth Services. Operating expenses include, but are not limited 96988

to, teachers' salaries, maintenance costs, and educational 96989
equipment. 96990

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 96991

In collaboration with the county family and children first 96992
council, the juvenile court of that county that receives 96993
allocations from one or both of the foregoing appropriation items 96994
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 96995
portions of those allocations to a flexible funding pool as 96996
authorized by the section of this act titled "FAMILY AND CHILDREN 96997
FIRST FLEXIBLE FUNDING POOL." 96998

Section 503.10. PERSONAL SERVICE EXPENSES 96999

Unless otherwise prohibited by law, any appropriation from 97000
which personal service expenses are paid shall bear the employer's 97001
share of public employees' retirement, workers' compensation, 97002
disabled workers' relief, and insurance programs; the costs of 97003
centralized financial services, centralized payroll processing, 97004
and related reports and services; centralized human resources 97005
services, including affirmative action and equal employment 97006
opportunity programs; the Office of Collective Bargaining; 97007
centralized information technology management services; 97008
administering the enterprise resource planning system; and 97009
administering the state employee merit system as required by 97010
section 124.07 of the Revised Code. These costs shall be 97011
determined in conformity with the appropriate sections of law and 97012
paid in accordance with procedures specified by the Office of 97013
Budget and Management. Expenditures from appropriation item 97014
070601, Public Audit Expense - Intra-State, may be exempted from 97015
the requirements of this section. 97016

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 97017
AGAINST THE STATE 97018

Except as otherwise provided in this section, an 97019
appropriation in this act may be used for the purpose of 97020
satisfying judgments, settlements, or administrative awards 97021
ordered or approved by the Court of Claims in connection with 97022
civil actions against the state. This authorization does not apply 97023
to appropriations to be applied to or used for payment of 97024
guarantees by or on behalf of the state, or for payments under 97025
lease agreements relating to, or debt service on, bonds, notes, or 97026
other obligations of the state. 97027

Section 503.30. CAPITAL PROJECT SETTLEMENTS 97028

This section specifies an additional and supplemental 97029
procedure to provide for payments of judgments and settlements if 97030
the Director of Budget and Management determines, pursuant to 97031
division (C)(4) of section 2743.19 of the Revised Code, that 97032
sufficient unencumbered moneys do not exist in the fund to support 97033
a particular appropriation to pay the amount of a final judgment 97034
rendered against the state or a state agency, including the 97035
settlement of a claim approved by a court, in an action upon and 97036
arising out of a contractual obligation for the construction or 97037
improvement of a capital facility if the costs under the contract 97038
were payable in whole or in part from a state capital projects 97039
appropriation. In such a case, the Director may either proceed 97040
pursuant to division (C)(4) of section 2743.19 of the Revised Code 97041
or apply to the Controlling Board to increase an appropriation or 97042
create an appropriation out of any unencumbered moneys in the 97043
state treasury to the credit of the capital projects fund from 97044
which the initial state appropriation was made. The amount of an 97045
increase in appropriation or new appropriation approved by the 97046
Controlling Board is hereby appropriated from the applicable 97047
capital projects fund and made available for the payment of the 97048
judgment or settlement. 97049

If the Director does not make the application authorized by 97050
this section or the Controlling Board disapproves the application, 97051
and the Director does not make application under division (C) (4) 97052
of section 2743.19 of the Revised Code, the Director shall for the 97053
purpose of making that payment make a request to the General 97054
Assembly as provided for in division (C) (5) of that section. 97055

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 97056

In order to provide funds for the reissuance of voided 97057
warrants under section 126.37 of the Revised Code, there is hereby 97058
appropriated, out of moneys in the state treasury from the fund 97059
credited as provided in section 126.37 of the Revised Code, that 97060
amount sufficient to pay such warrants when approved by the Office 97061
of Budget and Management. 97062

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 97063
BALANCES OF OPERATING APPROPRIATIONS 97064

(A) Notwithstanding the original year of appropriation or 97065
encumbrance, the unexpended balance of an operating appropriation 97066
or reappropriation that a state agency lawfully encumbered prior 97067
to the close of fiscal year 2021 or fiscal year 2022 is hereby 97068
reappropriated on the first day of July of the following fiscal 97069
year from the fund from which it was originally appropriated or 97070
reappropriated for the period of time listed in this section and 97071
shall remain available only for the purpose of discharging the 97072
encumbrance: 97073

(1) For an encumbrance for personal services, maintenance, 97074
equipment, or items for resale not otherwise identified in this 97075
section, for a period of not more than five months from the end of 97076
the fiscal year; 97077

(2) For an encumbrance for an item of special order 97078
manufacture not available on state contract or in the open market, 97079

for a period of not more than five months from the end of the 97080
fiscal year or, with the written approval of the Director of 97081
Budget and Management, for a period of not more than twelve months 97082
from the end of the fiscal year; 97083

(3) For an encumbrance for reclamation of land or oil and gas 97084
wells, for a period ending when the encumbered appropriation is 97085
expended provided such period does not extend beyond the FY 2022 - 97086
FY 2023 biennium; 97087

(4) For an encumbrance for any other type of expense not 97088
otherwise identified in division (A) (1), (2), or (3) of this 97089
section, for such period as the Director approves, provided such 97090
period does not extend beyond the FY 2022 - FY 2023 biennium. 97091

(B) Any operating appropriations for which unexpended 97092
balances are reappropriated in fiscal year 2022 or fiscal year 97093
2023 pursuant to division (A) (2) of this section shall be reported 97094
to the Controlling Board by the Director of Budget and Management 97095
by the thirty-first day of December of each year. The report shall 97096
include the item, the cost of the item, and the name of the 97097
vendor. The report shall be updated on a quarterly basis for 97098
encumbrances remaining open. 97099

(C) Upon the expiration of the reappropriation period set out 97100
in division (A) of this section, a reappropriation made by this 97101
section lapses and the Director of Budget and Management shall 97102
cancel the encumbrance of the unexpended reappropriation not later 97103
than the end of the weekend following the expiration of the 97104
reappropriation period. 97105

(D) If the Controlling Board approved a purchase, that 97106
approval remains in effect so long as the appropriation used to 97107
make that purchase remains encumbered. 97108

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 97109

(A) The Director of Budget and Management may correct 97110
accounting errors committed by the staff of the Office of Budget 97111
and Management, such as reestablishing encumbrances or 97112
appropriations canceled in error, during the cancellation of 97113
operating encumbrances in November and of non-operating 97114
encumbrances in December. 97115

(B) The Director of Budget and Management may at any time 97116
correct accounting errors committed by staff or a state agency or 97117
state institution of higher education, as defined in section 97118
3345.011 of the Revised Code, such as reestablishing prior year 97119
non-operating encumbrances canceled or modified in error. The 97120
reestablished encumbrance amounts are hereby appropriated. 97121

Section 503.70. TEMPORARY REVENUE HOLDING 97122

The Director of Budget and Management may create funds in the 97123
state treasury solely for the purpose of temporarily holding 97124
revenue required to be credited to a fund in the state treasury, 97125
whose disposition is not immediately known at the time of receipt. 97126
Once identified, the Director shall credit the revenue to the 97127
appropriate fund in the state treasury. 97128

Upon certification by a director or head of a state agency, 97129
the Director of Budget and Management may create funds in the 97130
state treasury on behalf of an agency when the agency is required 97131
by law to detain funds in escrow. The Director of Budget and 97132
Management may transfer cash between funds within the state 97133
treasury to satisfy escrow requirements. 97134

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 97135
RE-ESTABLISHMENT OF ENCUMBRANCES 97136

Any cash transferred by the Director of Budget and Management 97137
under section 126.15 of the Revised Code is hereby appropriated. 97138
Any amounts necessary to re-establish appropriations or 97139

encumbrances under section 126.15 of the Revised Code are hereby 97140
appropriated. 97141

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 97142

The Director of Budget and Management may transfer 97143
appropriations between the Third Frontier Research and Development 97144
Fund (Fund 7011) and the Third Frontier Research and Development 97145
Taxable Bond Fund (Fund 7014) as necessary to maintain the 97146
exclusion from the calculation of gross income for federal income 97147
taxation purposes under the Internal Revenue Code with respect to 97148
obligations issued to fund projects appropriated from the Third 97149
Frontier Research and Development Fund (Fund 7011). 97150

The Director may also create new appropriation items within 97151
the Third Frontier Research and Development Taxable Bond Fund 97152
(Fund 7014) and make transfers of appropriations to them for 97153
projects originally funded from appropriations made from the Third 97154
Frontier Research and Development Fund (Fund 7011). 97155

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 97156

There are hereby appropriated out of any moneys in the state 97157
treasury to the credit of the General Revenue Fund, which are not 97158
otherwise appropriated, funds sufficient to make any payment 97159
required by division (B)(2) of section 5747.03 of the Revised 97160
Code. 97161

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 97162
APPROVED BY THE CONTROLLING BOARD 97163

Any money that the Controlling Board approves for expenditure 97164
or any increase in appropriation that the Controlling Board 97165
approves under sections 127.14, 131.35, and 131.39 of the Revised 97166
Code or any other provision of law is hereby appropriated for the 97167
period ending June 30, 2023. 97168

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE 97169
RESIDENCE 97170

If the Governor's Residence Fund (Fund 4H20) receives payment 97171
for use of the residence pursuant to section 107.40 of the Revised 97172
Code, the amounts so received are hereby appropriated to 97173
appropriation item 100604, Governor's Residence Gift. 97174

Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 97175

Certain appropriations are in this act for the purpose of 97176
paying debt service and financing costs on general obligation 97177
bonds or notes of the state issued pursuant to the Ohio 97178
Constitution, Revised Code, and acts of the General Assembly. If 97179
it is determined that additional appropriations are necessary for 97180
this purpose, such amounts are hereby appropriated. 97181

Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 97182

Certain appropriations are in this act for the purpose of 97183
making lease rental payments pursuant to leases and agreements 97184
relating to bonds, notes, or other obligations issued by or on 97185
behalf of the state pursuant to the Ohio Constitution, Revised 97186
Code, and acts of the General Assembly. If it is determined that 97187
additional appropriations are necessary for this purpose, such 97188
amounts are hereby appropriated. 97189

Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 97190
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 97191

The Office of Budget and Management shall process payments 97192
from general obligation and lease rental payment appropriation 97193
items during the period from July 1, 2021, through June 30, 2023, 97194
relating to bonds, notes, or other obligations issued by or on 97195
behalf of the state pursuant to the Ohio Constitution, Revised 97196

Code, and acts of the General Assembly. Payments shall be made 97197
upon certification by the Treasurer of State of the dates and the 97198
amounts due on those dates. 97199

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 97200

If it is determined that a payment is necessary in the amount 97201
computed at the time to represent the portion of investment income 97202
to be rebated or amounts in lieu of or in addition to any rebate 97203
amount to be paid to the federal government in order to maintain 97204
the exclusion from gross income for federal income tax purposes of 97205
interest on those state obligations under section 148(f) of the 97206
Internal Revenue Code, such an amount is hereby appropriated from 97207
those funds designated by or pursuant to the applicable 97208
proceedings authorizing the issuance of state obligations. 97209

Payments for this purpose shall be approved and vouchered by 97210
the Office of Budget and Management. 97211

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 97212

Whenever the Director of Budget and Management determines 97213
that an appropriation made to a state agency from a fund of the 97214
state is insufficient to provide for the recovery of statewide 97215
indirect costs under section 126.12 of the Revised Code, the 97216
amount required for such purpose is hereby appropriated from the 97217
available receipts of such fund. 97218

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 97219
COST ALLOCATION PLAN 97220

The total transfers made from the General Revenue Fund by the 97221
Director of Budget and Management under this section shall not 97222
exceed the amounts transferred into the General Revenue Fund under 97223
section 126.12 of the Revised Code. 97224

The director of an agency may certify to the Director of 97225

Budget and Management the amount of expenses not allowed to be 97226
included in the Statewide Indirect Cost Allocation Plan under 97227
federal regulations, from any fund included in the Statewide 97228
Indirect Cost Allocation Plan, prepared as required by section 97229
126.12 of the Revised Code. 97230

Upon determining that no alternative source of funding is 97231
available to pay for such expenses, the Director of Budget and 97232
Management may transfer cash from the General Revenue Fund into 97233
the fund for which the certification is made, up to the amount of 97234
the certification. The director of the agency receiving such funds 97235
shall include, as part of the next budget submission prepared 97236
under section 126.02 of the Revised Code, a request for funding 97237
for such activities from an alternative source such that further 97238
federal disallowances would not be required. 97239

The director of an agency may certify to the Director of 97240
Budget and Management the amount of expenses paid in error from a 97241
fund included in the Statewide Indirect Cost Allocation Plan. The 97242
Director of Budget and Management may transfer cash from the fund 97243
from which the expenditure should have been made into the fund 97244
from which the expenses were erroneously paid, up to the amount of 97245
the certification. 97246

The director of an agency may certify to the Director of 97247
Budget and Management the amount of expenses or revenues not 97248
allowed to be included in the Statewide Indirect Cost Allocation 97249
Plan under federal regulations, for any fund included in the 97250
Statewide Indirect Cost Allocation Plan, for which the federal 97251
government requires payment. If the Director of Budget and 97252
Management determines that an appropriation made to a state agency 97253
from a fund of the state is insufficient to pay the amount 97254
required by the federal government, the amount required for such 97255
purpose is hereby appropriated from the available receipts of such 97256
fund, up to the amount of the certification. 97257

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 97258

Notwithstanding any provision of law to the contrary, on or 97259
before the first day of September of each fiscal year, the 97260
Director of Budget and Management, in order to reduce the payment 97261
of adjustments to the federal government, as determined by the 97262
plan prepared under division (A) of section 126.12 of the Revised 97263
Code, may designate such funds as the Director considers necessary 97264
to retain their own interest earnings. 97265

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 97266

Pursuant to the plan for compliance with the Federal Cash 97267
Management Improvement Act required by section 131.36 of the 97268
Revised Code, the Director of Budget and Management may cancel and 97269
re-establish all or part of encumbrances in like amounts within 97270
the funds identified by the plan. The amounts necessary to 97271
re-establish all or part of encumbrances are hereby appropriated. 97272

Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS 97273

Notwithstanding section 113.09 of the Revised Code, the 97274
Director of Budget and Management may designate any fund within 97275
the state treasury that receives federal revenue to be credited 97276
with investment earnings to comply with federal law. 97277

Section 509.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 97278
INTEREST EARNED 97279

Notwithstanding any provision of law to the contrary, the 97280
Director of Budget and Management, through June 30, 2023, may 97281
transfer interest earned by any state fund to the General Revenue 97282
Fund. This section does not apply to funds whose source of revenue 97283
is restricted or protected by the Ohio Constitution, federal tax 97284
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 97285

1058 (1990), 31 U.S.C. 6501 et seq., as amended. 97286

Section 509.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 97287
FROM NON-GRF FUNDS 97288

Notwithstanding any provision of law to the contrary, the 97289
Director of Budget and Management may transfer up to \$200,000,000 97290
cash, during the biennium ending June 30, 2023, from non-General 97291
Revenue Funds that are not constitutionally restricted to the 97292
General Revenue Fund. 97293

Section 509.25. TRANSFER FROM STATE PAY FOR SUCCESS FUND TO 97294
GENERAL REVENUE FUND 97295

On July 1, 2022, or as soon as possible thereafter, the 97296
Director of Budget and Management shall transfer \$5,000,000 cash 97297
from the State Pay for Success Fund (Fund 5VZ0) to the General 97298
Revenue Fund. 97299

Section 509.50. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 97300

On October 1, 2021, or as soon as possible thereafter, the 97301
Director of Commerce and the Executive Director of the Board of 97302
Pharmacy shall consult with the Director of Budget and Management 97303
to determine a repayment schedule for the biennium ending June 30, 97304
2023, to fully repay transfers on behalf of each agency from the 97305
Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical 97306
Marijuana Control Program Fund (Fund 5YS0). Payments made by the 97307
Department of Commerce and the Board of Pharmacy in accordance 97308
with this repayment schedule shall be credited to the General 97309
Revenue Fund. 97310

Section 509.60. CASH TRANSFER FROM THE STATE FIRE MARSHAL 97311
FUND TO THE GENERAL REVENUE FUND 97312

On July 1 of each fiscal year, or as soon as possible 97313

thereafter, the Director of Budget and Management shall transfer 97314
\$1,500,000 cash from the State Fire Marshal Fund (Fund 5460) to 97315
the General Revenue Fund to reimburse the General Revenue Fund for 97316
the costs of providing MARCS fee offsets. 97317

Section 512.10. GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO 97318
FUND 97319

On July 1, 2021, or as soon as possible thereafter, the 97320
Director of Budget and Management may transfer up to \$15,000,000 97321
cash from the General Revenue Fund to the Tourism Ohio Fund (Fund 97322
5MJ0). 97323

Section 512.20. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 97324
TREATMENT AND PREVENTION FUND 97325

Notwithstanding any provision of law to the contrary, in 97326
fiscal year 2022, the Director of Budget and Management may 97327
transfer up to \$10,000,000 cash from the General Revenue Fund to 97328
the Statewide Treatment and Prevention Fund (Fund 4750). 97329

Section 512.30. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 97330
COMMUNITY POLICE RELATIONS FUND 97331

Notwithstanding any provision of law to the contrary, in 97332
fiscal year 2023, the Director of Budget and Management may 97333
transfer up to \$1,150,000 cash from the General Revenue Fund to 97334
the Statewide Community Police Relations Fund (Fund 5RS0). 97335

Section 512.40. GENERAL REVENUE FUND TRANSFER TO TARGETED 97336
ADDICTION PROGRAM FUND 97337

Notwithstanding any provision of law to the contrary, in 97338
fiscal year 2022, the Director of Budget and Management may 97339
transfer up to \$48,000,000 cash from the General Revenue Fund to 97340
the Targeted Addiction Program Fund (Fund 5TZ0). 97341

Section 512.50. GENERAL REVENUE FUND TRANSFER TO STATE PAY 97342
FOR SUCCESS CONTRACT FUND 97343

The Director of Budget and Management shall transfer 97344
\$1,200,000 cash from the General Revenue Fund to the State Pay for 97345
Success Contract Fund (Fund 5VZ0) on July 1, 2021, or as soon as 97346
possible thereafter. 97347

Section 512.70. GENERAL REVENUE FUND TRANSFER TO FOUNDATION 97348
FUNDING - ALL STUDENTS 97349

Notwithstanding any provision of law to the contrary, the 97350
Director of Budget and Management may transfer up to \$661,000,000 97351
cash in fiscal year 2022 and up to \$842,000,000 cash in fiscal 97352
year 2023 from the General Revenue Fund to the Foundation Funding 97353
- All Students Fund (Fund 5VS0), which is hereby created in the 97354
state treasury. 97355

Section 512.75. GENERAL REVENUE FUND TRANSFER TO 97356
ELECTROENCEPHALOGRAM (EEG) COMBINED TRANSCRANIAL MAGNETIC 97357
STIMULATION FUND 97358

On July 1, 2021, or as soon as possible thereafter, the 97359
Director of Budget and Management shall transfer \$9,500,000 cash 97360
from the General Revenue Fund to the Electroencephalogram (EEG) 97361
Combined Transcranial Magnetic Stimulation Fund (Fund 5VV0). 97362

Section 512.100. GENERAL REVENUE FUND TRANSFER TO MEAT 97363
PROCESSING INVESTMENT FUND 97364

On July 1, 2021, or as soon as possible thereafter, the 97365
Director of Budget and Management shall transfer \$10,000,000 cash 97366
from the General Revenue Fund to the Meat Processing Investment 97367
Program Fund (Fund 5XX0), which is hereby created in the state 97368
treasury. 97369

Section 512.110. GENERAL REVENUE FUND TRANSFER TO OHIO 97370
INCUMBENT WORKFORCE JOB TRAINING FUND 97371

On July 1, 2021, or as soon as possible thereafter, the 97372
Director of Budget and Management shall transfer up to \$45,000,000 97373
cash from the General Revenue Fund to the Ohio Incumbent Workforce 97374
Job Training Fund (Fund 5HR0). 97375

Section 512.120. GENERAL REVENUE FUND TRANSFER TO THE 97376
OHIO MEANS JOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND 97377

On July 1, 2021, or as soon as possible thereafter, the 97378
Director of Budget and Management shall transfer \$10,000,000 cash 97379
from the General Revenue Fund to the OhioMeansJobs Workforce 97380
Development Revolving Loan Fund (Fund 5NH0) to support the 97381
appropriations made for need-based financial aid to students who 97382
are enrolled in a state-supported community college, state 97383
community college, technical college, or an Ohio Technical Center 97384
in a program that may be completed in less than one year and for 97385
which a certificate or industry-recognized credential is awarded 97386
in an in-demand job. 97387

Section 512.130. GENERAL REVENUE FUND TRANSFER TO SPORTS 97388
EVENT GRANT FUND 97389

On October 1, 2021, or as soon as possible thereafter, the 97390
Director of Development shall certify to the Director of Budget 97391
and Management the amount of cash available in the Sports Event 97392
Grant Fund (Fund 5UY0). The Director of Budget and Management 97393
shall transfer an amount of cash equal to the lesser of \$5,000,000 97394
or an amount sufficient to restore the cash balance of Fund 5UY0 97395
to \$10,000,000 from the General Revenue Fund to Fund 5UY0. 97396

On June 1, 2023, or as soon as possible thereafter, the 97397
Director of Development shall certify to the Director of Budget 97398

and Management the amount of cash available in Fund 5UY0. The 97399
Director of Budget and Management shall transfer an amount of cash 97400
equal to the lesser of \$5,000,000 minus the amount transferred 97401
under the previous paragraph or an amount sufficient to restore 97402
the cash balance of Fund 5UY0 to \$10,000,000 from the General 97403
Revenue Fund to Fund 5UY0. 97404

Section 512.140. GENERAL REVENUE FUND TRANSFER TO THE SECOND 97405
CHANCE GRANT PILOT PROGRAM FUND 97406

On July 1, 2021, or as soon as possible thereafter, the 97407
Director of Budget and Management shall transfer up to \$3,000,000 97408
cash from the General Revenue Fund to the Second Chance Grant 97409
Pilot Program Fund (Fund 5YD0), which is hereby created in the 97410
state treasury. 97411

Section 512.150. GENERAL REVENUE FUND TRANSFER TO STATE PARK 97412
FUND 97413

On July 1, 2021, or as soon as possible thereafter, the 97414
Director of Budget and Management shall transfer \$3,650,000 cash 97415
from the General Revenue Fund to the State Park Fund (Fund 5120). 97416

Section 512.160. GENERAL REVENUE FUND TRANSFER TO THE 97417
WORKFORCE AND HIGHER EDUCATION PROGRAMS FUND 97418

On July 1, 2021, or as soon as possible thereafter, the 97419
Director of Budget and Management shall transfer \$2,000,000 cash 97420
from the General Revenue Fund to the Workforce and Higher 97421
Education Programs Fund (Fund 5RA0). 97422

Section 512.170. GENERAL REVENUE FUND TRANSFER TO COMMUNITY 97423
IMPROVEMENTS FUND 97424

On July 1, 2021, or as soon as possible thereafter, the 97425
Director of Budget and Management shall transfer \$1,000,000 cash 97426

from the General Revenue Fund to the Community Improvements Fund 97427
(Fund 5YC0), which is hereby created in the state treasury. 97428

Section 512.180. GENERAL REVENUE FUND TRANSFER TO OSU 97429
EXTENSION FUND 97430

On July 1, 2021, or as soon as possible thereafter, the 97431
Director of Budget and Management shall transfer \$500,000 cash 97432
from the General Revenue Fund to the OSU Extension Fund (Fund 97433
5YB0), which is hereby created in the state treasury. 97434

Section 512.190. GENERAL REVENUE FUND TRANSFER TO INFORMATION 97435
TECHNOLOGY DEVELOPMENT FUND 97436

Upon the request of the Director of Administrative Services, 97437
the Director of Budget and Management may transfer up to 97438
\$12,000,000 in cash in fiscal year 2022 from the General Revenue 97439
Fund to the Information Technology Development Fund (Fund 5LJ0) to 97440
support the operations of the Office of InnovateOhio. 97441

Of the foregoing appropriation item 100661, IT Development, 97442
\$250,000 in fiscal year 2022 shall be used by the Office of 97443
InnovateOhio to support the web-based liquor permit project under 97444
the Department of Commerce. 97445

Section 512.200. GENERAL REVENUE FUND TRANSFER TO WILDLIFE 97446
FUND 97447

On July 1, 2021, or as soon as possible thereafter, the 97448
Director of Budget and Management shall transfer \$350,000 cash 97449
from the General Revenue Fund to the Wildlife Fund (Fund 7015). 97450

On July 1, 2022, or as soon as possible thereafter, the 97451
Director of Budget and Management shall transfer \$350,000 cash 97452
from the General Revenue Fund to the Wildlife Fund (Fund 7015). 97453

Section 513.10. FISCAL YEAR 2021 GENERAL REVENUE FUND ENDING 97454

BALANCE 97455

Notwithstanding section 131.44 of the Revised Code, the 97456
Director of Budget and Management shall determine the surplus 97457
General Revenue Fund revenue that existed on June 30, 2021. 97458
Notwithstanding any provision of law to the contrary, except for 97459
the transfers listed in this section, the surplus shall remain in 97460
the General Revenue Fund. The Director shall transfer cash, not to 97461
exceed the amount of the surplus revenue from the General Revenue 97462
Fund in the following order: 97463

(A) Up to \$1,200,000,000 cash to the Health and Human 97464
Services Fund (Fund 5SA4); 97465

(B) Up to \$155,000,000 cash to the Investing in Ohio Fund 97466
(Fund 5XM0); 97467

(C) Up to \$132,000,000 cash to the H2Ohio Fund (Fund 6H20); 97468

(D) Up to \$25,000,000 cash to the Emergency Purposes Fund 97469
(Fund 5KM0); 97470

(E) Up to \$25,000,000 cash to the Disaster Services Fund 97471
(Fund 5E20); and 97472

(F) Up to \$16,300,000 cash to the Tobacco Use Prevention Fund 97473
(Fund 5BX0). 97474

Section 513.20. FISCAL YEAR 2022 GENERAL REVENUE FUND ENDING 97475
BALANCE 97476

Notwithstanding section 131.44 of the Revised Code, the cash 97477
balance of the General Revenue Fund on June 30, 2022, shall remain 97478
in the General Revenue Fund. 97479

Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 97480

Unless the agency and nuclear electric utility mutually agree 97481
to a higher amount by contract, the maximum amounts that may be 97482

assessed against nuclear electric utilities under division (B) (2) 97483
of section 4937.05 of the Revised Code and deposited into the 97484
specified funds are as follows: 97485

<u>Fund</u>	<u>User</u>	<u>FY 2022</u>	<u>FY 2023</u>	
Utility	Department of	\$ 101,130	\$ 101,130	97487
Radiological Safety Fund (Fund 4E40)	Agriculture			
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 1,300,000	\$ 1,300,000	97488
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 325,370	\$ 332,287	97489
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$ 1,368,624	\$ 1,378,304	97490

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 97491

(A) On July 1, 2021, or as soon as possible thereafter, the 97492
Director of Budget and Management shall transfer the cash balance 97493
from each of the funds as indicated in the table below to the fund 97494
also indicated in the table below. Upon completion of each 97495
transfer and on the effective date of its repeal by this act, 97496
where applicable, the fund from which the cash balance was 97497
transferred is hereby abolished. 97498

User	Transfer from:	Transfer to:	
Agency	Fund Fund Name	Fund Fund Name	
AG0	5L50 Law Enforcement	4210 Peace Officer	97501
	Assistance Fund	Training Academy Fee	
AGO	5MP0 Peace Officer	5LR0 Ohio Law Enforcement	97502

		Training Commission Fund		Training Fund	
BOR	5UK0	OhioCorps Fund	5PU0	Ohio College Opportunity Grant Program Reserve Fund	97503
DDD	5QM0	System Transformation Supports	5GE0	Operating and Services	97504
DNR	2040	Information Services	1570	Central Support Indirect Chargeback	97505
DNR	2050	Human Resources Direct Services	1570	Central Support Indirect Chargeback	97506
DNR	2230	Law Enforcement Administration	1570	Central Support Indirect Chargeback	97507
DNR	6350	Fountain Square Management	1570	Central Support Indirect Chargeback	97508
DPS	3290	Disaster Services Plan and Grant Administration	3370	Disaster Relief Fund	97509
DPS	3N50	US DOE Grant	3370	Disaster Relief Fund	97510
EDU	3FD0	Race to the Top	GRF	GRF	97511
EDU	4550	Commodity Foods Fund	1380	Computer Services Fund	97512
MCD	5SC0	Medicaid Services - Physical UPL	5AN0	Care Innovation and Community Improvement Program	97513

(B) The following funds are hereby abolished on the effective date of their repeal by this act:

User	Fund	Fund Name	
DPS	3DU0	Public Safety Federal Grants	97517
DPS	3FK0	Justice Assistance Grant FFY11	97518
DPS	3FY0	Justice Assistance Grant FFY12	97519
DPS	3FZ0	Justice Assistance Grant FFY13	97520

DPS 3GA0 Justice Assistance Grant FFY15 97521

Section 516.20. ABOLISHMENT OF CITIZENS EDUCATION FUND 97522

(A) On July 1, 2021, or as soon as possible thereafter, the 97523
Secretary of State shall certify to the Director of Budget and 97524
Management the cash balance of, and existing encumbrances against, 97525
the Citizens Education Fund (Fund 4140). The Secretary of State 97526
shall specify the sources of revenue that make up the remaining 97527
cash balance in the fund. 97528

(B) Upon receipt of the certification required in division 97529
(A) of this section, the Director of Budget and Management shall 97530
(1) cancel any existing encumbrances against Fund 4140 97531
appropriation item 050602, Citizen Education Fund and (2) return 97532
the remaining amounts in Fund 4140 to their original sources as 97533
identified by the Secretary of State in division (A) of this 97534
section. Upon the cancellation of encumbrances and the return of 97535
the cash in the fund to the original sources, Fund 4140 is hereby 97536
abolished. 97537

Section 518.10. (A) As used in Sections 518.10 to 518.16 of 97538
this act: 97539

(1) "Business certification programs" means the Minority 97540
Business Enterprise program, the Encouraging Diversity, Growth, 97541
and Equity program, the Women-owned Business Enterprise program, 97542
the Veteran-friendly Business Procurement program, and the 97543
contractor compliance program. 97544

(2) "Contractor compliance program" means the program 97545
administered before July 1, 2021, by the Department of 97546
Administrative Services, under which a person desiring to bid on a 97547
public improvements contract under Chapter 153. or 5525. of the 97548
Revised Code may apply to certify that the person is compliant 97549
with state and federal affirmative action programs in order to be 97550

eligible for the contract, as described in sections 9.47 and 97551
153.59 of the Revised Code, and under which all contractors from 97552
whom the state makes purchases are required to have an affirmative 97553
action plan and file that plan with the state in accordance with 97554
section 125.111 of the Revised Code. 97555

(B) On July 1, 2021, the administration of the business 97556
certification programs shall be transferred from the Department of 97557
Administrative Services to the Department of Development. 97558

(C) Business related to the business certification programs 97559
commenced but not completed by the Department of Administrative 97560
Services on July 1, 2021, shall be completed by the Department of 97561
Development, as appropriate, in the same manner, and with the same 97562
effect, as if completed by the Department of Administrative 97563
Services. No validation, cure, right, privilege, remedy, 97564
obligation, or liability is lost or impaired by reason of the 97565
transfer required by this section but shall be administered by the 97566
Director of Development or the Department of Development, as 97567
appropriate. 97568

(D) The rules, orders, and determinations of the Department 97569
of Administrative Services pertaining to the business 97570
certification programs continue in effect as rules, orders, and 97571
determinations of the Department of Development until modified or 97572
rescinded by that agency. 97573

(E) No judicial or administrative action or proceeding 97574
pending on July 1, 2021, is affected by the transfer of functions 97575
related to the business certification programs from the Director 97576
of Administrative Services or the Department of Administrative 97577
Services to the Director of Development or the Department of 97578
Development, and those actions related to the administration of 97579
these programs shall be prosecuted or defended in the name of the 97580
Director of Development or the Department of Development, as 97581
appropriate. On application to the court or other tribunal, the 97582

Director of Development or the Department of Development, 97583
whichever is appropriate, shall be substituted as a party in such 97584
actions and proceedings. 97585

(F) When the Equal Employment Coordinator, the Director of 97586
Administrative Services, or the Department of Administrative 97587
Services is referred to in any rule, contract, grant, or other 97588
document related to the administration of the business 97589
certification programs, the reference is deemed to refer to the 97590
Director or Department of Development, as appropriate. 97591

(G) The Director of Development, not later than September 1, 97592
2023, and with the cooperation of the Director of Administrative 97593
Services, shall submit a report to the General Assembly and to the 97594
Governor regarding the effects of transferring the Minority 97595
Business Enterprise program, the Encouraging Diversity, Growth, 97596
and Equity program, the Women-owned Business Enterprise program, 97597
and the Veteran-friendly Business Procurement program from the 97598
Department of Administrative Services to the Department of 97599
Development. The report shall include all of the following: 97600

(1) Data regarding the number of businesses certified as 97601
participants in each applicable business certification program 97602
from the period beginning July 1, 2021, and ending on July 1, 97603
2023, compared to the number certified in the two years before 97604
July 1, 2021, by the Department of Administrative Services, if 97605
that data is available. 97606

(2) Data regarding the number of days required to complete 97607
the certification process for each applicable applicant to each 97608
business certification program during the period beginning July 1, 97609
2021, and ending on July 1, 2023, compared to the number of days 97610
required to complete the certification process for each applicant 97611
during the two years before July 1, 2021, by the Department of 97612
Administrative Services, if that data is available. 97613

(3) Information regarding the number of employees transferred 97614
and the number of employees laid off pursuant to Section 518.12 of 97615
this act. 97616

(4) The number of complaints received by the Department of 97617
Development from applicants to the applicable business 97618
certification programs, regarding the application and 97619
certification process, during the period beginning July 1, 2021, 97620
and ending on July 1, 2023, compared to the number received in the 97621
two years before July 1, 2021, by the Department of Administrative 97622
Services, if that data is available. 97623

Section 518.11. Notwithstanding sections 4117.08 and 4117.10 97624
of the Revised Code, the transfer of the business certification 97625
programs from the Department of Administrative Services to the 97626
Department of Development and the reassignment of certain 97627
functions and duties of the Department of Administrative Services 97628
by this act are not appropriate subjects for collective bargaining 97629
under Chapter 4117. of the Revised Code. 97630

Section 518.12. (A) Subject to the layoff provisions of 97631
sections 124.321 to 124.328 of the Revised Code, on July 1, 2021, 97632
those employees of the Department of Administrative Services who 97633
administer the business certification programs are transferred to 97634
the Department of Development. 97635

(B) (1) During the period beginning July 1, 2021, and ending 97636
June 30, 2022, the Director of Development may establish, change, 97637
and abolish positions of the Department of Development and assign, 97638
reassign, classify, reclassify, transfer, reduce, promote, or 97639
demote all employees of the Department who are not subject to 97640
Chapter 4117. of the Revised Code. 97641

(2) The authority granted under division (B) (1) of this 97642
section includes assigning or reassigning an exempt employee, as 97643

defined in section 124.152 of the Revised Code, to a bargaining 97644
unit classification if the Director determines that the bargaining 97645
unit classification is the proper classification for that 97646
employee. If an employee in the E-1 pay range is to be assigned, 97647
reassigned, classified, reclassified, transferred, reduced, or 97648
demoted to a position in a lower classification during the period 97649
specified in division (B)(1) of this section, the Director of 97650
Development, or in the case of transfer outside the Department of 97651
Development, the Director of Administrative Services, shall assign 97652
the employee to the appropriate classification and place the 97653
employee in Step X. The employee shall not receive any increase in 97654
compensation until the maximum rate of pay for that classification 97655
exceeds the employee's compensation. 97656

(3) Actions taken by the Director of Development pursuant to 97657
division (B)(1) of this section are not subject to appeal to the 97658
State Personnel Board of Review. 97659

Section 518.13. The Director of Development may enter into 97660
one or more contracts with private or government entities for 97661
staff training and development to facilitate the transfer of staff 97662
and duties related to the business certification programs from the 97663
Department of Administrative Services to the Department of 97664
Development. Division (B) of section 127.16 of the Revised Code 97665
does not apply to contracts entered into under this section. 97666

Section 518.14. Notwithstanding division (D) of section 97667
127.14 and section 131.35 of the Revised Code, except for the 97668
General Revenue Fund, the Controlling Board may, upon the request 97669
of the Director of Development, increase appropriations for any 97670
fund, as necessary, to assist in paying either or both of the 97671
following as a result of the transfer described in Sections 518.10 97672
to 518.13 of this act: (1) The costs of increases in employee 97673
compensation that occur on or after July 1, 2021, pursuant to 97674

collective bargaining agreements under Chapter 4117. of the 97675
Revised Code; (2) The costs of salary increases on or after July 97676
1, 2021, for employees who are exempt from collective bargaining 97677
that are provided under law. Such amounts are hereby appropriated. 97678

Section 518.15. (A) Notwithstanding any provision of the law 97679
to the contrary, on or after the effective date of this section, 97680
the Director of Budget and Management shall make budget and 97681
accounting changes made necessary by the transfer described in 97682
Section 518.10 of this act, including administrative organization, 97683
program transfers, the renaming of funds, the creating of new 97684
funds, the transfer of state funds and the consolidation of funds 97685
as authorized by Section 518.10 of this act. The Director may, if 97686
necessary, cancel or establish encumbrances or parts of 97687
encumbrances in fiscal years 2021 and 2022 in the appropriate fund 97688
and appropriation items for the same purpose and for payment to 97689
the same vendor. The established encumbrances are hereby 97690
appropriated. 97691

(B) All records, documents, files, equipment, assets, and 97692
other materials of the business certification programs are 97693
transferred from the Department of Administrative Services to the 97694
Department of Development. 97695

Section 518.16. (A) On and after July 1, 2021, the Director 97696
of the Legislative Service Commission shall renumber the rules of 97697
the Department of Administrative Services set forth in Chapter 97698
123:2-14 of the Ohio Administrative Code and Section 123:5-1-16 of 97699
the Ohio Administrative Code to reflect their transfer to the 97700
Department of Development. 97701

(B) Notwithstanding section 121.95 of the Revised Code, any 97702
new rules or amendments to the rules implementing sections 97703
122.921, 122.922, 121.924, or 122.925 of the Revised Code that are 97704

proposed before June 30, 2023, are not subject to division (F) of 97705
section 121.95 of the Revised Code. 97706

Section 518.20. On the effective date of this section, the 97707
Development Services Agency is renamed the Department of 97708
Development and the Director of Development Services is 97709
redesignated the Director of Development. 97710

All of the Development Services Agency's rules, orders, and 97711
determinations continue in effect as rules, orders, and 97712
determinations of the Department of Development until modified or 97713
rescinded by the Department. All employees of the Development 97714
Services Agency continue with the Department of Development and 97715
retain their positions and all benefits accruing thereto. Except 97716
as otherwise noted in law, whenever the Development Services 97717
Agency or the Director of Development Services is referred to in a 97718
statute, rule, contract, or other instrument, the reference is 97719
deemed to refer to the Department of Development or to the 97720
Director of Development, whichever is appropriate in context. No 97721
pending action or proceeding being prosecuted or defended in court 97722
or before an agency by the Development Services Agency or by the 97723
Director of Development Services is affected by the renaming and 97724
shall be prosecuted or defended in the name of the Department of 97725
Development or the Director of Development, whichever is 97726
appropriate. Upon application to the court or agency, the 97727
Department of Development or the Director of Development shall be 97728
substituted. 97729

Section 518.30. (A) On December 30, 2021, the Southern Ohio 97730
Agricultural Community Development Foundation is hereby abolished. 97731
The Department of Agriculture is successor to and assumes any 97732
remaining obligations and authority of the Foundation. Any 97733
business commenced, but not completed by the Foundation, shall be 97734
completed by the Department in the same manner and with the same 97735

effect as if completed by the Foundation. Any validation, right, 97736
cure, privilege, remedy, obligation, or liability is not lost or 97737
impaired solely by this abolishment and shall be administered by 97738
the Department. Any action or proceeding pending on the effective 97739
date of this section is not affected by the abolishment of the 97740
Foundation and shall be defended in the name of the Department. In 97741
all such actions and proceedings, the Department may be 97742
substituted as a party upon application to the court or other 97743
tribunal. 97744

(B) Notwithstanding any provision of law to the contrary, the 97745
Department of Agriculture shall designate the positions and 97746
employees of the Foundation, if any, to be transferred to the 97747
Department. Any employee transferred to the Department retains the 97748
employee's respective classification. However, the Department may 97749
reassign and reclassify the employee's position and compensation 97750
as the Department determines to be in the best interest of the 97751
Department. The Department shall assist with and provide payment 97752
for the filing fees of any required financial disclosure 97753
statements of members of the board of trustees or employees of the 97754
Foundation for calendar year 2021. 97755

(C) Notwithstanding section 145.297 of the Revised Code, the 97756
Department may, at the Department's discretion and with the 97757
approval of the Office of Budget and Management, establish a 97758
retirement incentive plan for eligible employees of the Foundation 97759
who are members of the Public Employee Retirement System. Any 97760
retirement incentive plan established pursuant to this section 97761
shall remain in effect until December 29, 2021. 97762

(D) On or before December 30, 2021, all equipment, assets, 97763
supplies, records, and other property of the Foundation are 97764
transferred to the Department of Agriculture or shall be disposed 97765
of in a lawful manner. 97766

(E) On December 30, 2021, all rules of the Foundation are hereby rescinded. 97767
97768

(F) On December 30, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Southern Ohio Agricultural and Community Development Operating Expenses Fund (Fund 5M90) to the Ohio Proud Marketing Fund (Fund 4R00). Upon completion of the transfer, the Southern Ohio Agricultural and Community Development Operating Expenses Fund (Fund 5M90) is hereby abolished. The Director of Budget and Management shall cancel any existing encumbrances against appropriation item 945601, Operating Expenses, and re-establish them against 700636, Ohio Proud Marketing. The re-established amounts are hereby appropriated. 97769
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On December 30, 2021, or as soon as possible thereafter, the Treasurer of State shall remit the cash balance of the Southern Ohio Agricultural and Community Development Foundation Endowment Fund to the Ohio Proud Marketing Fund (Fund 4R00). Upon completion of this remittance, the Southern Ohio Agricultural and Community Development Foundation Endowment Fund is hereby abolished. 97780
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No cash transferred or remitted under this division shall be used to hire an executive agency lobbyist as defined under section 121.60 of the Revised Code, or a legislative agent, as defined under section 101.70 of the Revised Code. 97786
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(G) Notwithstanding any provision of law to the contrary, the Department of Agriculture shall, in consultation with the Department of Administrative Services and the Office of Budget and Management, attend to any matters associated with winding up the affairs of the Southern Ohio Agricultural and Community Development Foundation including but not limited to coordination of a final audit of the Foundation. If it is determined by the Director of Agriculture that additional appropriation is necessary in appropriation item 945601, Operating Expenses, or after 97790
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December 30, 2021, in appropriation item 700636, Ohio Proud 97799
Marketing, to wind up the affairs of the Foundation including to 97800
pay for any final audit or other expenditures of the Foundation, 97801
the Director of Agriculture shall certify the amount of additional 97802
appropriation needed to the Director of Budget and Management. 97803
Upon the approval of the Director of Budget and Management, 97804
amounts up to those certified by the Director of Agriculture are 97805
hereby appropriated for that purpose. 97806

(H) Notwithstanding any provision of law to the contrary, on 97807
or after the effective date of this section, the Director of 97808
Budget and Management may make accounting and budgeting changes 97809
necessary to effectuate this section. The Director may, if 97810
necessary, cancel or establish encumbrances or parts of 97811
encumbrances in fiscal years 2022 and 2023 in the appropriate fund 97812
and appropriation item for the same purpose and for payment to the 97813
same vendor. 97814

Section 520.10. Money distributed to Guernsey County from the 97815
Administrative Building Fund (Fund 7026) appropriation item 97816
C76027, Southeast Ohio Emergency Responder Facility, under H.B. 97817
562 of the 127th General Assembly may alternatively be used by 97818
Guernsey County to support Deerassic Park Education Center. 97819

Section 610.02. That Section 8 of S.B. 18 of the 134th 97820
General Assembly be amended to read as follows: 97821

Sec. 8. The election authorized under section 4141.321 of the 97822
Revised Code to withhold state income taxes applies to 97823
unemployment compensation benefits paid on or after January 1, 97824
~~2022~~ 2023. 97825

On or before December 1, ~~2021~~ 2022, the Director of Job and 97826
Family Services shall notify each individual that was receiving on 97827
that date, and that continues to receive, unemployment 97828

compensation benefits and that made an election under division (B) 97829
of that section with respect to federal income tax that the 97830
individual may elect to have state income tax withheld from those 97831
benefits for benefits paid on or after January 1, ~~2022~~ 2023, in 97832
accordance with that division. Such an election is not a change in 97833
withholding status for the purpose of division (A)(4) of that 97834
section. 97835

Section 610.03. That existing Section 8 of S.B. 18 of the 97836
134th General Assembly is hereby repealed. 97837

Section 610.04. That Section 5 of H.B. 123 of the 133rd 97838
General Assembly be amended to read as follows: 97839

Sec. 5. (A) As used in this section: 97840

(1) "Eligible internet- or computer-based community school" 97841
means the following: 97842

(a) For fiscal year 2021, an internet- or computer-based 97843
community school that was designated for the 2019-2020 school year 97844
as an internet- or computer-based community school in which a 97845
majority of the students were enrolled in a dropout prevention and 97846
recovery program and satisfies both of the following conditions: 97847

~~(a)(i)~~ The school does not have a for-profit operator; 97848

~~(b)(ii)~~ The school received a rating of "exceeds standards" 97849
on the combined graduation component of the most recent report 97850
card issued for the school under section 3314.017 of the Revised 97851
Code. 97852

(b) For fiscal years 2022 and 2023, an internet- or 97853
computer-based community school that participated in the program 97854
for fiscal year 2021. 97855

(2) "Formula amount" shall equal the following: 97856

(a) For fiscal year 2022, \$6,065; 97857

(b) For fiscal year 2023, the amount specified in division 97858
(F) (1) (a) of the section of ~~H.B. 166 of the 133rd General Assembly~~ 97859
this act entitled "OPERATING FUNDING FOR FISCAL YEARS ~~2020~~ 2022 97860
and ~~2021~~ 2023." 97861

(3) "Internet- or computer-based community school" has the 97862
same meaning as in section 3314.02 of the Revised Code. 97863

(B) The Department of Education shall establish a pilot 97864
program to provide additional funding for students enrolled in 97865
grades eight through twelve in eligible internet- or 97866
computer-based community schools for fiscal ~~year~~ years 2021, 2022, 97867
and 2023. An eligible internet- or computer-based community school 97868
may choose to participate in the program by notifying the 97869
Department of Education not later than ten days after ~~the~~ 97870
~~effective date of this section~~ December 21, 2020. 97871

(C) For fiscal ~~year~~ years 2021, 2022, and 2023, the 97872
Department of Education shall require each eligible internet- or 97873
computer-based community school that chooses to participate in the 97874
pilot program to report all information that is necessary to make 97875
payments under division (D) of this section. 97876

(D) For fiscal ~~year~~ years 2021, 2022, and 2023, the 97877
Department shall calculate an additional payment for each eligible 97878
internet- or computer-based community school that chooses to 97879
participate in the pilot program, as follows: 97880

(1) Compute the lesser of the following for each student 97881
enrolled in grades eight through twelve: 97882

(a) The formula amount X the maximum full-time equivalency 97883
for the portion of the school year for which the student is 97884
enrolled in the school; 97885

(b) The sum of the following: 97886

(i) A one-time payment of \$1,750. In the case of a student 97887
enrolled in the school for the first time for the 2020-2021, 97888
2021-2022, or 2022-2023 school year, payment shall be made under 97889
division (D) (1) (b) (i) of this section at least thirty days after 97890
the student is considered to be enrolled in the school in 97891
accordance with division (H) (2) of section 3314.08 of the Revised 97892
Code, provided the student has been continuously enrolled in the 97893
school during that time, as determined by the Department. In the 97894
case of a student that was enrolled in the school for the 97895
2019-2020, 2020-2021, or 2021-2022 school year, payment shall be 97896
made under division (D) (1) (b) (i) of this section at least thirty 97897
days after the student has started to participate in learning 97898
opportunities for the 2020-2021, 2021-2022, or 2022-2023 school 97899
year, provided the student has been continuously enrolled in the 97900
school during that time, as determined by the Department. 97901

(ii) The formula amount $X (1/920) X$ the lesser of the number 97902
of hours the student participates in learning opportunities in 97903
that fiscal year or 920; 97904

(iii) The lesser of ($\$500 X$ either the number of courses 97905
completed by the student in that fiscal year, in the case of a 97906
student enrolled in grade eight, or the number of credits earned 97907
by the student in that fiscal year, in the case of a student 97908
enrolled in grades nine through twelve) or \$2,500. 97909

(2) Compute the sum of the amounts calculated under division 97910
(D) (1) of this section for all students enrolled in grades eight 97911
through twelve. 97912

(3) Compute the school's payment in accordance with the 97913
following formula: 97914

The amount determined under division (D) (2) of this section) 97915
- (the total amount paid to the school for the fiscal year ~~2021~~ 97916
for which the payment is calculated under this section under 97917

~~division (C) (1) (a) of section 3314.08~~ 3317.022 of the Revised Code 97918
for students enrolled in grades eight through twelve) 97919

If the amount computed under division (D) (3) is a negative 97920
number, the school shall not receive a payment under this section. 97921

(E) (1) The Department shall complete a review of the 97922
enrollment of each eligible internet- or computer-based community 97923
school that chooses to participate in the pilot program in 97924
accordance with division (K) of section 3314.08 of the Revised 97925
Code. If the Department determines a school has been overpaid 97926
based on a review completed under division (E) (1) of this section, 97927
the Department shall require a repayment of the overpaid funds and 97928
may require the school to establish a plan to improve the 97929
reporting of enrollment. 97930

(2) The Department may require each eligible internet- or 97931
computer-based community school that chooses to participate in the 97932
pilot program to create a debt reduction plan approved by the 97933
school's sponsor, if determined appropriate by the Department. 97934

(3) To the extent that an eligible internet- or 97935
computer-based community school that chooses to participate in the 97936
pilot program had, for the 2019-2020, 2020-2021, or 2021-2022 97937
school year, a percentage of student engagement in learning 97938
opportunities that was less than sixty-five per cent, the school 97939
shall provide to the Department a meaningful plan for increasing 97940
student engagement. 97941

(4) All eligible internet- or computer-based community 97942
schools that choose to participate in the pilot program shall 97943
implement programming or protocol which documents enrollment and 97944
participation in learning opportunities in order to participate in 97945
the program. 97946

(F) Upon completion of the pilot program, and not later than 97947
December 31, ~~2021~~ 2022, the Department shall issue a report on the 97948

program. For purposes of this report, the Department may request 97949
each eligible internet- or computer-based community school that 97950
chooses to participate in the pilot program to submit information 97951
to the Department on any of the following: 97952

(1) The time, resources, and cost associated with enrolling 97953
students in the school and preparing students to engage in 97954
learning opportunities; 97955

(2) The time and cost associated with providing counseling 97956
and other supports to students; 97957

(3) Student enrollment and participation data; 97958

(4) Individualized student plans; 97959

(5) An assessment of strategies used to improve student 97960
engagement and the percentage of participation in learning 97961
opportunities 97962

(6) Any other data the Department considers relevant. 97963

The Department shall submit copies of the report in 97964
accordance with section 101.68 of the Revised Code to the 97965
Governor, the President and Minority Leader of the Senate, the 97966
Speaker and Minority Leader of the House of Representatives, and 97967
the chairpersons and ranking members of the standing committees on 97968
primary and secondary education of the Senate and the House of 97969
Representatives. 97970

Section 610.05. That existing Section 5 of H.B. 123 of the 97971
133rd General Assembly is hereby repealed. 97972

Section 610.10. That Section 733.61 of H.B. 166 of the 133rd 97973
General Assembly be amended to read as follows: 97974

Sec. 733.61. (A) Notwithstanding section 3319.236 of the 97975
Revised Code, for the 2019-2020 ~~and 2020-2021~~ school year through 97976

the ~~2022-2023~~ school ~~years~~ year only, a school district, community 97977
school established under Chapter 3314. of the Revised Code, or 97978
science, technology, engineering, and mathematics school 97979
established under Chapter 3326. of the Revised Code may permit an 97980
individual who holds a valid educator license in any of grades 97981
seven through twelve to teach a computer science course if, prior 97982
to teaching the course, the individual completes a professional 97983
development program approved by the district superintendent or 97984
school principal that provides content knowledge specific to the 97985
course the individual will teach. The superintendent or principal 97986
shall approve any professional development program endorsed by the 97987
organization that creates and administers the national Advanced 97988
Placement examinations as appropriate for the course the 97989
individual will teach. 97990

(B) Nothing in this section shall permit an individual 97991
described in division (A) of this section to teach a computer 97992
science course in a school district or school other than the 97993
school district or school that employed the individual at the time 97994
the individual completed the professional development program 97995
required by that division. 97996

(C) Beginning July 1, ~~2021~~ 2023, a school district or public 97997
school shall permit an individual to teach a computer science 97998
course only in accordance with section 3319.236 of the Revised 97999
Code. 98000

(D) Notwithstanding section 3301.012 of the Revised Code, as 98001
used in this section, "computer science course" means any course 98002
that is reported in the education management information system 98003
established under section 3301.0714 of the Revised Code as a 98004
computer science course. 98005

Section 610.11. That existing Section 733.61 of H.B. 166 of 98006

the 133rd General Assembly is hereby repealed. 98007

Section 610.115. That Section 29 of H.B. 197 of the 133rd 98008
General Assembly be amended to read as follows: 98009

Sec. 29. (A) Notwithstanding section 718.011 of the Revised 98010
Code, and for the purposes of Chapter 718. of the Revised Code, 98011
~~during the period of the emergency declared by Executive Order~~ 98012
~~2020-01D, issued on and after March 9, 2020, and for thirty days~~ 98013
~~after the conclusion of that period but before January, 1, 2022,~~ 98014
any day on which an employee, in response to the COVID-19 98015
pandemic, performs personal services at a location, including the 98016
employee's home, to which the employee is required to report for 98017
employment duties because of the declaration or other location 98018
that is not the employee's principal place of work shall be deemed 98019
to be a day performing personal services at the employee's 98020
principal place of work for the purpose of municipal income tax 98021
withholding under section 718.011 of the Revised Code and for the 98022
purpose of apportioning or situsing the employer's net profit 98023
under section 718.02 or 718.82 of the Revised Code. 98024

(B) Nothing in this section prohibits an employer from 98025
assigning an employee to a new or different work location that may 98026
result in a change to the employee's principal place of work 98027
during the time period described in division (A) of this section. 98028

(C) Nothing in this section prohibits an employer from 98029
withholding tax on an employee's qualifying wages in accordance 98030
with section 718.03 of the Revised Code. 98031

(D) This section does not apply for purposes of determining 98032
the location at which a nonresident employee's work was completed, 98033
services were performed or rendered, or activities were conducted 98034
for the purpose of determining the employee's municipal income tax 98035
liability. 98036

Section 610.116. That existing Section 29 of H.B. 197 of the 133rd General Assembly is hereby repealed. 98037
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Section 610.1165. That Sections 4 and 5 of S.B. 276 of the 133rd General Assembly be amended to read as follows: 98039
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Sec. 4. Section 3 of S.B. 276 of the 133rd General Assembly shall take effect on ~~January 1~~February 11, 2022. 98041
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Sec. 5. The repeal of a statute by S.B. 276 of the 133rd General Assembly shall not affect an action commenced, proceeding brought, or right accrued prior to ~~January 1~~February 11, 2022. 98043
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Section 610.1166. That existing Sections 4 and 5 of S.B. 276 of the 133rd General Assembly are hereby repealed. 98046
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Section 610.117. That Section 2 of H.B. 308 of the 133rd General Assembly be amended to read as follows: 98048
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Sec. 2. (A) The Board of Trustees of the Ohio Police and Fire Pension Fund, in consultation with the entities listed in division (B) of this section, shall have prepared by its actuary or a disinterested third-party actuary an actuarial valuation of the funding requirements of the state post-traumatic stress fund established by section 126.65 of the Revised Code, as enacted by Section 1 of ~~this act~~ H.B. 308 of the 133rd General Assembly. The actuary shall complete the valuation in accordance with actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The Board shall be reimbursed by the Office of Budget and Management for up to five hundred thousand dollars for the expenses incurred in preparing the study. The actuary shall prepare a report of the actuarial analysis, which shall include only the following: 98050
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(1) A description of lost wage compensation and medical benefit amounts evaluated;	98064 98065
(2) A description of the participant group or groups included in the report;	98066 98067
(3) A projection of the number of participants eligible for compensation and benefits from the fund;	98068 98069
(4) A projection of the potential claims per year;	98070
(5) A projection of the average benefit amount based on weekly wage;	98071 98072
(6) A projection of the cost of health care and pharmacy benefits;	98073 98074
(7) A cost comparison showing the projected administrative costs differentials based on the Board of Trustees of the Ohio Police and Fire Pension Fund creating a program versus contracting with other private and public entities;	98075 98076 98077 98078
(8) A cost comparison as to which, if any, state retirement system or other administrator is best suited to administer the state post-traumatic stress fund;	98079 98080 98081
(9) A review of how other states administer funds that are similar to the state post-traumatic stress fund;	98082 98083
(10) An analysis of whether an administrative appeals process is necessary or useful to the resolution of claims for compensation, benefits, or both from the state post-traumatic stress fund;	98084 98085 98086 98087
(11) If it is determined that an administrative appeals process is necessary or useful to the resolution of claims, an analysis of which entity is best suited to administer the process;	98088 98089 98090
(12) An analysis of any other issue identified by the entities listed in division (B) of this section.	98091 98092

(B) With respect to the study and report required under 98093
division (A) of this section, the Board shall consult with all of 98094
the following entities: 98095

- (1) The Ohio Chamber of Commerce; 98096
- (2) The National Federation of Independent Business; 98097
- (3) The Ohio Manufacturers' Association; 98098
- (4) The County Commissioners Association of Ohio; 98099
- (5) The Ohio Township Association; 98100
- (6) The Ohio Municipal League; 98101
- (7) The Fraternal Order of Police of Ohio; 98102
- (8) The Ohio Association of Professional Firefighters; 98103
- (9) The Public Employees Retirement Board; 98104
- (10) The State Teachers Retirement Board; 98105
- (11) The School Employees Retirement Board; 98106
- (12) The State Highway Patrol Retirement Board. 98107

(C) The study and report required under division (A) of this 98108
section shall be completed not later than ~~October 1~~ December 15, 98109
2021. Copies of the report shall be transmitted to the Board of 98110
Trustees of the Ohio Police and Fire Pension Fund, the Director of 98111
Budget and Management, the Speaker and Minority Leader of the 98112
House of Representatives, and the President and Minority Leader of 98113
the Senate immediately on its availability. 98114

Section 610.118. That existing Section 2 of H.B. 308 of the 98115
133rd General Assembly is hereby repealed. 98116

Section 610.14. That Sections 213.10, 223.10, 223.15, 223.50, 98117
227.10, and 237.13 of S.B. 310 of the 133rd General Assembly be 98118
amended to read as follows: 98119

Sec. 213.10.			98120
DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			98121
Building Improvement Fund (Fund 5KZ0)			98122
C10035 Building Improvement	\$	33,054,775	98123
TOTAL Building Improvement Fund	\$	33,054,775	98124
Administrative Building Taxable Bond Fund (Fund 7016)			98125
C10041 MARCS - Taxable	\$	7,093,977	98126
<u>C10044 Lorain County MARCS Tower/Sheffield Lake</u>	\$	<u>150,000</u>	98127
<u>C10046 Richland County MARCS Tower</u>	\$	<u>400,000</u>	98128
<u>C10047 Fredericksburg MARCS Tower</u>	\$	<u>500,000</u>	98129
<u>C10048 Williams County MARCS Tower</u>	\$	<u>250,000</u>	98130
TOTAL Administrative Building Taxable Bond Fund	\$	7,093,977 <u>8,393,977</u>	98131
Administrative Building Fund (Fund 7026)			98132
C10034 Aronoff Center Systems Replacements & Upgrades	\$	375,000 <u>775,000</u>	98133
C10042 IT Projects	\$	11,000,000	98134
TOTAL Administrative Building Fund	\$	11,375,000 <u>11,775,000</u>	98135
TOTAL ALL FUNDS	\$	51,523,752 <u>53,223,752</u>	98136
MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM			98137
There is hereby continued a Multi-Agency Radio Communications System (MARCS) Steering Committee consisting of the designees of the Directors of Administrative Services, Public Safety, Natural Resources, Transportation, Rehabilitation and Correction, and Budget and Management, and the State Fire Marshal or the State Fire Marshal's designee. The Director of Administrative Services or the Director's designee shall chair the Committee. The Committee shall provide assistance to the Director of Administrative Services for effective and efficient implementation			98138 98139 98140 98141 98142 98143 98144 98145 98146

of MARCS as well as develop policies for the ongoing management of 98147
the system. Upon dates prescribed by the Directors of 98148
Administrative Services and Budget and Management, the MARCS 98149
Steering Committee shall report to the Directors on the progress 98150
of MARCS implementation and the development of policies related to 98151
the system. 98152

The Committee shall establish a subcommittee to represent 98153
MARCS users on the local government level. The chairperson of the 98154
subcommittee shall serve as a member of the MARCS Steering 98155
Committee. 98156

The foregoing appropriation item C10041, MARCS - Taxable, 98157
shall be used to purchase or construct the components of MARCS 98158
that are not specific to any one agency. The equipment may 98159
include, but is not limited to, computer and telecommunications 98160
equipment used for the functioning and integration of the system, 98161
communications towers, tower sites, tower equipment, and linkages 98162
among towers. The Director of Administrative Services shall, with 98163
the concurrence of the MARCS Steering Committee, determine the 98164
specific use of funds. Expenditures from this appropriation shall 98165
not be subject to Chapters 123. and 153. of the Revised Code. 98166

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES 98167

Administrative Building Fund (Fund 7026) 98168

C725D5 Fountain Square Building and \$4,000,000 98169
Telephone Improvement

C725E0 DNR Fairgrounds Area Upgrades \$1,000,000 98170

C725N7 District Office Renovations \$4,890,000 98171

TOTAL Administrative Building Fund \$9,890,000 98172

Ohio Parks and Natural Resources Fund (Fund 7031) 98173

C72549 Facilities Development \$14,370,000 98174

C725E1 Local Parks Projects Statewide \$4,875,750 98175

C725E5	Project Planning	\$1,733,000	98176
C725N8	Forestry Equipment	\$1,400,000	98177
C725T3	Healthy Lake Erie Initiative	\$2,000,000	98178
TOTAL Ohio Parks and Natural Resources Fund		\$24,378,750	98179
Parks and Recreation Improvement Fund (Fund 7035)			98180
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$81,007,500	98181
C725B2	Parks Equipment	\$5,456,250	98182
C725C4	Muskingum River Lock and Dam	\$13,415,000	98183
C725E2	Local Parks, Recreation, and Conservation Projects	\$64,453,745 <u>64,791,245</u>	98184
C725E6	Project Planning	\$8,705,400	98185
C725L8	Statewide Trails Program	\$3,200,000	98186
C725N6	Wastewater/Water Systems Upgrades	\$18,440,000	98187
C725R3	State Parks Renovations/Upgrades	\$18,614,784	98188
C725R4	Dam Rehabilitation - Parks	\$42,585,000	98189
C725U7	Eagle Creek Watershed Flood Mitigation	\$15,000,000	98190
C725U8	Erosion Emergency Assistance	\$5,000,000	98191
TOTAL Parks and Recreation Improvement Fund		\$275,877,679 <u>276,215,179</u>	98192
Clean Ohio Trail Fund (Fund 7061)			98193
C72514	Clean Ohio Trail Fund	\$12,500,000	98194
TOTAL Clean Ohio Trail Fund		\$12,500,000	98195
TOTAL ALL FUNDS		\$322,646,429 <u>322,983,929</u>	98196

FEDERAL REIMBURSEMENT 98197

All reimbursements received from the federal government for 98198
any expenditures made pursuant to this section shall be deposited 98199
in the state treasury to the credit of the fund from which the 98200

expenditure originated. 98201

Sec. 223.15. The foregoing appropriation item C725E2, Local 98202
Parks, Recreation, and Conservation Projects, shall be used to 98203
support the projects listed in this section. An amount equal to 98204
two per cent of the projects listed may be used by the Department 98205
of Natural Resources for the administration of local projects. 98206

Project List 98207

Smale Riverfront Par	\$ 1,700,000	98208
Cincinnati Court Street Plaza	\$ 1,500,000	98209
Galloway Sports Complex One Field Project	\$ 1,500,000	98210
More Home to Roam	\$ 1,500,000	98211
Columbus Zoo Conservation Education Renovations	\$ 1,000,000	98212
Holmes County Park District Trail	\$ 1,000,000	98213
Loveland Parking Facility	\$ 900,000	98214
Conneaut Marina Improvement	\$ 850,000	98215
The Foundry	\$ 850,000	98216
Cleveland MetroParks Zoo	\$ 800,000	98217
Euclid Waterfront Improvement Plan Phase II	\$ 800,000	98218
Stubbs Park Improvements	\$ 800,000	98219
Toledo Zoo Entry Complex and Tiger and Bear Exhibit	\$ 800,000	98220
Auglaize Mercer Recreational Complex	\$ 750,000	98221
Chippewa Lake Park Project	\$ 750,000	98222
Hamilton Beltline Trail	\$ 750,000	98223
Hudson Greenway Trail	\$ 750,000	98224
Montgomery Quarter - Keystone Park	\$ 750,000	98225
Sandusky Bay Pathway/Landing Park	\$ 750,000	98226
Makino Park Inclusive Fields	\$ 675,000	98227
Harbin Park Pavilion	\$ 550,000	98228
Akron Zoo	\$ 500,000	98229
Alum Creek and Olentangy Trail Connector	\$ 500,000	98230
Flats East Bank Phase 3	\$ 500,000	98231

Forest Lawn Flood Plain Restoration and Wildlife Trail	\$	500,000	98232
Great Miami River Recreation Bike Trail	\$	500,000	98233
Healey Creek Flood Mitigation	\$	500,000	98234
Jim Simmons Trail Reservoir Trail	\$	500,000	98235
Kurt Tunnell Memorial Trail	\$	500,000	98236
Massillon Reservoir Park Splash Pad	\$	500,000	98237
Medina Weymouth Community Center	\$	500,000	98238
Megaland Replacement Project	\$	500,000	98239
North Canton Performing Arts Park	\$	500,000	98240
North Ridgeville Millcreek Conservation and Flood Control Round 3	\$	500,000	98241
Oak Harbor Waterfront	\$	500,000	98242
Scioto River Bridge and Trail	\$	500,000	98243
Springbrook Gardens Park Recreational Facility	\$	500,000	98244
Jackson Township Tam O'Shanter Park	\$	500,000	98245
The Wilds Overlook Cafe'	\$	500,000	98246
The Wilds RV Park	\$	500,000	98247
Westlake Clague Park Playground Renovation	\$	487,155	98248
Chagrin River and Lake Erie Boat Access	\$	475,000	98249
Pymatuning Valley Greenway Project	\$	450,000	98250
Sunbury Ohio to Erie trail Design and Construction	\$	450,000	98251
Ripley Freedom Landing Boat Dock	\$	425,000	98252
Wadsworth Memorial Park Improvements	\$	420,000	98253
Education Center at Wild Hearts African Farm	\$	400,000	98254
Fairport Harbor Docks and Marina Project	\$	400,000	98255
Forest Run Metro Park Timberman Project	\$	400,000	98256
Geneva Memorial Field Improvements	\$	400,000	98257
Memorable Morrow	\$	400,000	98258
Thaddeus Kosciuszko Park	\$	400,000	98259
Worthington McCord Park Renovations	\$	400,000	98260
Adams County Welcome Center	\$	350,000	98261

Crestline Pool and Park	\$	350,000	98262
Gateway Regional Sports Complex	\$	350,000	98263
Orrville Park Gateway Project	\$	350,000	98264
Shelby Black Fork Commons Plaza	\$	350,000	98265
Sidney Canal Feeder Trail	\$	350,000	98266
Wright Patterson AFB Main Gate Park Land Acquisition	\$	350,000	98267
Lane Avenue Shared Use Path Project	\$	338,000	98268
Sheffield Village French Creek Project	\$	325,000	98269
Ashland Freer Field Improvements	\$	300,000	98270
Flying Squirrel Preserve Morrow County Parks Expansion	\$	300,000	98271
Hayden Run Trail Extension	\$	300,000	98272
Lafayette Township Park Improvements	\$	300,000	98273
Little Miami River Access at Bass Island	\$	300,000	98274
Magic Mile Trail	\$	300,000	98275
Marshallville Preserve	\$	300,000	98276
Portage Lakes Drive Community Park	\$	300,000	98277
Rossford Marina and Veterans Memorial Park Safety Renovations	\$	300,000	98278
Alliance Park System Improvements	\$	250,000	98279
Canal Fulton Park Phase 2	\$	250,000	98280
Cave Lake Center for Community Leadership	\$	250,000	98281
Clay Township Park Pavilion & Playground Improvements	\$	250,000	98282
Conneaut Township Park Project	\$	250,000	98283
Cooper Lodge, Camp Lakota	\$	250,000	98284
Diamond Park	\$	250,000	98285
E. Milo Beck Park-Clearcreek Park-Hazel Woods Connector Trail	\$	250,000	98286
Faircrest Park Improvements	\$	250,000	98287
First Ladies' Library Improvements	\$	250,000	98288
Geneva-on-the-Lake Bike Trail	\$	250,000	98289

Heights to Hudson Trail	\$	250,000	98290
J. Babe Stern Ball Field	\$	250,000	98291
Kalida 4 Seasons Community Health/Fitness Track	\$	250,000	98292
Metzger Park Project	\$	250,000	98293
Millersport Canal Restoration - Phase I	\$	250,000	98294
Randolph Township Old School Playground	\$	250,000	98295
Recreational Field Improvements (Star Mill Park)	\$	250,000	98296
Wasson Way Uptown Connector Trail	\$	250,000	98297
Akron Children's Hospital	\$	225,000	98298
McDonald Commons Master Plan	\$	215,000	98299
Lawrence County Union Rome Trails and Walkways	\$	214,000	98300
<u>Bay Village Walker Road Retention Basin</u>	<u>\$</u>	<u>212,500</u>	98301
Ashland Main Street Town Square Park	\$	200,000	98302
Black River Community Multi-use Facility	\$	200,000	98303
Bradstreet's Landing Pier, Lakefront Access and Resiliency Improvements	\$	200,000	98304
Buckeye Lake Dredge	\$	200,000	98305
East Lincoln Street Connector Project	\$	200,000	98306
Elks CC Dam Repair Project	\$	200,000	98307
Holden Arboretum	\$	200,000	98308
Home Road Trail Extension	\$	200,000	98309
Kenton Memorial Park Golf Course Recreation Center	\$	200,000	98310
Kuliga Park Improvement Project Phase I	\$	200,000	98311
Lebanon Sports Complex Improvements	\$	200,000	98312
Lima All Ability Playground	\$	200,000	98313
Lorain County Metro Park Connector	\$	200,000	98314
Matthew Thomas Park Master Plan	\$	200,000	98315
Mayerson JCC Improvements	\$	200,000	98316
Munson Springs Nature Preserve & Historical Site	\$	200,000	98317
Opportunity Park Improvements	\$	200,000	98318
Perry Township Lakeshore Improvement Project	\$	200,000	98319
Red Brook Metropark Flagship Park	\$	200,000	98320

Shared Use Path Connector from Goosepond Road to the Licking County Health Department	\$ 200,000	98321
Sheffield Village Trail	\$ 200,000	98322
Sylvania Burnham Park Upgrade/Plummer Pool Renovations	\$ 200,000	98323
Wellston Pride Park Revitalization Project Phase II	\$ 200,000	98324
West Jefferson Park	\$ 200,000	98325
Fort Jennings Freedom Square	\$ 175,000	98326
Lebanon Bicentennial Park Restroom	\$ 175,000	98327
McKelvey Lake Park	\$ 175,000	98328
3 Rivers Peninsula Project	\$ 150,000	98329
Antrim Community Center	\$ 150,000	98330
Bronson Park Multi-use Path	\$ 150,000	98331
Crescent Park Regional Universal Play Area	\$ 150,000	98332
Findlay Playground/Grant Park/Over-the-Rhine Recreation Center	\$ 150,000	98333
Glass City Enrichment Center	\$ 150,000	98334
Gorman Park Redevelopment Project	\$ 150,000	98335
Grafton Reservoir Park Trail	\$ 150,000	98336
Grandview Yard Recreational Trail	\$ 150,000	98337
Harbin Park Loop Trail	\$ 150,000	98338
Lancaster All Abilities <u>Playground Accessible</u> <u>Sports Complex and Park</u>	\$ 150,000	98339
Little Hocking Community and Recreation Center	\$ 150,000	98340
Moberly Branch Connector Trail	\$ 150,000	98341
Delhi Township Neighborhood Playground Area	\$ 150,000	98342
Ottawa Hills Recreation Field/Renovation	\$ 150,000	98343
Ottawa Memorial Pool Improvements	\$ 150,000	98344
Parker Square and Memorial Park Improvements Project	\$ 150,000	98345
Pickerinton Soccer Association Facility Improvements	\$ 150,000	98346

Piqua Downtown Riverfront Park Improvements	\$	150,000	98347
Powhatan Boat Ramp	\$	150,000	98348
Pump House Meadow and Mindfulness Trail	\$	150,000	98349
Rodger W. Young Park: Kiwanis Inclusive Play Park	\$	150,000	98350
Strongsville Ehrnfelt Center	\$	150,000	98351
Swanton Railroad Park	\$	150,000	98352
Horizon Education Playground Improvements	\$	140,000	98353
Lake Jinelle Rehabilitation <u>Rehabilitation</u>	\$	140,000	98354
Wadsworth Durling Park Improvements	\$	135,000	98355
Plymouth Community Pool	\$	125,000	98356
<u>Henry County Park Board Bridge Project</u>	<u>\$</u>	<u>125,000</u>	98357
Reagan Park and Trail	\$	122,000	98358
Freeman Road Park Project	\$	115,000	98359
Mary Rutan Tennis Court Project	\$	115,000	98360
Lodi's Richman Field Splash Pad	\$	105,000	98361
Avon Lake Weiss Field Park Pavilion Replacement Project	\$	100,000	98362
Avon Veterans Memorial Park Expansion	\$	100,000	98363
Caldwell Ice Rink Construction	\$	100,000	98364
Camp Butterworth	\$	100,000	98365
Camp Libbey	\$	100,000	98366
Camp Stoneybrook	\$	100,000	98367
Camp WhipPoorWill	\$	100,000	98368
Carlisle Township Veteran's Memorial	\$	100,000	98369
Central Avenue Pedestrian and Bike Trail	\$	100,000	98370
Circleville Ted Lewis Park Renovation	\$	100,000	98371
City of Brooklyn Trail Project	\$	100,000	98372
North Olmsted Clague Park Improvements	\$	100,000	98373
Columbia Township Wooster Pike Bike Trail	\$	100,000	98374
Concord Township Park Redevelopment Plan	\$	100,000	98375
Forest Park Central Park Improvements	\$	100,000	98376
Galion Park Square Renovation	\$	100,000	98377

Gratis Bicentennial Park	\$	100,000	98378
Great Stone Viaduct	\$	100,000	98379
Lisbon Greenway Bike Trail	\$	100,000	98380
Harvest Home Park Lodge 21st Century Improvements	\$	100,000	98381
Independence Civic Center Renovations	\$	100,000	98382
Lake to Lodge Accessible Trail Project at Burr Oak State Park	\$	100,000	98383
Lockbourne Magnolia Trail	\$	100,000	98384
Mayfield Village Civic Center Upgrades	\$	100,000	98385
Meigs County Pool	\$	100,000	98386
Miracle Field Complex	\$	100,000	98387
Mitchell Park Trail Connector	\$	100,000	98388
Perrysville Weltmer Park Upgrades	\$	100,000	98389
Poland Municipal Forest Restoration	\$	100,000	98390
Rock Creek Connector Trail	\$	100,000	98391
Rodger W. Young Park: Ball Diamond	\$	100,000	98392
Schultz Campus for Jewish Life: Family Recreation and Accessibility Enhancements	\$	100,000	98393
Stark County Firefighters Memorial Park	\$	100,000	98394
Summit Metro Parks	\$	100,000	98395
Village of Chagrin Falls Riverside Park Walking Path	\$	100,000	98396
Whitehall Community Park Revitalization	\$	100,000	98397
<u>Williams County West Unity Village Splash Pad</u>	\$	<u>100,000</u>	98398
Waldo Community Center Walking Bridge	\$	99,000	98399
Karohl Park CXT Restrooms	\$	95,000	98400
Hobson Freedom Park	\$	95,000	98401
Marion Township Greenway Phase 1	\$	85,000	98402
Stanbery Park Shelter	\$	80,000	98403
Lake Baccarat Richwood Park Improvements	\$	76,739	98404
Bramble Recreation Area Nature Playscape	\$	75,000	98405
Brecksville Blossom Hill Baseball Field Lighting	\$	75,000	98406

Buckeye Lake Crystal Lagoon	\$	75,000	98407
Geneva-on-the-Lake Shoreline Protection Project	\$	75,000	98408
Hiestand Woods Improvement Project	\$	75,000	98409
Lela McGuire Jeffrey Park Soccer Complex	\$	75,000	98410
Lisbon Park Walking Track	\$	75,000	98411
McConnelsville Community Recreation Building	\$	75,000	98412
Olmsted Falls Playground Enhancements	\$	75,000	98413
Olmsted Township Brentwood Playground Development	\$	75,000	98414
Renovate Existing Fitzwater Train Yard Operations Building	\$	75,000	98415
Seven Hills Calvin Park Concession Project	\$	75,000	98416
Summit Lake Vision Plan	\$	75,000	98417
Van Wert Reservoir Trails	\$	75,000	98418
Vermillion Lakefront Revitalization	\$	75,000	98419
Village of Moreland Hills Forest Ridge Park Improvements	\$	75,000	98420
Wapakoneta Veterans Memorial Park Splash Pad	\$	75,000	98421
Wellsville Marina	\$	75,000	98422
Ray Mellert Park	\$	71,000	98423
Willard Park Playground	\$	60,000	98424
Gloria Glens Park Improvements	\$	56,000	98425
Heartland Trail	\$	55,000	98426
Willadale Segment-Southgate Connector Trail	\$	55,000	98427
Bay Village Interurban Pedestrian Bridge	\$	50,000	98428
Chardon Living Memorial Park Improvements	\$	50,000	98429
Earl Thomas Conley Park Improvements	\$	50,000	98430
Fayette Normal Memorial Park Community Splash Pad	\$	50,000	98431
Fox Island Inclusive Playground	\$	50,000	98432
Harmar Pedestrian Bridge Restoration Project	\$	50,000	98433
Jeromesville Square Park	\$	50,000	98434
Jewish Federation of Greater Dayton Nature Trail	\$	50,000	98435

Keener Park Renovations/Pickleball Courts	\$	50,000	98436
Kent State and Stark State Campus Trail	\$	50,000	98437
Kettlersville Village Park Improvement	\$	50,000	98438
Lebanese Cultural Garden	\$	50,000	98439
Leipsic Downtown Park and Stage	\$	50,000	98440
Lyndhurst Inclusive and Accessible Playground Project	\$	50,000	98441
Magnolia Flouring Mills Restoration	\$	50,000	98442
Middleburg Heights Public Park Pavilions Project	\$	50,000	98443
Milford Center Rail Depot	\$	50,000	98444
Moscow Riverfront Stabilization	\$	50,000	98445
Ohio and Erie Canal Way Towpath Trail	\$	50,000	98446
Ohio Township Swimming Pool	\$	50,000	98447
Perrysburg Inclusive Playground at Rotary Park	\$	50,000	98448
Pomeroy Multimodal Path	\$	50,000	98449
Red Cap Park Recreation Development	\$	50,000	98450
Revitalization of Short Park	\$	50,000	98451
Richwood Opera House	\$	50,000	98452
Silverton Town Commons	\$	50,000	98453
Stoner Pond at Ranger Park Fishing Dock Construction	\$	50,000	98454
Uptown Ecological Corridor	\$	50,000	98455
West Union Pedestrian Bike Path	\$	50,000	98456
Wooster Memorial Splash Pad Park	\$	50,000	98457
Thomas Lane Pocket Park Project	\$	46,740	98458
Ault Park Improvements	\$	46,000	98459
Carey Memorial Park Backsplash	\$	45,000	98460
Headwaters Nature Trail	\$	45,000	98461
Village of Lakemore Hinton Humniston Fitness Park Renovations	\$	45,000	98462
Austin Badger Park Path	\$	43,000	98463
African American Cultural Gardens	\$	40,000	98464
Gallipolis City Pool	\$	40,000	98465

Monroe Community Park Activity Center	\$	40,000	98466
Nimisilla Park Excavating	\$	40,000	98467
Rittman Youth Football Field	\$	40,000	98468
Spencer JB Firestone Park	\$	40,000	98469
Ashland County Corner Park Trail	\$	38,000	98470
Jeromesville Community Garden	\$	35,000	98471
Ray Mellert Dog Park Project	\$	35,000	98472
Bradley Park Playground	\$	32,279	98473
Kobak Baseball Field Lighting Project	\$	32,000	98474
Perry Township Community Recreation Center	\$	30,000	98475
Village of Weston Community Splash Pad	\$	30,000	98476
Weston Reservoir Restoration	\$	30,000	98477
New Richmond Liberty Landing Park	\$	25,000	98478
East Liverpool Park Improvements	\$	25,000	98479
Lucas Community Playground	\$	25,000	98480
New Bremen STEM Waterway	\$	25,000	98481
Rayland Friendship Park Restroom Project	\$	25,000	98482
Smiley Park Ball Field Fencing	\$	25,000	98483
Veterans Park of Wellsville	\$	25,000	98484
Willshire Ballpark Enhancements	\$	25,000	98485
Oakwood Community Park	\$	22,610	98486
Cleveland Cultural Gardens - Rusin Garden	\$	22,000	98487
Pirate Park Improvements	\$	21,000	98488
Payne Buckeye Park	\$	20,500	98489
Auglaize Village Handi-capable Heritage Trail	\$	20,000	98490
Kenton Municipal Pool improvements	\$	20,000	98491
Lyons Community Park Improvements	\$	20,000	98492
Wakeman Trail Connector	\$	17,000	98493
Lorain Pier Planning Project	\$	15,000	98494
Alger Park Ballfield Backstop	\$	12,000	98495
Outdoor Band Stage at Lucas Community Center	\$	10,000	98496
Antwerp Riverside Park Fitness Trail	\$	7,500	98497
New Bremen StoryWalk	\$	7,500	98498

Melrose Park Renovation	\$	7,000	98499
Grover Hill Welcome Park Playground	\$	5,598	98500
Broughton Park Playground	\$	4,124	98501

Sec. 223.50. The Treasurer of State is hereby authorized to 98502
issue and sell, in accordance with Section 2i of Article VIII, 98503
Ohio Constitution, and Chapter 154. of the Revised Code, 98504
particularly section 154.22, and other applicable sections of the 98505
Revised Code, original obligations in an aggregate principal 98506
amount not to exceed ~~\$255,000,000~~ \$258,000,000, in addition to the 98507
original issuance of obligations heretofore authorized by prior 98508
acts of the General Assembly. These authorized obligations shall 98509
be issued, subject to applicable constitutional and statutory 98510
limitations, as needed to provide sufficient moneys to the credit 98511
of the Parks and Recreation Improvement Fund (Fund 7035) to pay 98512
the costs of capital facilities for parks and recreation purposes. 98513

Sec. 227.10. 98514

DPS DEPARTMENT OF PUBLIC SAFETY 98515

Administrative Building Taxable Bond Fund (Fund 7016) 98516

C76068	Lorain County MARCS Tower/Sheffield Lake	\$	150,000	98517
C76071	Lewisburg MARCS Tower	\$	400,000	98518
C76072	Richland County MARCS Tower	\$	400,000	98519
C76073	Fredericksburg MARCS Tower	\$	250,000	98520
C76074	Williams County MARCS Tower	\$	250,000	98521
C76075	Bowling Green MARCS Tower	\$	500,000	98522
TOTAL Administrative Building Taxable Bond Fund	\$	1,950,000		98523
			<u>900,000</u>	

Administrative Building Fund (Fund 7026) 98524

C76000	Platform Scales Improvements	\$	350,000	98525
C76035	Alum Creek Facility Renovations and Upgrades	\$	950,000	98526

C76036	ShIPLEY Building Renovations and Improvements	\$	1,235,000	98527
C76044	OSHP Headquarters/Post Renovations and Improvements	\$	4,511,542	98528
C76045	OSHP Academy Renovations and Improvements	\$	325,000	98529
C76049	EMA Building Renovations and Improvements	\$	650,000	98530
C76069	Medina County Safety Services Complex	\$	400,000	98531
C76070	Medina County Driving Skills Pad Garage	\$	50,000	98532
C76076	Ohio Task Force One (OH-TF1) Warehouse	\$	50,000	98533
TOTAL	Administrative Building Fund	\$	8,521,542	98534
TOTAL	ALL FUNDS	\$	10,471,542 <u>9,421,542</u>	98535

Sec. 237.13. CULTURAL AND SPORTS FACILITIES PROJECTS 98537

The foregoing appropriation item C230FM, Cultural and Sports 98538
Facilities Projects, shall be used to support the projects listed 98539
in this section. 98540

Project List 98541

FC Cincinnati		\$	16,000,000	98542
Cleveland Museum of Natural History: Investing in Science Education		\$	2,250,000	98543
Rock and Roll Hall of Fame and Great Lakes Science Center		\$	1,750,000	98544
Cincinnati Art Museum Master Plan		\$	1,400,000	98545
Lima Rotary Stage and Park		\$	1,250,000	98546
Ohio Theatre Restoration		\$	1,250,000	98547
West End Community Parking Garage		\$	1,250,000	98548
Baum-Taft House		\$	1,000,000	98549
Cincinnati Ballet Center		\$	1,000,000	98550
Directing the Future: A New Stage for Cincinnati's National Theatre		\$	1,000,000	98551

Jeep Museum	\$	1,000,000	98552
Dayton Air Credit Union Ballpark	\$	1,000,000	98553
Imagination District	\$	1,000,000	98554
20/20 Canton Cultural Center Renovations	\$	1,000,000	98555
Northwood Community Recreation Center	\$	1,000,000	98556
Cleveland Museum of Art	\$	750,000	98557
Crawford Auto Aviation Museum	\$	750,000	98558
Advancing Learning About Ohio in the Restored Cincinnati Union Terminal	\$	750,000	98559
Stan Hywet Hall & Gardens	\$	750,000	98560
Marion Palace Theatre	\$	550,000	98561
Schine's Theatre Restoration	\$	500,000	98562
Carnes Center	\$	500,000	98563
BAYarts	\$	500,000	98564
Restoration of James A. Garfield Memorial	\$	500,000	98565
Columbus Historical Society Engine House #6	\$	500,000	98566
Contemporary Arts Center Creativity Center	\$	500,000	98567
SeaGate Convention Centre	\$	500,000	98568
World Heritage and Visitor Center	\$	500,000	98569
Hale Farm	\$	500,000	98570
Marysville Avalon Theatre	\$	500,000	98571
Louis Sullivan Building of Newark Restoration and Adaptive Reuse	\$	489,000	98572
Lake Erie Nature and Science Center Wildlife Gardens Education Project	\$	450,000	98573
Ariel Opera House Energy Efficiency and Safety Updates	\$	400,000	98574
Cincinnati Opera House	\$	400,000	98575
Imagination Station	\$	400,000	98576
Arbogast Performing Arts Center	\$	400,000	98577
OH WOW! The Roger and Gloria Jones Children's Center for Science and Technology	\$	350,000	98578
Stambaugh Auditorium	\$	350,000	98579

Washington Court House Auditorium	\$	325,000	98580
Midland Theatre Project	\$	324,000	98581
Harveysburg First Free Black School	\$	322,500	98582
Champaign County Historical Museum	\$	300,000	98583
Creating Our Future-The Campaign for Beck Center	\$	300,000	98584
Barn at Stratford Roof Project	\$	300,000	98585
Norwich Township Veterans Memorial Relocation Project	\$	300,000	98586
Willoughby Amphitheater	\$	300,000	98587
Museum of Clay Industry and Folk Art	\$	300,000	98588
Logan Theater	\$	275,000	98589
Butler Institute of American Art	\$	275,000	98590
Springfield Museum of Art Renovation	\$	250,000	98591
O.P. Chaney/Historic Mill	\$	250,000	98592
Athletes in Action Chapel	\$	250,000	98593
Holmes County Center for the Arts	\$	250,000	98594
Norwalk Theater Rehabilitation Project	\$	250,000	98595
Tam O'Shanter Renovations	\$	250,000	98596
Heritage Hall and Education Center	\$	250,000	98597
Columbus Museum of Art Accessibility Upgrades	\$	225,000	98598
Ohio State Reformatory ADA Improvements	\$	225,000	98599
Ohio State Reformatory Pedestrian Bridge	\$	225,000	98600
Veterans Memorial Civic and Convention Center	\$	200,000	98601
Loudonville Opera House Improvements	\$	200,000	98602
Ohio Valley Museum of Discovery	\$	200,000	98603
Grove City Outdoor Cultural Arts Performance Facility	\$	200,000	98604
Grove City Historical Society Renovations	\$	200,000	98605
South Point Community Center Update and Modernize	\$	200,000	98606
Valentine Theatre HVAC System Upgrade	\$	200,000	98607
McDowell-Phillips Home and Museum Preservation	\$	200,000	98608

Protect Our Bones: Critical Infrastructure Improvements at the Boonshoft Museum	\$	200,000	98609
SteAm Collaboratory at K12 Gallery & TEJAS	\$	200,000	98610
Massillon Museum Mechanical Update	\$	200,000	98611
Warren Community Amphitheater Renovations	\$	200,000	98612
Niswonger Performing Arts Center Annex Project	\$	200,000	98613
Peoples Bank Theatre	\$	200,000	98614
Oak Street Theater Renovation	\$	200,000	98615
Buckeye Agricultural Museum and Education Center	\$	194,538	98616
Historic Township Hall Relocation and Restoration	\$	180,000	98617
African American Museum	\$	150,000	98618
FRONT: MidTown Arts Campus	\$	150,000	98619
Karamu House Phase III	\$	150,000	98620
Defiance Community Auditorium Renovation Project	\$	150,000	98621
Arts Castle Roof Skylight Project	\$	150,000	98622
Carnegie Center Historical Restorations	\$	150,000	98623
Invisible Gallery	\$	150,000	98624
Madison Place Fire House Renovation	\$	150,000	98625
Greenfield Historical Society Restoration Project	\$	150,000	98626
Toledo Museum of Art	\$	150,000	98627
Clearview Museum	\$	150,000	98628
Akron Art Museum	\$	150,000	98629
Baldwin-Buss House Restoration	\$	150,000	98630
Sally Buffalo Park Outdoor Stage	\$	140,000	98631
Packard Music Hall	\$	140,000	98632
Unionville Tavern Improvements	\$	125,000	98633
Pickaway County Memorial Hall	\$	125,000	98634
<u>Williams County Fountain City Amphitheater</u>	<u>\$</u>	<u>125,000</u>	98635
Zanesville Museum of Art Critical Facility	\$	107,500	98636

Repairs			
Wooster Amphitheater	\$	100,000	98637
Broadview Heights Community Amphitheater	\$	100,000	98638
City of Brook Park Municipal Campus Outdoor Amphitheater	\$	100,000	98639
Maltz Museum of Jewish Heritage Reimagine Project	\$	100,000	98640
North Royalton Memorial Park Amphitheater	\$	100,000	98641
The Music Settlement Center for Innovation, Education, and Technology	\$	100,000	98642
Jeffrey Mansion	\$	100,000	98643
Minerva Park Amphitheater Restoration	\$	100,000	98644
Rickenbacker Woods Museum	\$	100,000	98645
Fayette Opera House Roof Replacement	\$	100,000	98646
Covedale Center - Phase 6 Renovations	\$	100,000	98647
Evendale Cultural Arts Center ADA Compliance	\$	100,000	98648
Steubenville Grand Theater	\$	100,000	98649
West Liberty Town Hall Opera House Community Center Restoration and Renovation	\$	100,000	98650
Polish Cultural Center	\$	100,000	98651
Battle of Buffington Island Civil War Battlefield Museum	\$	100,000	98652
Meigs County Pioneer and Historical Society Renovations	\$	100,000	98653
Twin City Opera House	\$	100,000	98654
Gant Stadium Renovation	\$	100,000	98655
Octagon House	\$	100,000	98656
Circleville Historic City Hall Improvements	\$	100,000	98657
Pickaway County Historical Society Museum	\$	100,000	98658
Portage County Historical Society Renovation	\$	100,000	98659
Camden Opera House Second Floor Renovation	\$	100,000	98660
Southern Ohio War Memorial	\$	100,000	98661
McKinley Presidential Library and Museum	\$	100,000	98662

Stone Academy	\$	92,000	98663
Morgan History Center Renovation	\$	85,000	98664
Gerber Scribe Rule Barn Relocation	\$	80,000	98665
Southeast Ohio History Center	\$	75,000	98666
Muirfield Dr. Kinetic Arts Project	\$	75,000	98667
Gallipolis Railroad Freight Station Museum	\$	75,000	98668
Case-Barlow Farm Barn Improvements	\$	75,000	98669
Convoy Opera House Facility Renovation	\$	75,000	98670
Hune Covered Bridge Relocation	\$	75,000	98671
Medina Historic District Lighting Project	\$	65,000	98672
Burnison Barn	\$	64,000	98673
Village Productions Building Renovations	\$	50,000	98674
Fountain City Amphitheater	\$	50,000	98675
Soap Box Derby Track Resurfacing and Sidewalks Additions and Upgrades	\$	50,000	98676
Gaslight Theater	\$	50,000	98677
Sorg Opera House	\$	50,000	98678
Chagrin Falls Historical Society Campaign for the 1874 Italianate House	\$	50,000	98679
Parma Heights Cultural and Recreation Center Renovation Phase II (Cassidy Theatre)	\$	50,000	98680
Jewish Community Center JCC Youth Arts Project	\$	50,000	98681
Monroe Theatre	\$	50,000	98682
Freedom Township Historical Society of Portage County	\$	50,000	98683
Mausoleum Repair	\$	50,000	98684
John S. Knight Convention Center	\$	50,000	98685
G.A.R. Hall ADA Accessibility	\$	50,000	98686
Anchorage Building Climate Control Project	\$	50,000	98687
<u>Wright Patterson Air Force Base Holocaust Museum</u>	<u>\$</u>	<u>50,000</u>	98688
Grant Memorial Building Restoration	\$	40,000	98689
William Lytle's Land Office at Harmony Hill	\$	40,000	98690

Darke County Art Trail Initiative	\$	40,000	98691
Ohio Glass Museum	\$	40,000	98692
Wendel Concert Stage	\$	35,000	98693
History of Weston, Historical Offerings	\$	30,000	98694
Killbuck Valley Museum	\$	27,000	98695
Indian Hills The Little Red School House	\$	25,000	98696
Mt. Sterling Museum Improvements	\$	25,000	98697
Heritage Farm Museum Improvement	\$	25,000	98698
Piketon Liberty Memorial	\$	25,000	98699
Wilderness Trail Museum Electrical Upgrade	\$	24,000	98700
Stained Glass Window Restoration for the Wapakoneta Museum	\$	22,000	98701
Packer Historical Center for the Anna District	\$	21,000	98702
Shelby House Museum	\$	20,000	98703
Spring Hill Historic Home	\$	20,000	98704
Cortland Veterans Memorial Project (Phase II)	\$	20,000	98705
Hicksville Huber Opera House	\$	15,000	98706
Jackson Center Museum Building Improvements	\$	13,500	98707
Crestline Historical Society	\$	10,000	98708
Leipsic Recreation Center Improvements	\$	7,500	98709
Jeromesville Totem Pole	\$	3,000	98710

Section 610.15. That existing Sections 213.10, 223.10, 98712
223.15, 223.50, 227.10, and 237.13 of S.B. 310 of the 133rd 98713
General Assembly are hereby repealed. 98714

Section 610.18. That Sections 207.28 and 223.15 (as amended 98715
by S.B. 310 of the 133rd General Assembly) of H.B. 481 of the 98716
133rd General Assembly be amended to read as follows: 98717

Sec. 207.28. CCC CUYAHOGA COMMUNITY COLLEGE 98718
Reappropriations
Higher Education Improvement Fund (Fund 7034) 98719

C37805	Workforce Based Training and Equipment	\$239,439	98720
C37838	Structural Concrete Repairs	\$473,275	98721
C37839	Roof Repair and Replacements	\$187,234	98722
C37840	Workforce Economic Development Renovations	\$65,788	98723
C37844	Rock and Roll Hall of Fame Museum 2.0	\$400,000	98724
C37852	East Campus Exterior Plaza	\$1,000	98725
C37853	CWRU Dental Clinic Relocation	\$200,000	98726
C37854	Cleveland Sight Center Health Record System Modernization	\$150,000	98727
C37855	Harvard Community Services Center Improvements	\$75,000	98728
C37856	MetroHealth West 25th Street Corridor Revitalization	\$750,000	98729
C37859	Bay Village Emergency Boat Shelter	\$32,500	98730
TOTAL Higher Education Improvement Fund		\$2,574,236 <u>2,541,736</u>	98731
TOTAL ALL FUNDS		\$2,574,236 <u>2,541,736</u>	98732
EAST CAMPUS EXTERIOR PLAZA			98733
The amount reappropriated for the foregoing appropriation			98734
item C37852, East Campus Exterior Plaza, is the unencumbered			98735
balance as of June 30, 2020, in appropriation item C37852, East			98736
Campus Exterior Plaza, plus \$64,522. Prior to the expenditure of			98737
this appropriation, the Cuyahoga Community College shall certify			98738
to the Director of Budget and Management canceled encumbrances in			98739
the amount of at least \$64,522.			98740
Sec. 223.15. LOCAL PARKS, RECREATION, AND CONSERVATION			98741
PROJECTS			98742

The amount reappropriated from the foregoing appropriation 98743
item C725E2, Local Parks, Recreation, and Conservation Projects, 98744
shall be equal to the amount of all unreleased local parks 98745
projects and allowable administrative costs specified in this 98746
section, unless amounts are released prior to June 30, 2020. Prior 98747
to the expenditure of this appropriation, the Department of 98748
Natural Resources shall certify to the Director of Budget and 98749
Management canceled encumbrances in the amount of at least 98750
\$52,144. 98751

Of the foregoing appropriation item C725E2, Local Parks, 98752
Recreation, and Conservation Projects, an amount equal to two per 98753
cent of the projects listed may be used by the Department of 98754
Natural Resources for the administration of local projects. 98755

Project List 98756

Lakefront Pedestrian Bridge	\$ 3,500,000	98757
Flats East Development	\$ 2,000,000	98758
City of Cleveland - Lakefront Access	\$ 1,500,000	98759
Project		
Bridge to Wendy Park	\$ 1,000,000	98760
Worthington Pools Renovation	\$ 1,000,000	98761
Dublin Bridge Park and Greenways Project	\$ 650,000	98762
The REC at Crawford Commons Facility	\$ 500,000	98763
Buckeye Lake Feeder Channel Restoration	\$ 400,000	98764
Buckeye Lake Public Pier	\$ 400,000	98765
Danny Thomas Park Renovation	\$ 400,000	98766
Lincoln Park Stadium and Field Restoration	\$ 400,000	98767
Whitehall Community Park Extension	\$ 400,000	98768
Miami Canal Trail Extension at Gilmore	\$ 350,000	98769
MetroPark		
Dover Riverfront Trailhead Connector	\$ 350,000	98770
Glenford Earthworks Phase III	\$ 300,000	98771
Solon-Chagrin Falls Multi-purpose Trail	\$ 300,000	98772

Wadsworth City Park	\$ 300,000	98773
Tiffin Recreation, Arts and Learning Park	\$ 300,000	98774
Wooster Venture Boulevard Park Project	\$ 300,000	98775
Muskingum River Lock and Dam	\$ 250,000	98776
New Bremen Bike Path	\$ 250,000	98777
Grand Lake Shoreline Water Quality Improvements	\$ 250,000	98778
Jeffrey Mansion Expansion Project	\$ 250,000	98779
Montgomery Gateway Keystone Park	\$ 250,000	98780
Village of Woodmere Chagrin Valley Gateway Pedestrian Trail	\$ 215,000	98781
Dayton Webster Station Landing	\$ 200,000	98782
Little Miami State Park/Little Miami Trail	\$ 200,000	98783
South Point Community Recreation Center	\$ 200,000	98784
Union and Rome Townships Trails Project	\$ 200,000	98785
Marion Tallgrass Trail	\$ 150,000	98786
Harrisburg Baseball Complex	\$ 150,000	98787
Mill Creek Valley Conservancy District Corridor Revitalization	\$ 150,000	98788
Moberly Branch Connector Trail - Pedestrian Bridge	\$ 150,000	98789
Montville Township Park Improvements	\$ 150,000	98790
Medina County Rocky River Trail West Branch	\$ 150,000	98791
Clearcreek Hazel Woods Bike Connector	\$ 150,000	98792
Kamp Dovetail	\$ 150,000	98793
Redskin Memorial Park Playground	\$ 145,000	98794
Cahoon Memorial Park Improvements	\$ 130,000	98795
Fairlawn Gully Water Quality Basins	\$ 125,000	98796
Bremenfest Shelterhouse	\$ 100,000	98797
Deer Park Community Center Renovation & Trailhead	\$ 100,000	98798
Fairfax Ziegler Park Improvements	\$ 100,000	98799
Steubenville Ohio River Marina Improvement	\$ 100,000	98800

Project

City of Sylvania SOMO Project	\$ 100,000	98801
Brunswick Hills Township Park	\$ 100,000	98802
Scippo Creek Conservation	\$ 75,000	98803
Jackson Street Pier and Shoreline Drive Revitalization Project	\$ 75,000	98804
Western Reserve Greenway Bike Trail	\$ 75,000	98805
Mary Fate Park Improvements	\$ 60,000	98806
Gallipolis Pool Project	\$ 52,144	98807
Miami Erie Canal Cleanup	\$ 50,000	98808
James Day Park Warrior Run	\$ 50,000	98809
Jefferson Park Recreation Upgrades	\$ 50,000	98810
Rocky Fork State Park Water and Electrical Upgrade	\$ 50,000	98811
Avon Lake Veterans Park Gazebo	\$ 50,000	98812
Camp Sherman Park	\$ 50,000	98813
Willard Splash Pad and Park Improvements	\$ 50,000	98814
Kelley Nature Preserve Boat Ramp	\$ 50,000	98815
Bruce L. Chapin Bridge - Northcoast Inland Trail	\$ 45,000	98816
Beaver Park Sports Field	\$ 40,000	98817
Village of Highland Hills Gazebo	\$ 35,000	98818
Monroeville Clark Park - North Coast Inland Trail Connection	\$ 33,000	98819
Camp McKinley Improvements	\$ 30,000	98820
Crestline Park Lighting	\$ 25,000	98821
Ohio City Warrior Trail Extension Phase 2	\$ 22,000	98822
Waverly Canal Park	\$ 20,000	98823
Clifton to Yellow Springs Bike Trail	\$ 20,000	98824
Seville Memorial Park Public Restroom Facilities	\$ 15,000	98825
Hinkley Township Park	\$ 13,000	98826
Shiloh Firestone Park Restoration	\$ 12,000	98827

Village of Albany Bike Paths \$ 10,000 98828

Section 610.19. That existing Sections 207.28 and 223.15 (as 98829
amended by S.B. 310 of the 133rd General Assembly) of H.B. 481 of 98830
the 133rd General Assembly are hereby repealed. 98831

Section 610.20. That Sections 125.10 and 125.11 of H.B. 59 of 98832
the 130th General Assembly (as amended by H.B. 166 of the 133rd 98833
General Assembly) be amended to read as follows: 98834

Sec. 125.10. Sections 5168.01, 5168.02, 5168.03, 5168.04, 98835
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 98836
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 98837
repealed, effective October 16, ~~2021~~ 2023. 98838

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 98839
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 98840
Code are hereby repealed, effective October 1, ~~2021~~ 2023. 98841

Section 610.21. That existing Sections 125.10 and 125.11 of 98842
H.B. 59 of the 130th General Assembly (as amended by H.B. 166 of 98843
the 133rd General Assembly) are hereby repealed. 98844

Section 610.30. That Section 757.50 of H.B. 59 of the 130th 98845
General Assembly is hereby repealed. 98846

Section 701.05. (A) The database of individuals registered, 98847
and personal information of registered individuals contained 98848
within the database, for the Vax-A-Million campaign is 98849
confidential and is not a public record as defined under section 98850
149.43 of the Revised Code. 98851

(B) As used in this section: 98852

"Personal information" includes the name, electronic mail 98853

address, telephone number, street address, and vaccine location 98854
information of individuals who registered for the Vax-A-Million 98855
campaign, and includes the name, electronic mail address, and 98856
telephone number of a parent or guardian. 98857

"Vax-A-Million campaign" means the campaign held in 2021 98858
consisting of a series of statewide drawings to provide prizes to 98859
individuals who receive a COVID-19 vaccination. 98860

Section 701.60. (A) As used in this section: 98861

(1) "Board of health" means a city board of health or a 98862
general health district, or an authority having the duties of a 98863
city board of health as authorized by section 3709.05 of the 98864
Revised Code. 98865

(2) "Business" means a corporation, association, partnership, 98866
limited liability company, sole proprietorship, joint venture, or 98867
other business entity composed of one or more individuals, whether 98868
or not the entity is operated for profit. 98869

(3) "Order" means any of the following: 98870

(a) An executive order addressing COVID-19 or any other order 98871
related to such an executive order; 98872

(b) A state or local order or rule issued under Chapter 3701. 98873
of the Revised Code related to COVID-19; 98874

(c) A rule promulgated under division (G) of section 119.03 98875
of the Revised Code related to COVID-19, including emergency rule 98876
4301:1-1-13 and emergency rule 4301:1-1-80 of the Administrative 98877
Code; 98878

(d) Any other rule, order, or directive issued by a state 98879
agency or a board of health imposing restrictions related to 98880
COVID-19 on a business. 98881

(4) "State agency" means the offices of all elected state 98882

officers, and all departments, boards, offices, commissions, 98883
agencies, institutions, and other instrumentalities of the state 98884
of Ohio. 98885

(B) Any violation or any sanction imposed in response to any 98886
violation of an order by a business that occurred between March 98887
14, 2020, and the effective date of this section is hereby 98888
vacated, including violations adjudicated by the Liquor Control 98889
Commission under rule 4301:1-1-13, rule 4301:1-1-80, and, insofar 98890
as the violation relates to COVID-19, rule 4301:1-1-52(B)(1) of 98891
the Administrative Code. 98892

(C) Not later than thirty days after the effective date of 98893
this section, all of the following shall occur: 98894

(1) A state agency or board of health, as applicable, shall 98895
expunge any record of a violation that is vacated under division 98896
(B) of this section. 98897

(2) The Division of Liquor Control within the Department of 98898
Commerce and the Department of Public Safety shall expunge any 98899
record of a violation of rule 4301:1-1-13 and rule 4301:1-1-80, 98900
and, insofar as the violation relates to COVID-19, rule 98901
4301:1-1-52(B)(1) of the Administrative Code, that occurred 98902
between March 14, 2020, and the effective date of this section. 98903
The Liquor Control Commission shall notify any business that was 98904
convicted of a penalty under rule 4301:1-1-13 or rule 4301:1-1-80, 98905
or of a penalty related to COVID-19 under rule 4301:1-1-52(B)(1) 98906
of the Administrative Code, that the conviction is expunged. 98907

(3) A state agency or board of health shall treat any finding 98908
of a violation vacated and expunged under this section as a 98909
nullity and take the steps within its power, forthwith, to restore 98910
any rights or privileges lost as a result of a finding of a 98911
violation. These steps shall include but shall not be limited to 98912
reinstatement of a revoked license and other right or privilege to 98913

do business. 98914

(D) Not later than thirty days after the effective date of 98915
this section, all of the following shall occur: 98916

(1) (a) Except as provided in division (D) (1) (b) of this 98917
section, the Director of Budget and Management, in consultation 98918
with state agencies, shall determine the amount of money collected 98919
by a state agency in civil or administrative penalties for each 98920
violation of an order by each business that occurred between March 98921
14, 2020, and the effective date of this section. After that 98922
determination, the Director shall refund to each business the 98923
amount of penalties paid by each such business. The total amount 98924
of these refunds is hereby appropriated. If the business no longer 98925
exists, the Director shall make a reasonable effort to locate, and 98926
issue the refund to, the owner of the business. 98927

(b) A financial penalty that was paid by a business for a 98928
conviction under rule 4301:1-1-13 or rule 4301:1-1-80, or for a 98929
COVID-19 related conviction under rule 4301:1-1-52(B) (1) of the 98930
Administrative Code, shall be refunded under division (D) (1) (a) of 98931
this section, unless another conviction was assessed at the time 98932
of the adjudication for a violation not related to rule 98933
4301:1-1-13 or rule 4301:1-1-80, or not related to a COVID-19 98934
enforcement of rule 4301:1-1-52(B) (1) of the Administrative Code. 98935

(2) A board of health shall determine the amount of money 98936
collected by the board of health in civil or administrative 98937
penalties for each violation of an order by each business that 98938
occurred between March 14, 2020, and the effective date of this 98939
section. After that determination, the board of health shall 98940
refund to each business the amount of penalties paid by each such 98941
business. If the business no longer exists, the board of health 98942
shall make a reasonable effort to locate, and issue the refund to, 98943
the owner of the business. 98944

(E) Not later than thirty days after the actions required under divisions (C) and (D) of this section are complete, the Liquor Control Commission shall issue a report to the House of Representatives and the Senate that all violations of rule 4301:1-1-13 and rule 4301:1-1-80, and all COVID-19-related violations of rule 4301:1-1-52(B)(1) of the Administrative Code, have been expunged and that fine money related to those violations was refunded.

(F) If a state agency or board of health has initiated, but has not completed, disciplinary action against a business for violation of an order that occurred between March 14, 2020, and the effective date of this section, the state agency or board of health shall cease taking such action regarding the order.

(G) This section shall not be construed as prohibiting a state agency or board of health from enforcing restrictions, requirements, or other matters not satisfying the definition of "order" in division (A) of this section.

(H) Notwithstanding other jurisdictional or venue limitations, any business may bring an action in the court of common pleas in a county where the business is located to enforce the rights, privileges, and obligations identified in this section.

Section 701.70. (A)(1) As used in this section:

(a) "Peace officer" has the same meaning as in section 109.71 of the Revised Code.

(b) "Trooper" means an individual appointed as a State Highway Patrol Trooper under section 5503.01 of the Revised Code.

(2) Not later than December 1, 2021, the Attorney General shall create a pilot program for state funding of the training of peace officers and troopers that is required under section 109.803

of the Revised Code. The pilot program shall be administered by 98975
the office of the Attorney General, in accordance with this 98976
section. The pilot program shall be a one year program, to be in 98977
existence for calendar year 2022. 98978

(3) Not later than December 2, 2021, each law enforcement 98979
agency that has peace officers or troopers who are subject to the 98980
training requirement set forth in section 109.803 of the Revised 98981
Code shall certify to the Attorney General the total of all 98982
salaries to be paid in calendar year 2022 to officers or troopers 98983
of the agency who will receive that training in calendar year 2022 98984
and the hourly rate of pay for each of those officers and 98985
troopers. 98986

(4) Not later than January 1, 2022, the Attorney General 98987
shall begin the operation of the pilot program established under 98988
division (A) (2) of this section. Prior to that date, the Attorney 98989
General shall establish rules, under section 111.15 of the Revised 98990
Code, for the operation and administration of the pilot program, 98991
for the determination of eligibility for funding and payments 98992
under the program, and for the provision of funding and payments 98993
under the pilot program, in accordance with this section. From 98994
money appropriated to the Attorney General for the purposes of the 98995
pilot program, the Attorney General shall pay to each law 98996
enforcement agency that has peace officers or troopers who are 98997
subject to the training requirement set forth in section 109.803 98998
of the Revised Code an amount to cover up to fifty per cent of the 98999
total cost of the salaries of the officers or troopers of the 99000
agency to be paid to officers or troopers who will receive that 99001
training in calendar year 2022, as certified by the agency in 99002
accordance with division (A) (3) of this section, during the period 99003
of the training. The amount to be paid shall cover only the period 99004
during which the officers or troopers are receiving that training 99005
and shall not exceed an amount covering twenty-four hours of the 99006

training. If the amount of the money appropriated to the Attorney General for the purposes of the pilot program is insufficient to pay fifty per cent of the total cost of the salaries of the peace officers or troopers of all law enforcement agencies to be paid in calendar year 2022 to officers or troopers who will receive that training in calendar year 2022, the amount to be paid to each such agency shall be reduced proportionately so that each agency is paid an equal percentage of its cost in the year for the training. No payment shall be made to any law enforcement agency under this division after January 1, 2023. If a law enforcement agency that receives money under this division does not use all of the money for the salaries certified by the agency in accordance with division (A) (3) of this section, the agency shall return all of the money not used to the Attorney General.

A law enforcement agency that receives any payments under this division shall be responsible for paying the cost of training of its peace officers or troopers required under section 109.803 of the Revised Code that exceeds the amount of the payment received under the pilot program under this division.

(5) Except as otherwise provided in this division, state funding for the training of peace officers or troopers that is required under section 109.803 of the Revised Code shall be provided in calendar year 2022 only in accordance with division (A) (4) of this section, notwithstanding former section 109.802 of the Revised Code, rule 109:2-18-04 of the Administrative Code, and any other provision of law that addresses any alternative method of state funding for such training. The limitation specified in this division does not apply with respect to direct appropriations made to a state law enforcement agency.

(6) Each law enforcement agency that receives money under division (A) (4) of this section shall submit to the Attorney General, by the date specified by the Attorney General, a report

that states the amount of money the agency received, how that 99039
money was used, when it was used, and any other information with 99040
respect to the use of the money that is required by the Attorney 99041
General. The Attorney General shall prepare a report that compiles 99042
the information in the reports received from law enforcement 99043
agencies under this division and submit the report to the General 99044
Assembly and the Legislative Service Commission. 99045

(B) (1) There is created the Law Enforcement Training Funding 99046
Study Commission. The Commission shall consist of the following 99047
twelve members: 99048

(a) The Attorney General or a designee of the Attorney 99049
General who has experience in law enforcement funding issues; 99050

(b) The Director of Public Safety or a designee of the 99051
Director who has experience in law enforcement funding issues; 99052

(c) Three members of the House of Representatives appointed 99053
by the Speaker of the House of Representatives, with not more than 99054
two of the persons appointed as members being members of the same 99055
political party; 99056

(d) Three members of the Senate appointed by the President of 99057
the Senate, with not more than two of the persons appointed as 99058
members being members of the same political party; 99059

(e) Four members of the public appointed by the Governor, 99060
with each such member having a law enforcement background. 99061

(2) The Speaker of the House of Representatives, the 99062
President of the Senate, and the Governor shall make their initial 99063
appointments to the Law Enforcement Training Funding Study 99064
Commission not later than thirty days after the effective date of 99065
this Section. 99066

(3) If an appointed member of the Law Enforcement Training 99067
Funding Study Commission ceases to hold the position that led to 99068

the member's appointment, the member is disqualified and a vacancy 99069
occurs. Vacancies of appointed members shall be filled in the same 99070
manner as original appointments. 99071

(4) The Law Enforcement Training Funding Study Commission 99072
shall hold its first meeting not later than thirty days after the 99073
effective date of this section, regardless of whether all members 99074
have been appointed under division (B)(2) of this section. At its 99075
first meeting, the Commission shall select a chairperson, and also 99076
shall select a vice-chairperson to perform in the absence of the 99077
chairperson. The Commission shall adopt procedures to govern its 99078
proceedings and shall meet as necessary at the call of the 99079
chairperson or on the written request of a majority of its 99080
members. A majority of serving Commission members constitutes a 99081
quorum. Formal recommendations shall be made by a vote of a 99082
majority of the quorum present. Commission meetings shall be open 99083
to the public under section 121.22 of the Revised Code. The 99084
Commission shall keep minutes of its meetings as public records 99085
under section 149.43 of the Revised Code. 99086

(5) Members of the Law Enforcement Training Funding Study 99087
Commission shall serve without compensation. 99088

(6) The Law Enforcement Training Funding Study Commission 99089
shall study possible long-term methods for the provision of state 99090
funding to law enforcement agencies for the training of their 99091
peace officers and troopers that is required under section 109.803 99092
of the Revised Code. The Commission shall evaluate the plans for 99093
the pilot program established under division (A) of this section 99094
as part of the study. Upon completion of the study, the Commission 99095
shall prepare a report of its findings and recommendations for a 99096
long-term method for the provision of state funding to law 99097
enforcement agencies for the training of their peace officers and 99098
troopers that is required under section 109.803 of the Revised 99099
Code. Not later than March 1, 2022, the Commission shall submit 99100

the report to the Governor, the General Assembly, the Attorney
General, and the Legislative Service Commission. Upon submission
of the report, the Commission shall cease to exist.

Section 701.80. In recognition of one of the first public
housing projects in America, developed in 1940, and named for the
Reverend James P. Poindexter, the Ohio History Connection shall
designate Poindexter Village as a state historic site. Poindexter
Village represents the birth and history of public housing in this
country and reflects Ohio's place in the national story of the
Great Migration. The designation shall identify the buildings at
290 North Champion Avenue, Columbus, as the Poindexter Village
Historic Site. The Ohio History Connection shall mark the site, or
cause the site to be marked, in accordance with the marking system
established for designated historic sites within the state.

Section 701.90. (A) As used in this section, "meat processing
plant" means a facility that:

- (1) Is located in this state;
- (2) Is in operation as of July 1, 2021; and
- (3) Provides processing services for livestock and poultry
producers.

(B) The Director of Development shall establish a grant
program for meat processing plants. The Director shall prescribe
the grant application form.

(C) The owner or operator of a meat processing plant may
apply to the Director for a grant under this section. Upon the
receipt of a grant application, the Director shall review the
application and score it based on the following criteria:

- (1) Whether the grant will improve the applicant's processing
efficiencies for livestock and poultry by allowing for the

following:	99130
(a) New equipment, including upgrades to existing equipment;	99131
(b) New technology, including upgrades to existing technology; and	99132 99133
(c) Training of personnel.	99134
(2) Whether the grant will be used for the expansion or new construction of facilities for the processing of livestock and poultry, including:	99135 99136 99137
(a) Areas to confine livestock and poultry;	99138
(b) Areas for the processing of livestock and poultry; and	99139
(c) Refrigeration or freezers.	99140
(3) Whether the grant will be used for food safety certification or to assist in obtaining cooperative interstate shipment status;	99141 99142 99143
(4) Whether the grant will improve harvest services for livestock and poultry producers;	99144 99145
(5) Project readiness.	99146
(D) For purposes of divisions (C) (1) through (5) of this section, the Director shall not consider the following as eligible for grant funding:	99147 99148 99149
(1) Improvements to personal residences, nonfarm commercial property, and any other nonfarm structures;	99150 99151
(2) Agricultural tractors, motorized vehicles, and other mobile equipment with an internal combustion engine;	99152 99153
(3) Land purchases.	99154
(E) Meat processing plants awarded a grant under this section shall maintain the equipment, technology, plant expansion, or new construction in working and serviceable order for a period of five	99155 99156 99157

years after the awarding of the grant. 99158

(F) The Director shall not award a grant to an applicant 99159
under this section for more than two hundred fifty thousand 99160
dollars. 99161

Section 715.10. The amendment of section 1509.71 of the 99162
Revised Code by this act is intended to rename the Oil and Gas 99163
Leasing Commission as the Oil and Gas Land Management Commission 99164
and to replace the Chief of the Division of Geological Survey with 99165
the Director of Natural Resources or the Director's designee as a 99166
member of the Commission. On and after the effective date of this 99167
section, the Director of Natural Resources or the Director's 99168
designee shall assume the duties and responsibilities of the Chief 99169
of the Division of Geological Survey. 99170

Section 715.20. The Director of Natural Resources shall enter 99171
into an agreement, or modify any existing agreement or memorandum 99172
of understanding, with Ashtabula County to assume ownership and 99173
operation of the Geneva Lodge and Conference Center located in 99174
Ashtabula County by December 31, 2021. The agreement shall require 99175
the Department of Natural Resources to assume any outstanding 99176
notes, principal, or interest due on the construction of the 99177
facility. The agreement also shall require the Department to 99178
assume maintenance, operating, and any other costs associated with 99179
the facility. Upon execution of the agreement, Ashtabula County 99180
shall be free and clear of any future obligation relating to the 99181
facility. 99182

Section 715.30. (A) (1) The Director of Natural Resources 99183
shall enter into a cooperation agreement with the Malabar Farm 99184
Foundation to mutually support and advance the shared objectives 99185
of protecting, conserving, and educating the public concerning 99186
Malabar Farm State Park and the legacy of Louis Bromfield. 99187

- (2) The Director and the Foundation shall enter into the agreement within thirty days after the effective date of this section. The agreement shall be for two years beginning on the date of execution. 99188
99189
99190
99191
- (3) The agreement shall contain all of the following: 99192
- (a) Specifications for an annual planning meeting; 99193
- (b) Written plans for the Park; 99194
- (c) A delineation of each party's authority over the operation of the Park's properties, including financial accounts for projects and donations and public communication responsibilities via the internet and other formats; 99195
99196
99197
99198
- (d) Assignments of rights or interests under the terms of the agreement by the Department of Natural Resources; 99199
99200
- (e) Procedures by which the agreement may be amended; 99201
- (f) A statement that the Foundation represents and warrants that it is duly authorized to transact business in this state of the type and nature required for the operation of the agreement; 99202
99203
99204
- (g) A severability clause; 99205
- (h) Provisions governing the waiver of exercising remedies under the agreement; 99206
99207
- (i) A description regarding who from each party may have designated authority under the agreement; 99208
99209
- (j) A nondiscrimination clause specifying that the parties shall not discriminate on account of race, color, religion, national origin, ancestry, age, military status, disability, or gender; 99210
99211
99212
99213
- (k) Contact information for questions that may arise concerning the Park; 99214
99215
- (l) Provisions governing ethics and conflicts of interest, 99216

including procedures for ensuring compliance with those provisions; 99217
99218

(m) A statement that obligations of the State are subject to provisions of Section 126.07 of the Revised Code; and 99219
99220

(n) Procedures for mediation or arbitration should disputes arise regarding the agreement. 99221
99222

(B) (1) The Director of Natural Resources shall enter into a lease agreement with the Malabar Farm Foundation for the Foundation to lease the following: 99223
99224
99225

(a) The second floor of the Berry House that is to be used by the Foundation for office space, meetings, storage, and other activities; and 99226
99227
99228

(b) Use of the kitchen area on the first floor of the Berry House along with other authorized organizations. 99229
99230

(2) The Director and the Foundation shall enter into the lease agreement within thirty days after the effective date of this section. The lease agreement shall be for two years beginning on the date of execution. 99231
99232
99233
99234

(3) The lease agreement shall contain all of the following concerning the leased property: 99235
99236

(a) A description of the property and personal property items owned or allowed for use by the Foundation; 99237
99238

(b) Lease payment terms; 99239

(c) A description of authority over the property; (d) A description of authorized uses of the property and activities that may conducted on the property; 99240
99241
99242

(e) A description of which law enforcement entities have authority on the property; 99243
99244

(f) A description of responsibilities for utilities and 99245

associated charges;	99246
(g) Maintenance plans;	99247
(h) Provisions for alterations or improvements to the property;	99248 99249
(i) Provisions for inspection by the state;	99250
(j) A provision describing the standards of service to be provided by the Foundation, which shall assure that the Foundation provides services authorized under the lease agreement to the highest standards prevailing for similar operations;	99251 99252 99253 99254
(k) Assignments of rights or interests under the terms of the lease agreement by the Department of Natural Resources;	99255 99256
(l) Insurance requirements;	99257
(m) An indemnification clause;	99258
(n) Provisions governing a default by the Foundation of its obligations under the lease, including provisions governing the effect of a default;	99259 99260 99261
(o) Provisions governing the cancellation of the lease; (p) A statement that the Division does not warrant the title to the lands upon which the property is located;	99262 99263 99264
(q) A statement that the lease agreement does not grant to the Foundation the exclusive use of the Park;	99265 99266
(r) Relocation provisions in the event that, because of public interest purposes, the property cannot be used by the Foundation;	99267 99268 99269
(s) Provisions governing the removal of the Foundation's property after lease termination;	99270 99271
(t) Procedures for the amendment of the lease agreement;	99272
(u) A statement that the Foundation represents and warrants that it is duly authorized to transact business in this state of	99273 99274

the type and nature required for the operation of the property	99275
leased under the lease agreement;	99276
(v) A severability clause;	99277
(w) Provisions governing the waiver of obligations under the	99278
lease;	99279
(x) A description regarding who from each party may have	99280
designated authority under the lease;	99281
(y) A nondiscrimination clause specifying that the parties	99282
shall not discriminate on account of race, color, religion,	99283
national origin, ancestry, age, military status, disability, or	99284
gender;	99285
(z) Contact information for questions that may arise	99286
concerning the lease;	99287
(aa) A statement that the Foundation certifies that it has	99288
reviewed and understands the Ohio Ethics and Conflict of Interest	99289
Laws and will take no action inconsistent with those laws;	99290
(bb) A statement that obligations of the State are subject to	99291
provisions of Section 126.07 of the Revised Code; and	99292
(cc) Procedures for mediation or arbitration should disputes	99293
arise regarding the lease.	99294
Section 725.10. (A) There is established the Probation	99295
Workload Study Committee within the Supreme Court of Ohio to study	99296
and discuss probation caseload principles, education standards for	99297
probation officers, workload capacity principles, and any other	99298
additional subjects determined by the Study Committee to be	99299
relevant.	99300
(B) The Study Committee shall consist of nine members,	99301
appointed as follows:	99302
(1) Three members shall be appointed by the Chief Justice of	99303

the Supreme Court. 99304

(2) Three members shall be appointed by the Executive 99305
Director of the Ohio Judicial Conference. 99306

(3) Three members shall be appointed by the President of the 99307
Ohio Chief Probation Officers Association. 99308

(C) Members of the Study Committee shall receive no 99309
compensation for their service and shall not be reimbursed for 99310
expenses incurred through participation in the Study Committee. 99311

(D) Not later than December 31, 2021, the Study Committee 99312
shall provide its recommendations to the Governor, the President 99313
of the Senate, and the Speaker of the House of Representatives. 99314
Upon submitting these recommendations, the Study Committee is 99315
abolished. 99316

Section 733.20. (A) In furtherance of the State of Ohio's 99317
intent to improve affordability in higher education, and in 99318
recognition of the positive achievements of the Ohio Faculty 99319
Council's October 2017 resolution supporting textbook 99320
affordability initiatives, the State of Ohio hereby tasks Ohio's 99321
institutions of higher education with evaluating their respective 99322
implementation of textbook affordability initiatives. 99323

(B) (1) Consistent with requirements in Title I, Section 133 99324
of the federal "Higher Education Opportunity Act of 2008," 99325
institutions of higher education receiving federal financial aid 99326
shall disclose required and recommended textbooks not later than 99327
the time at which students can first begin to register for a 99328
course. 99329

(2) Prior to academic year 2022-2023, the administration of 99330
each state institution of higher education, as defined in section 99331
3345.011 of the Revised Code, shall work collaboratively with the 99332
institution's faculty senate, or equivalent body, to consider 99333

adopting a formally recognized textbook auto-adoption policy. 99334

(C) Not later than August 15, 2022, the board of trustees of 99335
each state institution of higher education shall adopt a 99336
resolution or otherwise formally vote to affirm or decline 99337
adoption of the policy. If the board of trustees adopts the policy 99338
as agreed upon by the administration and faculty senate, the state 99339
institution shall formally transmit a copy of its resolution to 99340
the Chancellor of Higher Education. 99341

Section 733.50. Notwithstanding the dates prescribed by 99342
division (D) of section 3311.054 of the Revised Code, not later 99343
than July 1, 2022, the governing board of an educational service 99344
center established under that section shall redistrict the 99345
educational service center's territory into a number of 99346
subdistricts equal to the number of board members designated under 99347
division (B)(1) of that section, based on the results of the 2020 99348
decennial census. At the regular municipal election held in 99349
November 2023, all elected governing board members shall again be 99350
elected from the subdistricts created under this section. 99351

If a governing board fails to redistrict the territory of its 99352
educational service center in accordance with this section, the 99353
Superintendent of Public Instruction shall redistrict the service 99354
center not later than August 1, 2022. 99355

Section 733.60. Not later than December 1, 2021, the 99356
Department shall deposit funds into ACE education savings accounts 99357
established under section 3310.70 of the Revised Code for fiscal 99358
year 2022. 99359

Section 733.70. (A) Notwithstanding any section of the 99360
Revised Code to the contrary, students that meet any of the 99361
following criteria shall be eligible for a scholarship under the 99362
Educational Choice Scholarship Pilot Program for the 2021-2022 99363

school year: 99364

(1) Any student enrolled in a public school, excused from the 99365
compulsory attendance law under section 3321.04 of the Revised 99366
Code for purposes of home instruction, or new to Ohio during the 99367
2020-2021 school year who is or would be assigned to a school 99368
included on the "EdChoice Scholarship Program 2019-2020 List of 99369
Designated Public Schools" or "EdChoice Scholarship Program 99370
2021-2022 List of Designated Public Schools" issued by the 99371
Department of Education; 99372

(2) Any student enrolling in kindergarten for the 2021-2022 99373
school year who would be assigned to a school included on the 99374
"EdChoice Scholarship Program 2019-2020 List of Designated Public 99375
Schools" or "EdChoice Scholarship Program 2021-2022 List of 99376
Designated Public Schools" issued by the Department; 99377

(3) Any student enrolled in a public school, nonpublic 99378
school, excused from the compulsory attendance law under section 99379
3321.04 of the Revised Code for purposes of home instruction, or 99380
new to Ohio during the 2020-2021 school year who was or would have 99381
been assigned to a school during the 2019-2020 school year that 99382
was included on the "EdChoice Scholarship Program 2019-2020 List 99383
of Designated Public Schools" issued by the Department and who 99384
subsequently relocated and was or would have been assigned to a 99385
school building on the "EdChoice Scholarship Program 2020-2021 99386
List of Designated Public Schools" during the 2020-2021 school 99387
year; 99388

(4) Any student enrolled in a public school, nonpublic 99389
school, excused from the compulsory attendance law under section 99390
3321.04 of the Revised Code for purposes of home instruction, or 99391
new to Ohio during the 2020-2021 school year who is entering the 99392
ninth grade for the 2021-2022 school year and is enrolled in or 99393
otherwise would be assigned to a school building operated by the 99394

student's resident district for that school year that appeared on 99395
the 2019-2020 or 2021-2022 "EdChoice Scholarship Program List of 99396
Designated Public Schools" issued by the Department; 99397

(5) Siblings of any student determined to be eligible under 99398
(A) (1), (2), (3), or (4) of this section or who received a 99399
scholarship during the 2020-2021 school year. 99400

(B) Not later than July 15, 2021, the Department shall do all 99401
of the following: 99402

(1) Develop eligibility guidance consistent with the 99403
provisions of section (A) of this section and do both of the 99404
following with that guidance: 99405

(a) Post the guidance on the Department's web site in a 99406
prominent, easy-to-find location; 99407

(b) Provide the guidance documents to every nonpublic school 99408
that accepts Educational Choice scholarships. 99409

(2) Begin accepting and processing applications for the 99410
2021-2022 school year for students eligible under division (A) of 99411
this section. 99412

(C) Applications submitted by August 1, 2021, shall receive 99413
notice of award and details of any additional information 99414
necessary to process the application or denial not later than 99415
September 15, 2021. 99416

Section 741.20. (A) The Director of Job and Family Services 99417
shall do all of the following: 99418

(1) On the effective date of this section, or as soon as 99419
practicable thereafter, terminate any agreement by and between the 99420
state and the United States Secretary of Labor governing the 99421
payment of pandemic unemployment assistance under the "Coronavirus 99422
Aid, Relief, and Economic Security Act," 15 U.S.C. 9021. 99423

(2) Effective Sunday of the calendar week following the 99424
effective date of this section, stop paying individuals pandemic 99425
unemployment assistance. 99426

(3) On the effective date of this section, provide written 99427
notice to the United States Secretary of Labor that, thirty days 99428
after providing the notice, the state's agreement with the 99429
Secretary governing the payment of federal pandemic unemployment 99430
compensation and mixed earner unemployment compensation under the 99431
"Coronavirus Aid, Relief, and Economic Security Act," 15 U.S.C. 99432
9023, is terminated. 99433

(4) On the effective date of this section, provide written 99434
notice to the United States Secretary of Labor that, thirty days 99435
after providing the notice, the state's agreement with the 99436
Secretary governing the payment of pandemic emergency unemployment 99437
compensation under the "Coronavirus Aid, Relief, and Economic 99438
Security Act," 15 U.S.C. 9025, is terminated. 99439

(5) Notify any individual who, on the effective date of this 99440
section, is receiving assistance or compensation described in 99441
divisions (A) (2) to (4) of this section that the state is 99442
terminating those forms of assistance and compensation and explain 99443
the effect the termination has on the individual. 99444

(B) Notwithstanding any provision of Chapter 4141. of the 99445
Revised Code to the contrary, the Director shall not enter another 99446
agreement governing the payment of any of the types of assistance 99447
or compensation described in division (A) of this section. 99448

Section 743.20. (A) As used in this section: 99449

(1) "Liquor permit holder" means the holder of a permit 99450
issued under Chapter 4303. of the Revised Code. 99451

(2) "Rule" means rule 4301:1-1-13, rule 4301:1-1-80, or rule 99452
4301:1-1-52(B) (1) of the Administrative Code. 99453

(B) Notwithstanding any provision of the Revised Code to the contrary, if a liquor permit holder's permit has been revoked as a result of a violation of a rule and the violation occurred on or after March 14, 2020, but prior to the effective date of this section, the Liquor Control Commission shall reinstate the liquor permit holder's permit if, within sixty days of the effective date of this section, the permit holder pays a fine of \$2,500 to the Commission.

(C) For each permit that is reinstated under division (B) of this section, the Liquor Control Commission shall notify each of the following of the reinstatement:

(1) The liquor permit holder whose permit is reinstated;

(2) The Division of Liquor Control and the Investigative Unit of the Department of Public Safety. Following receipt of the notification, the Division and the Investigative Unit shall delete any records of the revocation.

(3) The General Assembly as provided in division (B) of section 101.68 of the Revised Code.

Section 747.10. Section 4713.02 of the Revised Code, as amended by this act, does not affect the terms of members of the State Cosmetology and Barber Board serving on the Board on the effective date of this section.

Section 749.10. Not later than ninety days following the effective date of the amendments made by this act to section 4927.01 of the Revised Code, the Public Utilities Commission shall amend its rules to the extent necessary to bring them into conformity with that section.

Section 751.10. (A) There is hereby created the Task Force on Streamlining County Level-Information Access to make

recommendations on how county departments of job and family 99483
services, child support enforcement agencies, public children 99484
services agencies, and county OhioMeansJobs centers can streamline 99485
access to information across information technology systems. 99486

(B) The Task Force shall consist of twenty-one members as 99487
follows: 99488

(1) Two members, appointed by the Speaker of the House of 99489
Representatives, shall be members of the House of Representatives, 99490
with one member from the majority party and one member from the 99491
minority party; 99492

(2) Two members, appointed by the President of the Senate, 99493
shall be members of the Senate, with one member from the majority 99494
party and one member from the minority party; 99495

(3) The Director of Job and Family Services, or the 99496
Director's designee; 99497

(4) The Medicaid Director, or the Director's designee; 99498

(5) The Director of Administrative Services, or the 99499
Director's designee; 99500

(6) Three representatives of the Ohio Job and Family Services 99501
Director's Association, appointed by the Association, with one 99502
representative each from a small, medium, and large county, 99503
respectively; 99504

(7) Three representatives of the Public Children Services 99505
Association of Ohio, appointed by the Association, with one 99506
representative each from a small, medium, and large county, 99507
respectively; 99508

(8) Three representatives of the Ohio Child Support 99509
Enforcement Agency Director's Association, appointed by the 99510
Association, with one representative each from a small, medium, 99511
and large county, respectively; 99512

(9) Three representatives of the County Commissioners Association of Ohio, appointed by the Association, with one representative each from a small, medium, and large county, respectively;

(10) Two representatives of the Ohio Workforce Association, appointed by the Association, with one representative from a rural workforce area and one representative from a metro workforce area.

(C) Not later than October 8, 2021, the Task Force shall hold its first meeting. Members shall elect a chairperson at the first meeting.

(D) For each meeting, each Director or Director's designee shall select an appropriate subject matter expert from their respective departments, as necessary, to attend the meetings and inform the discussions.

(E) A majority of the members constitutes a quorum for the conduct of meetings. The Task Force shall comply with public records and open meetings requirements as described in sections 121.22 and 149.43 of the Revised Code.

(F) The Task Force shall do all of the following:

(1) Identify barriers to efficient operations between information technology systems that affect both department and agency operations and services to clients;

(2) For each identified barrier, explore the feasibility of allowing county employees access to more than one information technology system to provide better service to clients, including by analyzing the flexibility provided and prohibitions under federal law, regulation, guidance, and waivers;

(3) Prioritize which barriers should be addressed first based on the outcomes and efficiencies to be gained by improved streamlining processes and information sharing.

(G) Not later than February 1, 2022, the Task Force shall 99543
submit to the General Assembly a report detailing its findings and 99544
recommendations. The Task Force ceases to exist on the submission 99545
of its report. 99546

Section 751.20. (A) (1) If a foster caregiver or prospective 99547
foster caregiver began continuing training or preplacement 99548
training required under sections 5103.031 to 5103.033 of the 99549
Revised Code between 2019 and 2021, the Department of Job and 99550
Family Services shall extend the certification deadlines for the 99551
foster caregivers and prospective foster caregivers to December 99552
31, 2021. 99553

(2) The deadline extension described under division (A) (1) of 99554
this section shall not apply to foster caregivers or potential 99555
foster caregivers whose certification deadline is after December 99556
31, 2021. 99557

(B) (1) Except as permitted under division (B) (2) of this 99558
section, the Department shall not require the foster caregiver or 99559
prospective foster caregiver described under division (A) of this 99560
section to repeat training or requirements for certification that 99561
the caregiver has previously completed. 99562

(2) The Department may require the foster caregiver or 99563
prospective foster caregiver to undergo a new background check and 99564
home inspection. 99565

Section 753.10. (A) The Governor may execute one or more 99566
Governor's Deeds in the name of the State conveying to one or more 99567
Purchasers, their heirs, successors and assigns, to be determined 99568
in the manner provided in division (C) of this section all of the 99569
State's right, title, and interest in the following described real 99570
estate: 99571

Commence at the westerly intersection of Roberts Mill Road 99572

(Township Road 96) and Old Springfield Road (County Road 13), 99573
thence westerly along the centerline of Old Springfield Road (CR 99574
13) 893.82 feet to Place of Beginning, thence northwesterly 1585 99575
+/- feet to the southeast corner of lands now or formerly owned by 99576
Mabel Marie Nibert (Madison County Parcel Number 29-00453.000) 99577
thence, northerly, with the east line of said Nibert parcel and 99578
the west line of lands now or formerly owned by the State of Ohio 99579
(Madison County Parcel Number 29-00789.000) to the south line of 99580
lands now or formerly owned by Bruce A. Roberts, Trustee, (Madison 99581
County Parcel Number 29-00363.000), thence, easterly along the 99582
south line of said Roberts parcel to an angle point in said south 99583
line, thence, northerly, continuing along the said south line of 99584
said Roberts parcel to an angle point in said south line, thence 99585
northeasterly, continuing along the said south line of said 99586
Roberts parcel 1090 +/- feet to a fence corner, thence, 99587
southeasterly, through the said State of Ohio lands and along a 99588
fence line, 1730 +/- feet to the west side of a farm drive that 99589
runs along a drainage ditch, thence southwestwardly along said farm 99590
drive 3452 +/- feet to a point in the center of the drainage ditch 99591
that is on the extension of the west line of a farm drive 99592
projected from the south, thence southerly on the west line of the 99593
said farm drive to the center of Old Springfield Road, thence 99594
westerly, along the centerline of Old Springfield Road to the 99595
beginning containing approximately 312 acres out of Madison County 99596
Parcel Number 29-00363.000. 99597

Begin at the easterly intersection of Roberts Mill Road and 99598
Old Springfield Road, thence easterly along the center of Old 99599
Springfield Road 8320 +/- feet to the east line of lands now or 99600
formerly owned by the State of Ohio (Madison County Parcel Number 99601
29-00789.000) and the west line of lands now or formerly owned by 99602
Gilbert F. Goodheil (Madison County Parcel Number 30-00054.000), 99603
thence southerly along the said east line of said State of Ohio 99604
parcel 2465 +/- feet to the north line of the Pennsylvania Lines 99605

LLC, railroad right of way, thence westerly, along the north line 99606
of the Pennsylvania Lines LLC, railroad right of way 7610 +/- feet 99607
to the center of Roberts Mill Road, thence with the center of 99608
Roberts Mill Road to the beginning containing approximately 455 99609
acres. 99610

Begin at the intersection of the Pennsylvania Lines LLC, 99611
south right of way line and the centerline of Roberts Mill Road, 99612
thence easterly with the Pennsylvania Lines LLC south right of way 99613
line, 7285 +/- feet to the northwest corner of land now or 99614
formerly owned by John R. Dunkle (Madison County Parcel Number 99615
31-03570.000), thence southerly along said Dunkle parcel 430 +/- 99616
feet to a corner, thence westerly along other parcels now or 99617
formerly owned by John R. Dunkle 1125 +/- feet to a corner, thence 99618
southerly along the west line of said Dunkle parcel 1500+/- feet 99619
to an angle point in said line, thence easterly along said Dunkle 99620
lands 210 +/- feet to an angle point, thence southerly along said 99621
Dunkle lands 1150 +/- feet to the northeast corner of State of 99622
Ohio Highway Garage lands (Madison County Parcel Number 99623
29-00777.000), thence westerly along said Highway Garage lands and 99624
lands now or formerly owned by Tyrone J. Leach (Madison County 99625
Parcel Number 29-00569.000) and Kirkwood Cemetery (Madison County 99626
Parcel Numbers 29-00776.000 and 29-00816.000), 2000 +/- feet to a 99627
point on the east line of the State of Ohio Firearms Range 99628
(Madison County Parcel Number 29-000816.000), thence northerly 99629
along the said east line of the State of Ohio Firearms Range 1390 99630
+/- feet to a fence line projected from the east, thence easterly 99631
along said fence line 690 +/- feet to the west side of a farm 99632
drive, thence northwesterly following along the west side of the 99633
farm drive 280 +/- feet, 200 +/- feet and 280 +/- feet to a fence 99634
line projected from the west, said fence line being the north line 99635
of the State of Ohio Firearms Range, thence westerly along the 99636
said fence line and the north line of the State of Ohio Firearms 99637
Range 2115 +/- feet to the northwest corner of said State of Ohio 99638

Firearms Range thence, southerly along the west line of the State 99639
of Ohio Firearms Range, 860 +/- feet to a fence line, thence 99640
westerly along the fence line 955 +/- feet to the centerline of 99641
Roberts Mill Road, thence with the center of Roberts Mill Road to 99642
the beginning containing approximately 330 acres. 99643

Begin at the southeast corner of lands now or formerly owned 99644
by Tom Farms, Inc. (Madison County Parcel Number 05-00066.000) 99645
said corner also being the northwest corner of State of Ohio lands 99646
(Madison County Parcel Number 05-00542.000) and also being in the 99647
center of Marysville-London Road (SR 38), thence southerly along 99648
the center of Marysville-London Road (SR 38) 2145 +/- feet to an 99649
angle point in said road thence continuing with said road 99650
southerly 290 +/- feet to the southeast corner of State of Ohio 99651
lands (Madison County Parcel Number 05-00199.000) and the 99652
northeast corner of lands now or formerly owned by the City of 99653
London (Madison County Parcel Number 31-03614.000), thence 99654
southwesterly along the south line of said State of Ohio lands, 99655
the north line of said City of London and the lands now or 99656
formerly owned by the London City School District (Madison County 99657
Parcel Number 31-03614.001) 1886 +/- feet to the north west corner 99658
of said London City School district parcel and the northeast 99659
corner of lands now or formerly owned by GCSquared LLC (Madison 99660
County Parcel Number 31-01156.000), thence westerly along the 99661
north line of said GCSquared parcel 145 +/- feet to a fence 99662
corner, thence northwesterly, crossing said State of Ohio parcels 99663
and following said fence line 2000 +/- feet to a point where the 99664
east edge of a farm drive projected intersects, thence continuing 99665
northwesterly and along the east edge of the farm drive 338 +/- 99666
feet, 280 +/- feet, 130 +/- feet, 305 +/- feet and 1025 +/- feet 99667
to a point where a projected south line of a parcel now or 99668
formerly owned by Tom Farms, Inc. (Madison County Parcel Number 99669
30-00030.000) and the north line of State of Ohio lands (Madison 99670
County Parcel Number 30-00199.000) intersect, thence westerly 99671

along lands now or formerly owned by Tom Farms, Inc. (Madison 99672
County Parcel Numbers 30-00030.000, 24-00340.000, 05-00066.001 and 99673
05-00066.000) and the north line of State of Ohio lands (Madison 99674
County Parcel Number 30-00199.000, 24-06140.000 and 05-00542.000) 99675
2850 +/- feet to the beginning containing approximately 150 acres. 99676

The foregoing legal description may be corrected or modified 99677
by the Department of Administrative Services to a final form if 99678
such corrections or modifications are needed to facilitate 99679
recordation of the deed or deeds to define the description of the 99680
real estate identified as no longer obligatory by the state. 99681

(B) (1) The conveyance includes improvements and chattels 99682
situated on the real estate, and is subject to all easements, 99683
covenants, conditions, and restrictions of record; all legal 99684
highways and public rights-of-way; zoning, building, and other 99685
laws, ordinances, restrictions, and regulations; and real estate 99686
taxes and assessments not yet due and payable. The real estate 99687
shall be conveyed in an "as-is, where-is, with all faults" 99688
condition. 99689

(2) The deed for conveyance of the real estate may contain 99690
restrictions, exceptions, reservations, reversionary interests, 99691
and other terms and conditions the Director of Administrative 99692
Services determines to be in the best interest of the State. 99693

(3) Subsequent to the conveyance, any restrictions, 99694
exceptions, reservations, reversionary interests, or other terms 99695
and conditions contained in the deed may be released by the State 99696
or the Department of Rehabilitation and Correction without the 99697
necessity of further legislation. 99698

(4) The deed or deeds shall contain restrictions prohibiting 99699
the grantee or grantees from occupying, using, or developing, or 99700
from selling, the real estate such that the use or alienation will 99701
interfere with the quiet enjoyment of neighboring state-owned 99702

land. 99703

(5) The real estate described in division (A) of this section 99704
shall be conveyed only if the Director of Administrative Services 99705
and the Director of the Department of Rehabilitation and 99706
Correction first have determined that the real estate is surplus 99707
real property no longer needed by the state and that the 99708
conveyance is in the best interest of the state. 99709

(C) (1) The Director of Administrative Services and the 99710
Director of Rehabilitation and Correction shall offer the sale of 99711
the real estate in the manner described in divisions (C) (2) or 99712
(C) (3) of this section. 99713

(2) The Director of Administrative Services may offer the 99714
sale of the real estate to a purchaser or purchasers to be 99715
determined, through a negotiated real estate purchase agreement or 99716
agreements. 99717

Consideration for the conveyance of the real estate shall be 99718
at a price and at terms and conditions acceptable to the Director 99719
of Administrative Services and the Director of Rehabilitation and 99720
Correction. The consideration shall be paid at closing. 99721

(3) The Director of Administrative Services shall conduct a 99722
sale of the real estate by sealed bid auction or public auction, 99723
and the real estate shall be sold to the highest bidder at a price 99724
acceptable to the Director of Administrative Services and the 99725
Director of Rehabilitation and Correction. The Director of 99726
Administrative Services shall advertise the sealed bid auction or 99727
public auction by publication in a newspaper of general 99728
circulation in Madison County, once a week for three consecutive 99729
weeks before the date on which the sealed bids are to be opened. 99730
The Director of Administrative Services shall notify the 99731
successful bidder in writing. The Director of Administrative 99732
Services may reject any or all bids. 99733

The purchaser or purchasers shall pay ten percent of the purchase price to the Director of Administrative Services not later than five business days after receiving the notice the bid has been accepted and shall enter into a real estate purchase agreement, in the form prescribed by the Department of Administrative Services. Payment may be made by bank draft or certified check made payable to the Treasurer of State. The purchaser or purchasers shall pay the balance of the purchase price to the Director of Administrative Services within sixty days after receiving notice the bid has been accepted. A purchaser who does not complete the conditions of the sale as prescribed in this division shall forfeit as liquidated damages the ten percent of the purchase price paid to the state. If the purchaser fails to complete the purchase of the real estate, the Director of Administrative Services may accept the next highest bid, subject to the foregoing conditions. If the Director of Administrative Services rejects all bids, the Director may repeat the sealed bid auction or public auction or may use an alternative sale process that is acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction.

The Department of Rehabilitation and Correction shall pay advertising costs incident to the sale of the real estate.

(D) The real estate described in division (A) of this section may be conveyed as an entire tract or as multiple parcels as determined by the Director of Administrative Services and the Director of Rehabilitation and Correction. The real estate described in division (A) of this section may be conveyed to a single purchaser or multiple purchasers as determined by the Director of Administrative Services and the Director of Rehabilitation and Correction.

(E) Except as otherwise specified in this section, the purchaser or purchasers shall pay all costs associated with the

purchase, closing and conveyance, including surveys, title 99766
evidence, title insurance, transfer costs and fees, recording 99767
costs and fees, taxes, and any other fees, assessments, and costs 99768
that may be imposed. 99769

(F) The proceeds of the conveyance of facilities and interest 99770
in real estate sale or sales shall be deposited into the state 99771
treasury to the credit of the Adult and Juvenile Correctional 99772
Facilities Bond Retirement Fund in accordance with section 99773
5120.092 of the Revised Code. 99774

(G) Upon payment of the purchase price, and receipt of 99775
written notice from the Director of Administrative Services, the 99776
Auditor of State, with the assistance of the Attorney General, 99777
shall prepare a Governor's Deed or Deeds to the real estate 99778
described in division (A) of this section. The deed or deeds shall 99779
state the consideration and shall be executed by the Governor in 99780
the name of the State, countersigned by the Secretary of State, 99781
sealed with the Great Seal of the State, presented in the Office 99782
of the Auditor of State for recording, and delivered to the 99783
purchaser or purchasers. The purchaser or purchasers shall present 99784
the Governor's Deed for recording in the Office of the Madison 99785
County Recorder. 99786

(H) This section shall expire three (3) years after its 99787
effective date. 99788

Section 753.20. (A) The Governor may execute a Governor's 99789
Deed in the name of the State conveying to a Grantee to be 99790
determined ("Grantee"), and its successors and assigns, in the 99791
manner provided in division (D) of this section all of the State's 99792
right, title, and interest in the following described real estate: 99793

Situated in Section 6, Township 3 East, Range 3 North and 99794
Section 36, Township 4 East, Range 3 North, M.R.S., Township of 99795
Turtlecreek, County of Warren, State of Ohio and being part of 99796

1001.93 acres of real estate conveyed to The State of Ohio by deed 99797
recorded in Deed Book 124, Page 109 (all deed references to deeds, 99798
microfiche, plats, surveys, etc., refer to records of the Warren 99799
County, Ohio Recorders office, unless noted otherwise) and being 99800
more particularly bounded and described as follows: 99801

Commencing at the southeast corner of Section 6 said point 99802
also being in the centerline of State Route 63; 99803

Thence North 05° 34' 03" East, leaving said centerline of 99804
State Route 63 and along said section line, 30.40 feet to a point 99805
in the existing right of way of said State Route 63; 99806

Thence North 84°36' 48" East, along the existing right of way 99807
of State Route 63, 1055.70 feet to the south east corner of a 99808
120.0002-acre tract of land conveyed to Warren General Property 99809
Co., LLC by O.R. Volume 5725, Page 443 and an iron pin found, 99810

Thence North 05° 17' 35" East, along the east line of said 99811
Warren General Property Co., LLC, 30.00 feet to the TRUE PLACE OF 99812
BEGINNING; 99813

Thence North 05° 17' 35" East, continuing along the ease line 99814
of said Warren General Property Co., LLC, 2003.73 feet to an iron 99815
pin found at the northeast corner of said Warren General Property 99816
Co., LLC; 99817

Thence North 84° 42' 29" West, along the northerly line of 99818
said Warren General Property Co., LLC, 2633.41 feet to an iron pin 99819
found at the northwest corner of said Warren General Property Co., 99820
LLC and being in the easterly line of a 57.157-acre tract of land 99821
conveyed to Frick Real Estate Ltd., by O.R. Volume 2373, Page 996; 99822

Thence North 20° 05' 20" East, along the west line of said 99823
State of Ohio Lands and the east line of lands of said Frick Real 99824
Estate Ltd., a 44.687-acre tract conveyed to S.S. Hempsted, LLC., 99825
by Deed Document #2020-021965 and the east line of a 60-acre tract 99826
conveyed to the Solid Rock Ministries International by O.R. Volume 99827

5082, Page 417, 3399.01 feet to an iron pin set in the southerly 99828
line of lands of a 16.00-acre tract deed to the Board of Warren 99829
County Commissioners by Deed Book 418, Page 93 and the northerly 99830
line of said State of Ohio lands; 99831

Thence S 84° 05' 40" East, along the northerly line of said 99832
State of Ohio lands and being the southerly lines of lands of said 99833
Board of Warren County Commissioners, a 101.354-acre tract 99834
conveyed to Jeff and Shannon Wieland by Deed Document #2018-017173 99835
and a 208.0348-acre tract conveyed FRL Real Estate, LLC. by Deed 99836
Document #2018-003275, 2464.24 feet to a north easterly corner of 99837
said State of Ohio lands, Said corner being referenced by an iron 99838
pin found 1.47 feet North 06° 06' 09" East from said corner; 99839

Thence South 06° 06' 09" West, along an easterly line of said 99840
State of Ohio lands and the westerly line of a 159.6665-acre tract 99841
conveyed to Grand Communities, LLC. (F.K.A. Grand Communities, 99842
LTD.) by O.R. Volume 5045, Page 910, 1400.13 feet to an iron pin 99843
found at a corner of said State of Ohio land and a corner of said 99844
Grand Communities, LLC. land; 99845

Thence South 84° 19' 23" East, along a north line of the 99846
State of Ohio lands and a south line of said Grand Communities, 99847
LLC. land, 582.71 feet to an iron pin found at a north easterly 99848
corner of said State of Ohio Lands and a corner of said Grand 99849
Communities, LLC., land; 99850

Thence South 06° 06' 50" West, along an east line of said 99851
State of Ohio and a west line of said Grand Communities, LLC. 99852
land, passing an iron pin found at 1794.45 feet at a corner of 99853
said State of Ohio lands and a corner of said Grand Communities, 99854
LLC. lands thence continuing on a new line through the State of 99855
Ohio lands a total distance of 3636.78 feet to an iron pin set; 99856

Thence North 84° 50' 55" West, on a new line through the 99857
State of Ohio Lands, 170.39 feet to an iron pin set; 99858

Thence South 51° 04' 44" West, on a new line through the State of Ohio Lands, 114.36 feet to an iron pin set;

Thence South 04° 59' 19" West, on a new line through the State of Ohio Lands, 145.54 feet to an iron pin set;

Thence North 84° 33' 59" West, on a new line through the lands of the State of Ohio, 957.94 feet to the TRUE PLACE OF BEGINNING.

The above described area contains 295.9888 acres of land more or less, of which the present road occupies 0.000 acres of land more or less (87.5466 acres in section 6) and (208.4422 acres in section 36). Subject to all recorded easements and right of ways and an ingress egress easement described below.

This description was prepared for the Ohio Department of Transportation under the direction of William H. Helmick, Ohio Registered Surveyor No. 8030. Based on a survey performed in November of 2019. All iron pins set are 5/8" diameter and 30" in length and have a plastic cap marked "ODOT DIST 8". Bearings are Ohio State Plane South Zone (3402) (2011) as established by the ODOT VRS. To the best of my knowledge this description and the accompanying plat is a true and accurate representation of the conditions at that time.

The survey plat of which is filed in Volume 152, Plat 50 of the Warren County Engineer's record of land surveys.

(B) The land shall be conveyed subject to the following easement to provide ingress and egress to the Ohio Department of Correction sewer treatment plant, which encompasses the existing drive to said plant.

INGRESS-EGRESS EASEMENT

Commencing at the southeast corner of Section 6 said point also being in the centerline of State Route 63;

Thence North 05° 34' 03" East, leaving said centerline of 99889
State Route 63 and along said section line, 30.40 feet to a point 99890
in the existing right of way of said State Route 63; 99891

Thence South 84° 36' 48" East, along the existing right of 99892
way of State Route 63, 1055.70 feet to the south east corner of 99893
lands conveyed to Warren General Property Co., LLC by O.R. Volume 99894
5725, Page 433 and an iron pin found, 99895

Thence North 05° 17' 35" East, along the east line of said 99896
Warren General Property Co., LLC, 30.00 feet to a point; 99897

Thence South 84° 33' 59" East, along a new split line through 99898
said State of Ohio lands, 770.98 feet to the TRUE PLACE OF 99899
BEGINNING; 99900

Thence N 59° 25' 46" E, along a new line through the lands of 99901
State of Ohio, 92.53 feet to a point; 99902

Thence N 78° 33' 02" E, continuing a new line through the 99903
lands of State of Ohio, 44.89 feet to a point; 99904

Thence S 84° 38' 05" E, continuing a new line through the 99905
lands of State of Ohio, 68.62 feet to a point in the west line of 99906
the sewer treatment plant; 99907

Thence S 04° 59' 19" W, along the west line of the sewer 99908
treatment plant, 30.00 feet to a point; 99909

Thence N 84° 38' 05" W, on a new line through the lands of 99910
State of Ohio, 64.38 feet to a point; 99911

Thence S 78° 33' 02" W, continuing a new line through the 99912
lands of State of Ohio, 35.40 feet to a point; 99913

Thence S 59° 25' 46" W, continuing a new line through the 99914
lands of State of Ohio, 46.20 feet to a point; 99915

Thence N 84° 33' 59" W, along a split line through the lands 99916
of State of Ohio, 51.03 feet to the TRUE PLACE OF BEGINNING. 99917

The above described area contains 0.1212 acres of land more 99918
or less, of which the present road occupies 0.000 acres of land 99919
more or less. 99920

The foregoing legal description may be corrected or modified 99921
by the Department of Administrative Services to a final form if 99922
such corrections or modifications are needed. 99923

(C) (1) The conveyance includes improvements and chattels 99924
situated on the real estate, and is subject to all easements, 99925
covenants, conditions, and restrictions of record: all legal 99926
highways and public rights-of-way; zoning, building, and other 99927
laws, ordinances, restrictions, and regulations; and real estate 99928
taxes and assessments not yet due and payable. The real estate 99929
shall be conveyed in an "as-is, where-is, with all faults" 99930
condition. 99931

(2) The deed for conveyance of the real estate may contain 99932
restrictions, exceptions, reservations, reversionary interests, or 99933
other terms and conditions the Director of Administrative Services 99934
determines to be in the best interest of the State. 99935

(3) Subsequent to the conveyance, any restrictions, 99936
exceptions, reservations, reversionary interests, or other terms 99937
and conditions contained in the deed may be released by the State 99938
or the Department of Rehabilitation and Correction without the 99939
necessity of further legislation. 99940

(4) The deed shall contain restrictions prohibiting the 99941
purchaser from occupying, using, developing, or selling the real 99942
estate if the occupation, use, development, or sale will interfere 99943
with the quiet enjoyment of neighboring state-owned land. 99944

(5) The real estate described in division (a) of this section 99945
shall be conveyed only if the Director of Administrative Services 99946
and the Director of Rehabilitation and Correction first have 99947
determined that the real estate is surplus real property no longer 99948

needed by the state and that the conveyance is in the best 99949
interest of the state. 99950

(D) The Director of Administrative Services shall offer the 99951
real estate to the Grantee through a real estate purchase 99952
agreement. Consideration for the conveyance of the real estate 99953
shall be at a price and at terms and conditions acceptable to the 99954
Director of Administrative Services and the Director 99955
Rehabilitation and Correction. 99956

(E) The real estate described in division (A) of this section 99957
shall be sold as an entire tract and not in parcels. 99958

(F) Grantee shall pay all costs associated with the purchase, 99959
closing and conveyance of the real estate, including surveys, 99960
title evidence, title insurance, transfer costs and fees, 99961
recording costs and fees, taxes, and any other fees, assessments, 99962
and costs that may be imposed. 99963

The net proceeds of the sale shall be deposited into the 99964
state treasury to the credit of the Adult and Juvenile 99965
Correctional Facilities Bond Retirement Fund in accordance with 99966
section 5120.092 of the Revised Code. 99967

(G) Upon payment of the purchase price, and receipt of 99968
written notice from the Director of Administrative Services, the 99969
Auditor of State, with the assistance of the Attorney General, 99970
shall prepare a Governor's Deed to the real estate described in 99971
division (A) of this section. The Governor's Deed shall state the 99972
consideration and shall be executed by the Governor in the name of 99973
the State, countersigned by the Secretary of State, sealed with 99974
the Great Seal of the State, presented in the Office of the 99975
Auditor of State for recording, and delivered to the Grantee. The 99976
Grantee shall present the Governor's Deed for recording in the 99977
Office of the Warren County Recorder. 99978

(H) This section shall expire June 30, 2022. 99979

Section 753.30. (A) (1) Notwithstanding division (A) (5) of 99980
section 123.01 of the Revised Code, the Director of Administrative 99981
Services may execute a perpetual easement in the name of the state 99982
granting to the owner of the real property located at 60 East 99983
Broad Street, Columbus, Ohio 43215 a perpetual easement. The 99984
easement may be granted for the purpose of maintaining the wall 99985
for which a forty-year easement was granted to The Railroad 99986
Savings and Loan Company by the Ohio Building Authority in 1974 99987
and burdening the following described real estate, as described in 99988
the 1974 easement: 99989

Situated in the State of Ohio, County of Franklin, City of 99990
Columbus and being a part of Inlot No. 449 Parcel No. I. 99991

Beginning at a P.K. nail at the southeast corner of Inlot Lo. 99992
449; thence North (87°-43'-30'') West, along the southerly line of 99993
said Inlot No. 449, a distance of one and twelve hundredths 99994
(1.12') feet to a point; thence North (02°-15'-00'') East, 99995
thirty-one and no hundredths (31.00) feet to a point; thence South 99996
(87°-43'-30'') East, a distance of one and twelve hundredths 99997
(1.12') feet to a point in the easterly line of Inlot No. 449; 99998
thence South (02°-15'-00'') West, thirty-one and no hundredths 99999
(31.00') feet to the place of beginning and containing 34.72 100000
square feet more or less. The rights granted on the land described 100001
above include permission to construct a Refacing Wall over the 100002
Ohio Building Authority, State Office Tower and attached to the 100003
westerly side of the Railroad Savings and Loan Building at 60 East 100004
Broad Street, Columbus, Ohio. The plans to be used for said 100005
Refacing prepared by Brubaker/Brandt Inc., Architects-Planners. 100006

Parcel No, II 100007

Beginning at a point in the easterly property line of Inlot 100008
No. 449 that is located North (02°-15'-00'') East, twenty-seven 100009
and no hundredths (27 .00) feet from the southeast corner of said 100010

Inlot; thence North (02°-15'-00'') East, along said easterly property line, sixty-six and no hundredths (66.00) feet to a point; thence North (87-43'-30'') West, zero and five tenths (0.5'') feet to a point on the east face of the new Ohio Building Authority State Office Tower; thence South (02°-15'-00'') West, along the east face of said building sixty-six and no hundredths (66.00') feet to a point; thence South (87°-43'-30'') East, zero and five tenths (0.5') feet to the place of beginning and containing 33.0 square feet more or less. The rights granted as described above include aerial rights only with permission to attach to the above mentioned State Office Tower a Gutter and Flashing as shown on plans Prepared by Brubaker/Brandt Inc., Architects-Planners.

(2) The legal description in division (A)(1) of this section may be corrected or modified by the Department of Administrative Services as necessary in order to facilitate recording of the perpetual easement or to account for changes in circumstances since the 1974 easement was granted.

(B) Consideration for granting the perpetual easement is \$1.

(C) The Director of Administrative Services, with the assistance of the Attorney General, shall prepare the perpetual easement document. The perpetual easement shall state the consideration and the terms and conditions for granting the perpetual easement. The perpetual easement shall be executed by the Director of Administrative Services in the name of the state, presented in the Office of the Auditor of State for recording, and delivered to the owner of the real property at 60 E. Broad St., Columbus, Ohio 43215. The owner shall present the perpetual easement for recording in the Office of the Franklin County Recorder. The owner shall pay the recording costs and fees.

(D) This section expires three years after its effective date.

Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 100043

There is hereby established in the Highway Operating Fund 100044
(Fund 7002), used by the Department of Transportation, a Diesel 100045
Emissions Reduction Grant Program. The Director of Environmental 100046
Protection shall administer the program and shall solicit, 100047
evaluate, score, and select projects submitted by public and 100048
private entities that are eligible for the federal Congestion 100049
Mitigation and Air Quality (CMAQ) Program. The Director of 100050
Transportation shall process Federal Highway 100051
Administration-approved projects as recommended by the Director of 100052
Environmental Protection. 100053

In addition to the allowable expenditures set forth in 100054
section 122.861 of the Revised Code, Diesel Emissions Reduction 100055
Grant Program funds also may be used to fund projects involving 100056
the purchase or use of hybrid and alternative fuel vehicles that 100057
are allowed under guidance developed by the Federal Highway 100058
Administration for the CMAQ Program. 100059

Public entities eligible to receive funds under section 100060
122.861 of the Revised Code and CMAQ shall be reimbursed from 100061
moneys in Fund 7002 designated for the Department of 100062
Transportation's Diesel Emissions Reduction Grant Program. 100063

Private entities eligible to receive funds under section 100064
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 100065
direction of the local public agency sponsor and upon approval of 100066
the Department of Transportation, through direct payments. These 100067
reimbursements shall be made from moneys in Fund 7002 designated 100068
for the Department of Transportation's Diesel Emissions Reduction 100069
Grant Program. Total expenditures from Fund 7002 for the Diesel 100070
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 100071
both fiscal year 2022 and fiscal year 2023. 100072

Any allocations under this section represent CMAQ program 100073

moneys within the Department of Transportation for use by the 100074
Diesel Emissions Reduction Grant Program by the Environmental 100075
Protection Agency. These allocations shall not reduce the amount 100076
of such moneys designated for metropolitan planning organizations. 100077

The Director of Environmental Protection, in consultation 100078
with the Director of Transportation, shall develop guidance for 100079
the distribution of funds and for the administration of the Diesel 100080
Emissions Reduction Grant Program. The guidance shall include a 100081
method of prioritization for projects, acceptable technologies, 100082
and procedures for awarding grants. 100083

Section 755.20. (A) The Director of Transportation, in 100084
consultation with the chief executive officers and legislative 100085
authorities of the municipal corporations of Strongsville, North 100086
Royalton, and Brunswick, shall conduct a traffic safety study for 100087
the roads and highways in those municipal corporations. The 100088
traffic safety study shall examine how to improve those highways 100089
in ways that increase the safety and convenience of the traveling 100090
public through those municipal corporations. The Director of 100091
Transportation shall use up to \$100,000 in fiscal year 2022 from 100092
the Highway Operating Fund (Fund 7002), through funding available 100093
under the federal flexible spending program, to pay for the costs 100094
of the study. This amount is hereby appropriated. 100095

(B) (1) Not later than December 31, 2022, the Director shall 100096
complete the study and submit a report of the study's findings to 100097
all of the following: 100098

(a) The Governor; 100099

(b) The Speaker of the House of Representatives; 100100

(c) The President of the Senate; 100101

(d) The chairpersons of the committees of the House of 100102
Representatives and the Senate pertaining to transportation; 100103

(e) The chief executive officer and the legislative authority of Strongsville, North Royalton, and Brunswick respectively.

(2) The Director may include in the report solutions for the traffic safety concerns found during the study.

Section 757.10. The State of Ohio does not intend to collect tax on unemployment compensation reported to unsuspecting victims of fraud on an Internal Revenue Service form 1099-G from the Ohio Department of Job and Family Services consistent with Internal Revenue Service Information Release 2021-24. The State of Ohio also strongly encourages victims of fraud to report that fraud to the agency that issued the 1099-G to avoid potential billings and assessment from the Internal Revenue Service.

The Director of Job and Family Services and the Tax Commissioner shall cause information to be published on the web sites of their respective agencies informing Ohio residents about fraudulent misrepresentations made to obtain unemployment compensation. This information shall include a description of the penalties for such misrepresentations prescribed in section 4141.35 of the Revised Code, any recommended preventive measures to assist a resident in avoiding unemployment compensation fraud, and any actions recommended when a resident suspects or detects such fraud. The information shall be published as soon as practicable after the effective date of this section and remain on the applicable web site until June 30, 2023.

Section 757.20. BUSINESS INCENTIVE TAX CREDITS

In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2022-2023 biennium, an estimate of the credits expected to be claimed in

each fiscal year of that biennium, and an estimate of the amount of credits authorized that will remain outstanding at the end of that biennium. In totality, this table provides an estimate of the state revenue forgone due to business incentive tax credits in the 2022-2023 biennium and future biennium.

Biennial Business Incentive Tax Credit Estimates

Estimate of total value of tax credits authorized Estimate of tax credits issued/claimed Expected Outstanding credits

(All figures in thousands of dollars)

Tax Credit	FY 2022	FY 2023	FY 2022	FY 2023	End of Biennium	
Job Creation Tax Credit*	\$105,000	\$110,000	\$130,000	\$130,000	\$950,000	100144
Job Retention Tax Credit	\$ 0	\$ 0	\$38,071	\$33,351	\$47,900	100148
Historic Preservation Tax Credit	\$60,000	\$60,000	\$70,000	\$75,000	\$155,000	100150
Motion Picture	\$40,000	\$40,000	\$47,500	\$42,500	\$85,000	100152

Tax

Credit

100153

New	\$10,000	\$10,000	\$9,850	\$9,500	\$43,500	100154
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Markets

Tax

Credit

100155

R&D Loan	\$0	\$0	\$1,450	\$1,450	\$5,000	100156
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Tax

Credit

100157

InvestOhio	\$2,250	\$2,000	\$1,500	\$1,500	\$3,250	100158
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Tax

Credit

100159

Ohio	\$0	\$0	\$11,250	\$11,250	\$22,500	100160
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Rural

Business

100161

Ohio	\$25,000	\$25,000	\$20,000	\$20,000	\$0	100162
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Opportunity

Zone

Estimate	\$242,250	\$247,000	\$329,621	\$324,551	\$1,312,150	100163
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Total

*The Job Creation Tax Credit (JCTC) estimate of credits 100164
 outstanding represents the estimated potential value of 100165
 certificates to be issued under the program in the future with the 100166
 existing portfolio of approved and active incentives. The estimate 100167
 assumes that the companies receiving credits will continue to meet 100168
 the performance objectives required to continue receiving the 100169
 credit. 100170

Section 757.40. (A) It is the intent of the General Assembly 100171
to clarify that Section 29 of H.B. 197 of the 133rd General 100172
Assembly is intended to apply only to an employer's municipal 100173
income tax withholding responsibilities and to the apportionment 100174
or situsing of an employer's net profit, and not for purposes of 100175
determining the location at which a nonresident employee's work 100176
was completed, services were performed or rendered, or activities 100177
were conducted for purposes of determining the employee's 100178
municipal income tax liability. 100179

(B) The amendment or enactment by this act of Section 29 of 100180
H.B. 197 of the 133rd General Assembly and this section are 100181
remedial in nature and apply to any municipal income tax 100182
withholding obligation incurred, and any qualifying wages earned, 100183
between March 9, 2020, and December 31, 2021. 100184

(C) If an employer withheld and remitted municipal income tax 100185
from an employee's qualifying wages earned between March 9, 2020, 100186
and December 31, 2021, to the municipal corporation in which the 100187
employee's principal place of work is located, the employer shall 100188
not be assessed any tax, penalty, or interest by any other 100189
municipal corporation for failure to situs or apportion those 100190
wages to the other municipal corporation for municipal net profit 100191
tax purposes or for failure to withhold municipal income tax from 100192
such wages to the other municipal corporation. 100193

(D) (1) Division (C) (16) (b) of section 718.01 of the Revised 100194
Code does not apply to qualifying wages for which an employer 100195
withheld and remitted municipal income tax to the municipal 100196
corporation in which the employee's principal place of work is 100197
located in accordance with Section 29 of H.B. 197 of the 133rd 100198
General Assembly, either as enacted or as amended by this act, 100199
unless the employee obtains a refund from that municipal 100200
corporation with respect to such qualifying wages. 100201

(2) Notwithstanding division (D) (1) of this section, with regard to qualifying wages earned on and after March 9, 2020, and before December 31, 2021, and withheld to the municipal corporation in which the employee's principal place of work is located in accordance with Section 29 of H.B. 197 of the 133rd General Assembly, as amended by this act, if the employee does not obtain a refund from that municipal corporation with respect to such qualifying wages, both of the following apply for purposes of determining the amount of tax owed by the employee to the municipal corporation in which the employee resides:

(a) To the extent that the tax rate levied by the employee's municipal corporation of residence is higher than the tax rate levied by the municipal corporation in which the employee's principal place of work is located, the municipal corporation of residence may treat the employee's qualifying wages as income that is not exempt income solely for the purpose of determining the amount of tax owed to that municipal corporation because of its higher tax rate.

(b) To the extent that the employee's municipal corporation of residence, by ordinance or resolution, grants a credit of less than one hundred per cent of the taxes that a resident paid to another municipal corporation, the municipal corporation of residence may treat the employee's qualifying wages as income that is not exempt income solely for the purpose of determining the amount of tax, less credits, that is owed to that municipal corporation because the credit equals less than one hundred per cent of the taxes paid to another municipal corporation.

(E) Notwithstanding section 718.19 of the Revised Code, with respect to any request for a refund of taxes withheld by an employer from qualifying wages pursuant to Section 29 of H.B. 197 of the 133rd General Assembly, a tax administrator may not require, as a condition for processing the request, any statement

or other documentation from the employer other than a statement 100234
verifying the number of days the employee worked at the employee's 100235
principal place of work during the taxable year and that the 100236
employer did not refund any withheld taxes to the employee. 100237

Section 757.50. As used in this section, "qualified property" 100238
means any property that satisfies the qualifications for tax 100239
exemption under the terms of section 5709.12 or 5709.121 of the 100240
Revised Code, that is owned by a nonprofit organization exempt 100241
from federal taxation under section 501(a) of the Internal Revenue 100242
Code as an organization described in section 501(c)(3) of the 100243
Internal Revenue Code, and, before its conveyance to that 100244
organization, was owned by a school district. 100245

Notwithstanding section 5713.081 of the Revised Code, when 100246
qualified property has not received tax exemption due to a failure 100247
to comply with Chapter 5713. or section 5715.27 of the Revised 100248
Code, the property's owner, at any time on or before twelve months 100249
after the effective date of this section, may file with the Tax 100250
Commissioner an application requesting that the property be placed 100251
on the tax-exempt list and that all unpaid taxes, penalties, and 100252
interest on the property be abated. 100253

The application shall be made on the form prescribed by the 100254
Commissioner under section 5715.27 of the Revised Code and shall 100255
list the name of the county in which the property is located; the 100256
property's parcel number or legal description; its assessed value; 100257
the amount in dollars of the unpaid taxes, penalties, and 100258
interest; and any other information required by the Commissioner. 100259
The county auditor shall supply the required information upon 100260
request of the applicant. 100261

After receiving and considering the application, the 100262
Commissioner shall determine if the applicant meets the 100263
qualifications set forth in this section. If so, the Commissioner 100264

shall issue an order directing that the property be placed on the tax-exempt list of the county and that all unpaid taxes, penalties, and interest be abated. If the Commissioner finds that the property is not now being used for an exempt purpose or is otherwise ineligible for abatement of taxes, penalties, and interest under this section, the Commissioner shall issue an order denying the application.

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

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

Section 757.60. The Director of Development shall begin accepting applications under section 122.151 of the Revised Code for certification as a program two rural business growth fund not later than thirty days after the effective date of this section.

Section 803.20. The amendment by this act of sections 4303.26 and 4303.271 of the Revised Code applies to transfer and renewal applications filed under those sections that are due on or after February 1, 2022.

Section 803.30. (A) If a qualifying parking garage, as defined in division (G) of section 5709.121 of the Revised Code, is subject to an exemption authorized under the enactment by this act of that division for tax year 2020, an exemption application

for that tax year shall be filed with the Tax Commissioner on or 100295
before the thirtieth day after the effective date of this section, 100296
notwithstanding division (F) of section 5715.27 of the Revised 100297
Code. Any taxes paid for a tax year for which such an exemption 100298
application is approved under this section shall be regarded as an 100299
overpayment of taxes for the tax year and shall be refunded in the 100300
manner prescribed by section 5715.22 of the Revised Code, except 100301
that no application need be made under that section in order for 100302
the auditor to issue a refund. The county auditor and county 100303
treasurer shall otherwise proceed as provided in that section in 100304
the same manner as for other overpayments of taxes. 100305

(B) If qualifying real property, as defined in section 100306
727.031 of the Revised Code, as enacted by this act, is subject to 100307
an exemption authorized under the amendment or enactment by this 100308
act of that section or section 1710.06, 6101.48, or 6101.53 of the 100309
Revised Code for tax year 2020, any assessments levied pursuant to 100310
those sections and paid for that tax year on such qualifying real 100311
property shall be regarded as an overpayment of such assessments 100312
and shall be refunded in the manner prescribed by section 5715.22 100313
of the Revised Code, except that no application need be made under 100314
that section in order for the auditor to issue a refund. The 100315
county auditor and county treasurer shall otherwise proceed as 100316
provided in that section in the same manner as for other 100317
overpayment of assessments. 100318

Section 803.50. The amendment of section 5726.20 of the 100319
Revised Code is intended to clarify the law as it existed prior to 100320
the enactment of this act and shall be construed accordingly. 100321

Section 803.60. The amendment or enactment by this act of 100322
divisions (A) (5), (6), and (33) and (S) (5) of section 5747.01 of 100323
the Revised Code is intended to clarify the law as it existed 100324

before the enactment of this act and shall be construed 100325
accordingly. 100326

Section 803.70. The amendment by this act of division (H) of 100327
section 5747.08 of the Revised Code is intended to clarify the law 100328
as it existed before the amendment by this act of that division 100329
and shall be construed accordingly. The amendment applies to 100330
taxable years beginning on or after January 1, 2016. 100331

Section 803.90. The amendment by this act of section 5705.19 100332
of the Revised Code applies to property tax questions considered 100333
at any election held on or after the one hundredth day after the 100334
effective date of this section. 100335

Section 803.93. The amendment by this act of sections 100336
5739.01, 5739.02, and 5739.03 of the Revised Code applies on and 100337
after the first day of the first month beginning after the 100338
effective date of this section. 100339

Section 803.97. (A) The amendment or enactment by this act of 100340
sections 5747.02, 5747.72, and 5747.73 of the Revised Code applies 100341
to taxable years beginning on or after January 1, 2021. 100342

(B) The Tax Commissioner shall not make adjustments in 2021 100343
or 2022 to the income amounts in divisions (A) (2) and (3) of 100344
section 5747.02 of the Revised Code, as otherwise required by 100345
division (A) (5) of that section, or the personal exemption amounts 100346
prescribed in division (A) of section 5747.025 of the Revised 100347
Code, as otherwise required by divisions (B) and (C) of that 100348
section. 100349

Section 803.100. The amendment by this act of sections 100350
5727.80 and 5727.81 of the Revised Code is intended to clarify the 100351

meaning of those sections as they existed prior to the effective 100352
date of this section and is not intended to change the meaning in 100353
any way. 100354

The amendment by this act of sections 5709.40 and 5709.41 of 100355
the Revised Code applies to any proceedings commenced or 100356
ordinances adopted after the amendment's effective date, and, so 100357
far as the amendment supports the actions taken, also applies to 100358
proceedings that, on that effective date, are pending, in process, 100359
or completed, or ordinances that have been previously adopted, 100360
notwithstanding the applicable law previously in effect or any 100361
other provision to the contrary in a prior resolution, ordinance, 100362
order, advertisement, notice, or other proceeding. Any proceedings 100363
completed, pending, or in progress on that effective date shall be 100364
deemed to have been taken in conformity with that amendment. 100365

Section 803.110. The intent of the General Assembly in 100366
amending section 169.07 of the Revised Code is to make clear that 100367
the section should be read to mean that the Director of Commerce 100368
is not required to hold harmless or intervene and assume the 100369
defense of a holder that has failed to act in good faith and in 100370
compliance with Chapter 169. of the Revised Code and its 100371
accompanying regulations when reporting unclaimed property. It is 100372
not meant to insure or indemnify the holder against the holder's 100373
own acts or omissions, negligence, bad faith, or breach of any 100374
duties owed the unclaimed funds owner or the Director. 100375

Section 803.120. The amendment by this act of sections 503.56 100376
and 715.014 of the Revised Code is intended to clarify the law as 100377
it existed prior to the enactment of this act and shall be 100378
construed accordingly. 100379

Section 803.130. The amendment by this act of division (L) of 100380
section 5747.08 of the Revised Code applies to taxable years 100381

beginning on or after January 1, 2021. 100382

Section 803.140. The amendment by this act of section 5709.09 100383
of the Revised Code applies to tax years ending on or after the 100384
effective date of this section. 100385

Section 803.150. The amendment by this act of section 5709.17 100386
of the Revised Code applies to tax year 2021 and every tax year 100387
thereafter. 100388

Section 803.160. The repeal by this act of section 5747.29 of 100389
the Revised Code applies to taxable years ending on or after the 100390
effective date of this section. 100391

Section 803.170. The amendment by this act of division 100392
(F) (2) (nn) of section 5751.01 of the Revised Code applies to any 100393
excess surplus of the state insurance fund received by taxpayers 100394
on and after January 1, 2022. 100395

Section 803.180. The enactment by this act of section 5747.75 100396
of the Revised Code applies to taxable years beginning on or after 100397
January 1, 2021. 100398

Section 803.190. The notification requirement prescribed by 100399
the enactment by this act of section 5713.083 of the Revised Code 100400
applies to tax year 2022 and every tax year thereafter. 100401

Section 803.200. The amendment by this act of division (A) (9) 100402
of section 5747.01 and section 5747.70 of the Revised Code applies 100403
to taxable years beginning on or after January 1, 2021. The 100404
amendment by this act of those sections does not limit the ability 100405
of a taxpayer whose combined contributions to an Ohio variable 100406
college savings program account and purchases of tuition units 100407

under the Ohio college savings program for a beneficiary exceeded 100408
four thousand dollars in a taxable year beginning before January 100409
1, 2021, to carry forward and deduct the excess in taxable years 100410
beginning on or after January 1, 2021. 100411

Section 806.10. SEVERABILITY 100412

The items of law contained in this act, and their 100413
applications, are severable. If any item of law contained in this 100414
act, or if any application of any item of law contained in this 100415
act, is held invalid, the invalidity does not affect other items 100416
of law contained in this act and their applications that can be 100417
given effect without the invalid item of law or application. 100418

Section 809.10. NO EFFECT AFTER END OF BIENNIUM 100419

An item of law, other than an amending, enacting, or 100420
repealing clause, that composes the whole or part of an uncodified 100421
section contained in this act has no effect after June 30, 2023, 100422
unless its context clearly indicates otherwise. 100423

Section 812.10. SUBJECT TO REFERENDUM 100424

Except as otherwise provided in this act, the amendment, 100425
enactment, or repeal by this act of a section is subject to the 100426
referendum under Ohio Constitution, Article II, section 1c and 100427
therefore takes effect on the ninety-first day after this act is 100428
filed with the Secretary of State or, if a later effective date is 100429
specified below, on that date. 100430

The amendment of sections 102.02, 183.021, and 183.33 and the 100431
repeal of sections 183.12, 183.13, 183.14, 183.15, 183.16, and 100432
183.17 of the Revised Code by this act take effect December 30, 100433
2021. 100434

The amendment of section 1907.15 of the Revised Code by this 100435
act takes effect January 1, 2022. 100436

The amendment of section 3313.411 of the Revised Code by this act takes effect July 1, 2022. 100437
100438

The enactment of section 5163.52 of the Revised Code by this act takes effect January 1, 2022. 100439
100440

Section 812.20. The amendment, enactment, new enactment, or repeal by this act of the sections listed below is exempt from the referendum under section 1d of Article II, Ohio Constitution, and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date. 100441
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Sections 3302.103, 3313.905, 4301.43, 5751.02, and 5751.03 of the Revised Code. 100446
100447

The amendments to divisions (A) (1) (a) (ii) to (iv) of section 3310.03 of the Revised Code. 100448
100449

Section 812.23. Sections of this act prefixed with numbers in the 200s, 300s, 400s, and 500s and Sections 701.05, 701.60, 733.70, and 757.10 of this act are exempt from the referendum under Ohio Constitution, Article II, Section 1d, and therefore take immediate effect when this act becomes law. 100450
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Section 820.10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act: 100455
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Section 109.572 of the Revised Code as amended by both H.B. 263 and S.B. 260 of the 133rd General Assembly. 100463
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Section 111.16 of the Revised Code as amended by both H.B. 31 100465

and H.B. 133 of the 132nd General Assembly.	100466
Section 121.22 of the Revised Code as amended by both H.B. 263 and H.B. 341 of the 133rd General Assembly.	100467 100468
Section 1901.31 of the Revised Code as amended by both H.B. 49 and S.B. 25 of the 132nd General Assembly.	100469 100470
Section 2151.421 of the Revised Code as amended by H.B. 24, H.B. 33, and H.B. 166, all of the 133rd General Assembly.	100471 100472
Section 2301.27 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	100473 100474
Section 3302.036 of the Revised Code as amended by both H.B. 64 and H.B. 70 of the 131st General Assembly.	100475 100476
Section 3302.20 of the Revised Code as amended by both Section 101.01 and Section 120.10 of H.B. 59 of the 130th General Assembly.	100477 100478 100479
Section 3310.03 of the Revised Code as amended by both H.B. 436 and S.B. 89 of the 133rd General Assembly.	100480 100481
Section 3314.03 of the Revised Code as amended by H.B. 123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 89, all of the 133rd General Assembly.	100482 100483 100484
Section 3319.31 of the Revised Code as amended by both H.B. 123 and H.B. 263 of the 133rd General Assembly.	100485 100486
Section 3326.11 of the Revised Code as amended by H.B. 123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd General Assembly.	100487 100488 100489
Section 3328.24 of the Revised Code as amended by H.B. 123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd General Assembly.	100490 100491 100492
Section 3333.31 of the Revised Code as amended by both H.B. 16 and S.B. 40 of the 133rd General Assembly.	100493 100494

Section 4731.22 of the Revised Code as amended by H.B. 263, H.B. 442, and S.B. 260, all of the 133rd General Assembly.	100495 100496
Section 5126.05 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.	100497 100498
Section 5727.75 of the Revised Code as amended by both H.B. 6 and H.B. 166 of the 133rd General Assembly.	100499 100500
Section 5747.01 of the Revised Code as amended by H.B. 18, H.B. 197, S.B. 26, and S.B. 276, all of the 133rd General Assembly.	100501 100502 100503
Section 5751.01 of the Revised Code as amended by H.B. 150, H.B. 197, S.B. 201, and S.B. 276, all of the 133rd General Assembly.	100504 100505 100506